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THE
PUBLIC GENERAL ACTS
1966

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

LONDON
HER MAJESTY'S STATIONERY OFFICE
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The Public General Acts
which received the Royal Assent in 1966
in which year ended the FOURTEENTH
and began the FIFTEENTH YEAR
of the Reign of HER MAJESTY
QUEEN ELIZABETH THE SECOND
and
ended the Second Session of the Forty-Third Parliament
and began the First Session
of the Forty-Fourth Parliament of the
United Kingdom of Great Britain
and Northern Ireland

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THE PUBLIC GENERAL ACTS OF 1966

Consolidated Fund Act 1966

1966 CHAPTER 1

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on 31st March 1966.
[24th February 1966]

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:—

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1966 the sum of £149,068,000.

Issue of
£149,068,000
out of the
Consolidated Fund
for the
year ending
31st March 1966.

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 £149,068,000.

Power for
the Treasury
to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than 31st March 1966, and section 6 of the Treasury Bills Act 1877 (which relates to the renewal of bills) shall not apply with respect to those bills.

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(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.

3. This Act may be cited as the Consolidated Fund Act 1966.



Church of England Convocations Act 1966

1966 CHAPTER 2

An Act to make further provision with respect to the duration of the Convocations of the provinces of Canterbury and York. [24th February 1966]

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

1.—(1) Notwithstanding any custom or rule of law to the contrary, the Convocations of Canterbury and York may be called together and dissolved at such times as Her Majesty may determine, without regard to the time at which Parliament is summoned or dissolved. Duration of Convocations.

(2) A Convocation of Canterbury or York shall (unless sooner dissolved pursuant to Her Majesty's directions) stand dissolved at the expiration of the period of five years (or in the case of the Convocations existing at the passing of this Act, six years) beginning with the date for which it was called together.

(3) On the dissolution of the said Convocations, the power of Her Majesty to provide for the election of members and the calling together of new Convocations shall be exercised as heretofore so as to secure that the new Convocations are called together as soon as may be convenient after the dissolution of the old.

(4) It is hereby declared that the said Convocations are not dissolved by the demise of the Crown.

2. This Act may be cited as the Church of England Convocations Act 1966. Short title.



Appropriation Act 1966

1966 CHAPTER 3

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on 31st March 1965, 1966 and 1967, and to appropriate the supplies granted in this Session of Parliament. [10th March 1966]

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:—

GRANTS OUT OF CONSOLIDATED FUND

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the years ending on 31st March 1965 and 1966, the sum of £78,039,034 19s. 5d. Issue of £78,039,034 19s. 5d. out of the Consolidated Fund for the years ending 31st March 1965 and 1966.
2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1967, the sum of £2,814,020,800. Issue of £2,814,020,800 out of the Consolidated Fund for the year ending 31st March 1967.
- 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 £2,892,059,834 19s. 5d. Power for the Treasury to borrow.

1877 c. 2.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than 31st March 1967, and section 6 of the Treasury Bills Act 1877 (which relates to the renewal of bills) shall not apply with respect to those bills.

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

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

APPROPRIATION OF GRANTS

Appropriation of sums voted for supply services.

4. 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 £3,041,127,834 19s. 5d. are appropriated, and shall be deemed to have been appropriated, as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

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

1891 c. 24.

In addition to the said sums granted out of the Consolidated Fund, there may be applied out of any money directed, under section 2 of the Public Accounts and Charges Act 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of such parts of the said schedule as relate to the years ending on 31st March 1965 and 1966.

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.

5.—(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 may, with the sanction of the Treasury, be temporarily applied in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

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

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

6. This Act may be cited as the Appropriation Act 1966.

Short title.

A B S T R A C T

OF

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

Section 4.

SCHEDULE (A)

Grants out of the Consolidated Fund ... £3,041,127,834 19s. 5d.

Section 4.

SCHEDULE (B).—APPROPRIATION OF GRANTS

	Sums not exceeding			
	Supply Grants		Appropriations in Aid	
	£	s. d.	£	s. d.
1964-65 and 1965-66				
Part 1. Civil (Excesses), 1964 -65 - - - - -	1,018,284	19 5	295,889	0 9
Part 2. Defence (Central) (Sup- plementary), 1965-66 - - -	1,000	0 0	*—1,465,500	0 0
Part 3. Defence (Royal Ord- nance Factories) (Supplemen- tary), 1965-66 - - -	500,000	0 0	900,000	0 0
Part 4. Civil Departments (Sup- plementary), 1965-66 - - -	225,587,750	0 0	8,693,610	0 0
TOTAL, 1964-65 and 1965-66 £	227,107,034	19 5	8,423,999	0 9

* Deficit.

SCHEDULE (B).—APPROPRIATION OF GRANTS—*continued*

1966-67					Supply Grants not exceeding		
					£	s.	d.
Part 5.	Defence (Central)	-	-	-	9,800,000	0	0
Part 6.	Defence (Navy)	-	-	-	240,000,000	0	0
Part 7.	Defence (Army)	-	-	-	225,000,000	0	0
	Royal Ordnance Factories	-	-	-	1,000,000	0	0
	Army Purchasing (Repayment) Services	-	-	-	1,000,000	0	0
Part 8.	Defence (Air)	-	-	-	220,000,000	0	0
	TOTAL, DEFENCE	-	-	-	696,800,000	0	0
Part 9.	Civil, Class I	-	-	-	39,700,000	0	0
Part 10.	Civil, Class II	-	-	-	100,298,000	0	0
Part 11.	Civil, Class III	-	-	-	62,783,000	0	0
Part 12.	Civil, Class IV	-	-	-	337,248,400	0	0
Part 13.	Civil, Class V	-	-	-	112,404,100	0	0
Part 14.	Civil, Class VI	-	-	-	1,123,538,200	0	0
Part 15.	Civil, Class VII	-	-	-	157,520,100	0	0
Part 16.	Civil, Class VIII	-	-	-	5,755,000	0	0
Part 17.	Civil, Class IX	-	-	-	136,815,200	0	0
Part 18.	Civil, Class X	-	-	-	3,611,600	0	0
Part 19.	Civil, Class XI	-	-	-	37,547,200	0	0
	TOTAL, CIVIL-	-	-	-	2,117,220,800	0	0
	TOTAL, SUPPLY GRANTS, 1966-67	-	-	-	2,814,020,800	0	0
	GRAND TOTAL, SUPPLY GRANTS	-	-	-	3,041,127,834	19	5

A*

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

	£	s.	d.
For the service of the year ended 31st March 1965—			
Under this Act 	1,018,284	19	5
For the service of the year ending on 31st March 1966—			
Under Act 1966, c. 1 	149,068,000	0	0
Under this Act 	77,020,750	0	0
For the service of the year ending on 31st March 1967—			
Under this Act 	2,814,020,800	0	0
TOTAL... 	<u>£3,041,127,834</u>	<u>19</u>	<u>5</u>

SCHEDULE (B).—PART 1

Civil
(Excesses),
1964-65.

CIVIL (EXCESSES), 1964-65

SUMS granted, and sums which may be applied as appropriations in aid in addition thereto, to make good excesses on certain grants for Civil Services for the year ended on 31st March 1965, viz.:—

	Sums not exceeding					
	Supply Grants			Appropriations in Aid		
	£	s.	d.	£	s.	d.
CLASS I						
Vote						
2. House of Commons - - - -	29,784	14	5	*-1,003	5	1
CLASS II						
5. Commonwealth Grants and Loans	10	0	0	—		
CLASS VI						
1. Ministry of Housing and Local Government - - - -	10	0	0	—		
2A. Welsh Office - - - -	10	0	0	—		
9C. Awards to Students - - - -	6,960	17	0	40	13	8
12. Teachers' Superannuation (Scotland) - - - -	10	0	0	21,030	13	8
17. National Health Service (Superannuation, &c.) England and Wales - - - -	10	0	0	209,753	15	11
23. National Assistance Board - - - -	981,469	8	0	65,588	3	1
CLASS VII						
1. Universities and Colleges, &c., Great Britain - - - -	10	0	0	—		
CLASS X						
7. Public Trustee - - - -	10	0	0	478	19	6
TOTAL, CIVIL (EXCESSES), 1964-65 £	1,018,284	19	5	295,889	0	9

* Deficit.

Defence
(Central)
(Supple-
mentary),
1965-66.

SCHEDULE (B).—PART 2

DEFENCE (CENTRAL) (SUPPLEMENTARY), 1965-66
SUPPLEMENTARY SUM granted to defray the charge of Defence (Central)
for the year ending on 31st March 1966, viz.:—

	Sums not exceeding	
	Supply Grant	Appropriations in Aid
	£	£
For the salaries and expenses of the Central Defence Staffs, the Defence Secretariat and the Central Defence Scientific Staff and of certain Joint Service Establishments; expenses in connection with International Defence Organisations, including international subscriptions; and sundry other services including certain grants in aid -	1,000	*—1,465,500

* Deficit.

SCHEDULE (B).—PART 3

**Defence
(Royal
Ordnance
Factories)
(Supple-
mentary),
1965-66.**

DEFENCE (ROYAL ORDNANCE FACTORIES) (SUPPLEMENTARY), 1965-66

SUPPLEMENTARY SUM granted, and sum which may be applied as an appropriation in aid in addition thereto, to defray the charge for the Royal Ordnance Factories for the year ending on 31st March 1966, viz.:—

	Sums not exceeding	
	Supply Grant	Appropriations in Aid
	£	£
For operating the Royal Ordnance Factories -	500,000	900,000

Civil
Departments
(Supple-
mentary),
1965-66.

SCHEDULE (B).—PART 4

CIVIL DEPARTMENTS (SUPPLEMENTARY), 1965-66

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ending on 31st March 1966, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS I		
2. For the salaries and expenses of the House of Commons, including certain grants in aid - - - - -	48,000	—
3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, and two Ministers without Portfolio - - - - -	110,000	35,000
4. For the salaries and expenses of the Department of Her Majesty's First Secretary of State and Secretary of State for Economic Affairs, of the National Economic Development Council, and of the National Board for Prices and Incomes, and for certain grants in aid - - - - -	150,000	1,500
7. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - - -	662,000	94,000
8. For the salaries and expenses of the Inland Revenue Department - - - - -	4,754,000	1,089,000
10. For the salaries and expenses of the Civil Service Commission - - - - -	82,000	21,000
CLASS II		
1. For the salaries and expenses of the offices of Her Majesty's Secretary of State for Foreign Affairs and of Her Majesty's Secretary of State for Commonwealth Relations; Her Majesty's Diplomatic Service; and sundry other services connected therewith - - - - -	641,000	63,000
2. For expenditure by the Foreign Office on sundry grants and services, including subscriptions, &c., to certain international organisations and certain grants in aid - - - - -	1,206,000	*—60,000

* Deficit.

SCHEDULE (B).—PART 4—continued

Civil
Departments
(Supple-
mentary),
1965-66.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS II—continued		
4. For expenditure by the Commonwealth Relations Office on sundry grants and services, including subscriptions to certain international organisations and certain grants in aid - - - -	2,392,000	12,000
5. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies; for sundry services; and for grants in aid - - - -	22,000	—
6. For sundry Colonial Services including a subscription to an international organisation and certain grants in aid - -	3,161,000	*—30,000
7. For the salaries and expenses of the Ministry of Overseas Development -	79,000	—
8. For expenditure by the Ministry of Overseas Development on grants and services connected with multilateral overseas aid, including subscriptions to certain international organisations and certain grants in aid - - - -	2,350	—
9. For expenditure by the Ministry of Overseas Development on grants and services connected with bilateral overseas aid, including certain grants in aid - -	16,974,000	—
10. For expenditure by the Ministry of Overseas Development on sundry services connected with overseas aid, including certain grants in aid - - - -	287,000	216,000
11. For schemes made under the Colonial Development and Welfare Acts 1959 and 1963 - - - -	1,626,000	—
CLASS III		
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid - - - -	665,000	107,000
2. For the salaries and expenses of the office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid - - - -	145,000	*—11,000

* Deficit.

A* 4

Civil
Departments
(Supple-
mentary),
1965-66.

SCHEDULE (B).—PART 4—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS III—continued</i>		
<i>Vote</i>		
5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation - - -	4,084,000	46,000
6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services - - - - -	320,000	—
7. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in England and Wales -	811,000	125,000
8. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in Scotland - - -	1,000	*—27,000
11. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal, Law Commission and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals, certain other expenses and a grant in aid - -	70,000	145,000
12. For the salaries and expenses of the County Courts - - - - -	1,000	161,000
14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - -	55,000	32,000
15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, of the Scottish Law Commission, and of the Courts, Tribunals, &c.; and for sundry services -	12,000	38,000

* Deficit.

SCHEDULE (B).—PART 4—*continued*

Civil
Departments
(Supple-
mentary),
1965-66.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS III—continued</i>		
16. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeals in Northern Ireland and certain other expenses including a grant in aid - - - -	12,000	2,000
<i>CLASS IV</i>		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments and agencies - - - - -	204,000	156,000
2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, on services connected with shipping and shipbuilding and on trading and other services, including subscriptions to international organisations and grants in aid - - -	2,547,000	33,000
5. For payments under Special Guarantees given or arising from other arrangements made by the Board of Trade in the national interest - - - - -	1,000	475,000
6. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation, &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation, and sundry other services - - -	1,000	*—202,000
7. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research, development and inspection), and of civil aviation; for contributions to certain international organisations, a grant in aid, a conditional grant, a guarantee of a bank overdraft and sundry other services - - - - -	21,800,000	*—2,800,000

* Deficit.

Civil
Departments
(Supple-
mentary),
1965-66.

SCHEDULE (B).—PART 4—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS IV—continued</i>		
Vote		
11. For salaries and expenses of the Ministry of Transport, and certain Tribunals and Committees - - - -	120,000	40,000
15. For services connected with inland transport, including grants to road passenger transport operators, a grant to the London Transport Board; ports, a Channel Tunnel, Governmental shipping services, and sundry other services, including subscriptions to certain international organisations - - -	3,519,000	—
16. For the expenditure of the Ministry of Transport in grant to the British Railways Board and the British Waterways Board in respect of deficits on their revenue accounts - - - -	26,250,000	—
21. For expenditure by Her Majesty's Treasury on taking up shares in the British Petroleum Company Ltd. - - - -	15,577,000	—
<i>CLASS V</i>		
1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Royal Botanic Gardens, Kew; of the White Fish Authority and Scottish Committee; and of the Plant Variety Rights Office - - - -	648,000	71,000
2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food and transport and harbour services, and the development of the Highlands and Islands, including grants and grants in aid - - - - -	66,000	34,000
10. In connection with Scottish fisheries and the United Kingdom herring industry for grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing and the construction, improvement and maintenance of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - -	80,000	*—1,000

* Deficit

SCHEDULE (B).—PART 4—continued

Civil
Departments
(Supple-
mentary),
1965-66.

Vote	CLASS VI	Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
1.	For the salaries and expenses of the Ministry of Housing and Local Government; grants and expenses in connection with water supply, sewerage, coast protection, storm damage relief, abating the pollution of the air, planning and redevelopment, new towns, areas of outstanding natural beauty, rating relief and sundry other services; a subscription to an international organisation and grants in aid - - - - -	1,000	—
2.	For the salaries and expenses of the Scottish Development Department; for grants and expenses in connection with planning and redevelopment, water and sewerage, coast protection and sundry other services, including grants in aid -	1,000	5,000
4.	For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services in England - - -	249,000	*—90,000
7.	For general grants to local authorities in England and Wales - - - - -	50,700,000	—
8.	For general grants to local authorities in Scotland - - - - -	1,289,000	—
13.	For the salaries and expenses of the Ministry of Health; for the expenses of certain committees, &c.; and for sundry services - - - - -	280,000	*—78,000
14.	For the provision of hospital services, &c., under the National Health Service, &c., in England and Wales - - - - -	28,800,000	—
15.	For the provision of Executive Councils' services under the National Health Service in England and Wales - - - - -	17,477,000	*—1,117,000
16.	For the provision in England and Wales of certain miscellaneous services under the National Health Service, &c., and of certain welfare services; and for a subscription to the World Health Organisation and certain grants in aid -	876,000	*—76,000

* Deficit.

Civil
Departments
(Supple-
mentary),
1965-66.

SCHEDULE (B).—PART 4—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS VI—continued</i>		
Vote		
17. For expenditure by the Ministry of Health on pensions, allowances, gratuities, &c., payable under section 6(6) of the National Health Service Act 1946, or under regulations made under section 67 of that Act; and certain payments to the National Insurance Fund - - -	1,000	2,041,000
18. For the provision of services under the National Health Service in Scotland and other health and welfare services, including a grant in aid - - - -	5,643,000	*—356,990
19. For expenditure by the Scottish Home and Health Department on pensions, allowances and gratuities, &c., payable under section 6(8) of the National Health Service (Scotland) Act 1947, or under regulations made under section 66 of that Act; and certain payments to the National Insurance Fund - - - -	1,000	43,000
20. For the salaries and expenses of the Ministry of Pensions and National Insurance including appellate, advisory and sundry other services and a subscription to an international organisation - - - - -	112,000	727,000
22. For payments in respect of family allowances - - - - -	500,000	—
<i>CLASS VII</i>		
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Education and Science -	53,000	1,377,000
2. For expenditure by the Department of Her Majesty's Secretary of State for Education and Science on grants in connection with education, &c., for sundry services; for a subscription to an international organisation and for certain grants in aid - - - -	2,408,000	54,000
3. For expenditure by the Department of Her Majesty's Secretary of State for Education and Science on awards to students - - - - -	210,000	—

* Deficit.

SCHEDULE (B).—PART 4—continued

Civil
Departments
(Supple-
mentary),
1965-66.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS VII—continued		
Vote		
4. For the salaries and expenses of the Scottish Education Department; for grants and loans in connection with education, &c.; for sundry services and for a grant in aid - - - - -	619,000	—
5. For expenditure by the Department of Her Majesty's Secretary of State for Education and Science on superannuation allowances and gratuities, &c., in respect of teachers - - - - -	1,000	624,000
6. For expenditure by the Scottish Education Department on superannuation allowances and gratuities, &c., in respect of teachers - - - - -	692,000	*—103,000
7. For the salaries and expenses of the University Grants Committee, for grants in aid and grants towards the expenses of, and for loans to, universities, colleges, &c.- - - - -	2,829,000	—
9A. For a grant in aid of the Natural Environment Research Council- - - - -	327,000	—
10. For grants in aid of the Medical Research Council including a subscription to an international organisation - - - - -	1,000	—
13. For a grant in aid of the Social Science Research Council - - - - -	28,000	—
CLASS VIII		
7. For the salaries and expenses of the National Gallery, including a purchase grant in aid - - - - -	6,000	4,000
8. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - - - - -	2,000	—
9. For the salaries and expenses of the National Portrait Gallery, including a purchase grant in aid - - - - -	19,000	1,000
10. For the salaries and expenses of the Tate Gallery, including purchase grants in aid - - - - -	25,000	450
11. For the salaries and expenses of the Wallace Collection - - - - -	1,000	—
12. For the salaries and expenses of the Royal Scottish Museum, including purchase grants in aid, and certain other grants in aid - - - - -	5,000	*—3,000

* Deficit.

Civil
Departments
(Supple-
mentary),
1965-66.

SCHEDULE (B).—PART 4—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS VIII—<i>continued</i>		
Vote		
13. For the salaries and expenses of the National Gallery of Scotland, the Scottish National Gallery of Modern Art and the Scottish National Portrait Gallery, including purchase grants in aid	1,000	—
16. For grants to, and grants in aid of, certain institutions and bodies connected with the arts - - - - -	71,400	—
CLASS IX		
1. For the salaries and expenses of the Ministry of Public Building and Works -	1,000	1,400,000
2. For expenditure on public buildings in the United Kingdom, including grants in aid, a purchase grant in aid, and sundry other services - - - - -	1,000	—
13. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of Commonwealth and foreign countries and international organisations	165,000	132,000
14. For the salaries and expenses of the Stationery Office; for stationery, printing, books, office equipment, &c.; for official publications; and for sundry services - - - - -	1,072,000	450,000
16. For the salaries and expenses of the Department of the Government Actuary -	2,000	—
18. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - -	1,600,000	400,000
19. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - -	1,000	899,000
CLASS X		
2. For the salaries and expenses of the Crown Estate Office - - - - -	5,000	—
3. For the salaries and expenses of the Registry of Friendly Societies - -	3,000	1,000
4. For the salaries and expenses of the Royal Mint in the production of coins, medals, badges, dies, seals, &c., and for the withdrawal of coin - - - - -	2,000	2,380,000

SCHEDULE (B).—PART 4—continued

Civil
Department
(Supple-
mentary),
1965-66.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS X—continued		
Vote		
7. For the salaries and expenses of the Office of the Public Trustee - - - -	1,000	9,000
12. For the salaries and expenses of the Scottish Record Office - - - -	1,000	1,200
14. For the salaries and expenses of the Registrar General of Births, Deaths and Marriages in Scotland - - - -	25,000	3,700
16. For the salaries and expenses, including publicity, of the National Savings Committee - - - - -	20,000	—
CLASS XI		
1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General -	1,000	4,000
2. For the salaries and expenses of the Carlisle State Management District -	1,000	93,000
4. For pensions and allowances to certain members of the former Indian and Burma Services and their dependants and to certain judges, including payments for the commutation of pensions; for certain payments to the Governments of India and Pakistan connected with pensions; and for sundry expenses	199,000	—
5. For the payment of supplements to certain colonial and other overseas pensions, and of pensions, &c., in respect of service under the former Government of Palestine; and for sundry expenses -	17,000	—
6. For pensions, &c., and compensation allowances awarded to retired and disbanded members of the Royal Irish Constabulary, and to their widows, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances - -	25,000	—
11. For certain miscellaneous expenses, a subscription to an international organisation and grants in aid, including a grant in aid of the Nehru Memorial Fund -	32,000	2,750
TOTAL, CIVIL DEPARTMENTS (SUPPLEMENTARY), 1965-66 - - - - -£	225,587,750	8,693,610

Defence
(Central),
1966-67.

SCHEDULE (B).—PART 5

DEFENCE (CENTRAL)

SUM granted, on account, towards defraying the charge of Defence (Central), which will come in course of payment during the year ending on 31st March 1967, viz.:—

	Sum not exceeding
	£
For the salaries and expenses of the Central Defence Staffs, the Defence Secretariat and the Central Defence Scientific Staff and of certain Joint Service Establishments; expenses in connection with International Defence Organisations, including international subscriptions; and sundry other services including certain grants in aid	9,800,000

SCHEDULE (B).—PART 6

Defence (Navy),
1966-67.

DEFENCE (NAVY)

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, including provision for officers, seamen, juniors and Royal Marines, and members of the Women's Royal Naval Service and Queen Alexandra's Royal Naval Nursing Service, to a number not exceeding 103,000, in addition to reserve forces, viz.:—

	Sums not exceeding
	£
Vote	
1. For the pay, &c. of the Royal Navy and Royal Marines - - - - -	40,000,000
2. For the pay and expenses of the Royal Naval Reserve, the Royal Fleet Reserve and Cadet Forces, &c. - - - - -	1,000,000
3. For the salaries, wages and expenses of the Navy Department Headquarters - - - - -	5,000,000
4. For scientific services, including a subscription to the International Hydrographic Bureau - - - - -	12,000,000
5. For medical services, education and civilians on Fleet services - - - - -	7,000,000
6. For Naval Stores, Armament, Victualling and other Material Supply Services - - - - -	90,000,000
7. For the new construction, repair, &c., of H.M. Ships, Aircraft and Weapons - - - - -	71,000,000
8. For miscellaneous effective services, including a grant in aid - - - - -	4,000,000
9. For non-effective services - - - - -	10,000,000
TOTAL, NAVY SERVICES - - - - -	£ 240,000,000

Defence (Army),
1966-67.

SCHEDULE (B).—PART 7

DEFENCE (ARMY)

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, including provision for Land Forces to a number not exceeding 238,700, all ranks, in addition to the Reserve Forces, Territorial Army and Cadet Forces, viz.:—

	Sums not exceeding
	£
Vote	
1. For the pay, &c., of the Army - - - - -	75,000,000
2. For the Reserve Forces (to a number not exceeding 78,000 all ranks, including a number not exceeding 75,500 other ranks), Territorial Army (to a number not exceeding 169,350 all ranks) and Cadet Forces	8,000,000
3. For salaries, wages, &c., of civilian staff of the Army Department Headquarters - - - - -	2,500,000
4. For salaries, wages, &c., of civilians at outstations -	48,000,000
5. For movements - - - - -	9,500,000
6. For supplies - - - - -	8,000,000
7. For stores and equipment (including stores and equipment for research, design and development projects and inspection; disposal of stores; and certain capital and ancillary services) - - - - -	52,000,000
8. For miscellaneous effective services, including grants in aid - - - - -	2,000,000
9. For non-effective services, including a grant in aid -	16,000,000
10. For lands and buildings and certain ancillary services	4,000,000
TOTAL, ARMY SERVICES - - - - -£	225,000,000
Royal Ordnance Factories.	
For operating the Royal Ordnance Factories - -	1,000,000
Army Purchasing (Repayment) Services.	
For expenditure incurred by the Army Department on the supply of munitions, common-user and other articles for the Government service and on miscellaneous supply - - - - -	1,000,000

SCHEDULE (B).—PART 8

Defence (Air),
1966-67.

DEFENCE (AIR)

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the Air Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 131,000, all ranks, in addition to reserve and auxiliary services and cadet forces, viz. :—

	Sums not exceeding
	£
Vote	
1. For the pay, &c., of the Air Force - - - -	60,000,000
2. For Reserve and Auxiliary services (to a number not exceeding 21,655, all ranks, for the Royal Air Force Reserve, and 600, all ranks, for the Royal Auxiliary Air Force) and cadet forces - - - -	500,000
3. For salaries, wages, &c., of civilian staff of the Air Force Department Headquarters - - - -	2,000,000
4. For salaries, wages, &c., of civilians at outstations and the Meteorological Office - - - -	19,000,000
5. For movements - - - -	8,500,000
6. For supplies - - - -	13,000,000
7. For aircraft and stores - - - -	107,000,000
8. For miscellaneous effective services, including certain grants in aid and a subscription to the World Meteorological Organisation - - - -	1,000,000
9. For non-effective services - - - -	9,000,000
TOTAL, AIR SERVICES - - - -£	220,000,000

Civil,
Class I,
1966-67.

SCHEDULE (B).—PART 9

CIVIL.—CLASS I

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

	Sums not exceeding
Vote	£
1. For the salaries and expenses of the House of Lords	127,000
2. For the salaries and expenses of the House of Commons, including certain grants in aid - - -	1,085,000
3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, and two Ministers without Portfolio - - - - -	1,750,000
4. For the salaries and expenses of the Department of Her Majesty's First Secretary of State and Secretary of State for Economic Affairs, of the National Economic Development Council, and of the National Board for Prices and Incomes, and for certain grants in aid - - - - -	692,000
5. For the salaries and expenses of the Department of Her Majesty's Most Honourable Privy Council - - -	21,000
6. For the salaries of Post Office Ministers - - -	5,000
7. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - - -	9,300,000
8. For the salaries and expenses of the Inland Revenue Department - - - - -	25,800,000
10. For the salaries and expenses of the Department of the Comptroller and Auditor General - - -	350,000
11. For the salaries and expenses of the Civil Service Commission - - - - -	370,000
12. For the salaries and expenses of Royal Commissions, committees, special enquiries, &c., and for a grant in aid - - - - -	200,000
TOTAL, CIVIL, CLASS I - - - - -	39,700,000

SCHEDULE (B).—PART 10

Civil,
Class II,
1966-67.

CIVIL.—CLASS II

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding
	£
1. For the salaries and expenses of the offices of Her Majesty's Secretary of State for Foreign Affairs and of Her Majesty's Secretary of State for Commonwealth Relations; Her Majesty's Diplomatic Service; and sundry other services connected therewith - - - - -	16,703,000
2. For expenditure by the Foreign Office on sundry grants and services, including subscriptions, &c., to certain international organisations and certain grants in aid - - - - -	7,967,000
3. For a grant in aid of the British Council - - - - -	1,500,000
4. For expenditure by the Commonwealth Relations Office on sundry grants and services, including subscriptions to certain international organisations and certain grants in aid - - - - -	7,000,000
5. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies; for sundry services; and for grants in aid - - - - -	2,890,000
6. For sundry Colonial Services including a subscription to an international organisation and certain grants in aid - - - - -	8,000,000
7. For the salaries and expenses of the Ministry of Overseas Development - - - - -	880,000
8. For expenditure by the Ministry of Overseas Development on grants and services connected with multi-lateral overseas aid, including subscriptions to certain international organisations and certain grants in aid - - - - -	7,973,000
9. For expenditure by the Ministry of Overseas Development on grants and services connected with bilateral overseas aid, including certain grants in aid - - - - -	27,319,000
10. For expenditure by the Ministry of Overseas Development on sundry services connected with overseas aid, including certain grants in aid - - - - -	14,356,000
11. For schemes made under the Colonial Development and Welfare Acts 1959 and 1963 - - - - -	5,250,000
12. For a grant in aid of the Commonwealth War Graves Commission and certain other expenses - - - - -	460,000
TOTAL, CIVIL, CLASS II - - - - -	100,298,000

Civil,
Class III,
1966-67.

SCHEDULE (B).—PART 11

CIVIL.—CLASS III

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding £
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid - - - - -	5,200,000
2. For the salaries and expenses of the office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid - - - - -	1,320,000
3. For grants and expenses in connection with civil defence and certain remanet expenditure; and for a grant in aid - - - - -	4,850,000
4. For grants and expenses in connection with civil defence in Scotland and certain remanet expenditure - - - - -	190,000
5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation - - - - -	35,500,000
6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services - - - - -	150,000
7. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in England and Wales - - - - -	8,500,000
8. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in Scotland - - - - -	1,070,000
9. For grants and expenses in England and Wales in respect of approved schools, remand homes and voluntary homes, and for training in and research on child care - - - - -	2,514,000
10. For grants and expenses in Scotland in respect of approved schools, remand homes and voluntary homes and for training in and research on child care - - - - -	397,000
11. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal, Law Commission and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals, and certain other expenses - - - - -	76,000

SCHEDULE (B).—PART 11—*continued*

Civil,
Class III,
1966-67.

	Sums not exceeding
	£
Vote	
12. For the salaries and expenses of the County Courts -	300,000
13. For a grant to the Legal Aid Fund - - - - -	2,081,000
14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - -	400,000
15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, of the Scottish Law Commission, and of the Courts, Tribunals, &c.; and for sundry services - -	200,000
16. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeals in Northern Ireland and certain other expenses - - - - -	35,000
TOTAL, CIVIL, CLASS III - - - - -£	62,783,000

Civil,
Class IV,
1966-67.

SCHEDULE (B).—PART 12

CIVIL.—CLASS IV

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding
	£
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments and agencies - - -	3,175,000
2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, on services connected with shipping and ship-building and on trading and other services, including subscriptions to international organisations and grants in aid - - - - -	3,091,000
3. For the promotion of local employment - - -	15,000,000
4. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council - - -	100
5. For payments under Special Guarantees given or arising from other arrangements made by the Board of Trade in the national interest - - -	100
6. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation, &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation, and sundry other services - - - - -	13,332,000
7. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research, development and inspection), and of civil aviation; for contributions to certain international organisations, a grant in aid, a conditional grant, a guarantee of a bank overdraft and sundry other services - - - - -	92,300,000
8. For expenditure by the Ministry of Aviation on the supply of aircraft and other equipment for the Government service and on miscellaneous supply -	100
10. For payments to the United Kingdom Atomic Energy Authority for outstanding liabilities in respect of the capital cost of plant being maintained as reserve capacity, and certain terminal expenses, and for payments to the Authority and to others for special materials and services - - - - -	18,300,000

SCHEDULE (B).—PART 12—continued

Civil,
Class IV,
1966-67.

Vote	Sums not exceeding
	£
11. For the construction, maintenance and operation of civil aerodromes, for civil air navigational services and for a subscription, &c., to Eurocontrol - - -	5,600,000
12. For salaries and expenses of the Ministry of Transport, and certain Tribunals and Committees - - -	1,840,000
13. For expenditure, including grants and loans to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in England and sundry services connected therewith; for expenditure on the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; for road research; and for sundry other services - - - - -	68,000,000
14. For expenditure, including grants and loans to highway, &c., authorities, on the construction and maintenance of roads, &c., in Scotland and sundry services connected therewith; and for sundry other services - - - - -	10,800,000
15. For expenditure, including grants and loans to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in Wales and sundry services connected therewith; and for sundry other services - - - - -	6,000,000
16. For services connected with inland transport, including grants to road passenger transport operators; ports, a Channel Tunnel, Governmental shipping services, and sundry other services, including subscriptions to certain international organisations - - -	1,930,000
17. For the expenditure of the Ministry of Transport in grant to the British Railways Board and the British Waterways Board in respect of deficits on their revenue accounts - - - - -	52,000,000
18. For the salaries and expenses of the Ministry of Power; for expenditure on oil storage and distribution; for grants to the National Coal Board in connection with pit closures; and for sundry other services -	1,175,000
19. For the salaries and expenses of the Ministry of Technology, including certain subscriptions to international organisations and a grant in aid - -	9,129,000
20. For payments towards meeting the expenses of the United Kingdom Atomic Energy Authority, for subscriptions, &c., to international projects and organisations, for the administration of a national stockpile of uranium ore and for a grant in aid -	20,000,000
21. For loans to the United Kingdom Atomic Energy Authority Trading Fund - - - - -	100
22. For expenditure by Her Majesty's Treasury on taking up shares in the British Petroleum Company Ltd. -	15,576,000
TOTAL, CIVIL, CLASS IV - - - - -	£ 337,248,400

B

Civil,
Class V,
1966-67.

SCHEDULE (B).—PART 13

CIVIL.—CLASS V

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

	Sums not exceeding
Vote	£
1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Royal Botanic Gardens, Kew; of the White Fish Authority and Scottish Committee; and of the Plant Variety Rights Office - - - - -	10,000,000
2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food, transport and harbour services, and the development of the Highlands and Islands, including grants and grants in aid - - - - -	3,492,000
3. For expenditure by the Ministry of Agriculture, Fisheries and Food on grants and subsidies for the encouragement of food production and the improvement of agriculture and for sundry other services -	37,650,000
4. For expenditure by the Department of Agriculture and Fisheries for Scotland on grants and subsidies for the encouragement of food production and the improvement of agriculture - - - - -	5,702,000
5. For expenditure by the Ministry of Agriculture, Fisheries and Food in implementation of agricultural price guarantees and for sundry other services -	44,000,000
6. For expenditure by the Department of Agriculture and Fisheries for Scotland in implementation of agricultural price guarantees - - - - -	4,300,000
7. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with sundry agricultural and food services including grants, loans, grants in aid and certain subscriptions to international organisations - - - - -	4,760,000
8. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves - -	100
9. For grants, loans and expenses in connection with assistance to fishermen; grants and loans to the White Fish Authority; expenditure on research and development relating to fisheries and fish marketing and on the construction, improvement and maintenance of harbours and fishing facilities; subscriptions to certain international organisations and a grant in aid of the White Fish Marketing Fund -	1,600,000

SCHEDULE (B).—PART 13—*continued*

Civil,
Class V,
1966-67.

	Sums not exceeding
	£
Vote	
10. In connection with Scottish fisheries and the United Kingdom herring industry for grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing and the construction, improvement and maintenance of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - - - -	900,000
TOTAL, CIVIL, CLASS V - - - - -	112,404,100

Civil,
Class VI,
1966-67.

SCHEDULE (B).—PART 14

CIVIL.—CLASS VI

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967 viz. :—

	Sums not exceeding
Vote	£
1. For the salaries and expenses of the Ministry of Housing and Local Government; grants and expenses in connection with water supply, sewerage, coast protection, abating the pollution of the air, planning and redevelopment, new towns, areas of outstanding natural beauty, rating relief and sundry other services; a subscription to an international organisation and grants in aid - - - -	8,834,000
2. For the salaries and expenses of the Scottish Development Department; for grants and expenses in connection with planning and redevelopment, water and sewerage, coast protection and sundry other services, including grants in aid - - - -	1,600,000
3. For the salaries and expenses of the office of the Secretary of State for Wales; grants and expenses in connection with water supply, sewerage, coast protection, abating the pollution of the air, planning and redevelopment, new towns, national parks, rating relief and sundry other services and a grant in aid - - - -	850,000
4. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services in England - - - -	36,000,000
5. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation in Scotland -	12,300,000
6. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services in Wales - - - -	1,875,000
7. For general grants to local authorities in England and Wales - - - -	266,000,000
8. For general grants to local authorities in Scotland -	35,195,000
9. For rate deficiency grants to local authorities in England and Wales - - - -	65,300,000
10. For equalisation and transitional grants to local authorities in Scotland - - - -	12,320,000
11. For the salaries and expenses of the Ministry of Land and Natural Resources; for grants and expenses in connection with National Parks and Water Resources; and for a grant in aid - - - -	870,000

SCHEDULE (B).—PART 14—continued

Civil,
Class VI,
1966-67.

Vote	Sums not exceeding
	£
12. For a grant in aid of the Forestry Fund - - - -	5,300,000
13. For the salaries and expenses of the Ministry of Health; for the expenses of certain committees, &c.; and for sundry services - - - -	1,974,000
14. For the provision of hospital services, &c., under the National Health Service, &c., in England and Wales; and other services - - - -	219,120,000
15. For the provision of Executive Councils' services under the National Health Service in England and Wales -	102,302,000
16. For the provision in England and Wales of certain miscellaneous services under the National Health Service, &c., and of certain welfare services; and for a subscription to the World Health Organisation and certain grants in aid - - - -	19,398,000
17. For expenditure by the Ministry of Health on pensions, allowances, gratuities, &c., payable under section 6(6) of the National Health Service Act 1946, or under regulations made under section 67 of that Act; and certain payments to the National Insurance Fund - - - -	100
18. For the provision of services under the National Health Service in Scotland and other health and welfare services including a grant in aid - - - -	41,500,000
19. For expenditure by the Scottish Home and Health Department on pensions, allowances and gratuities, &c., payable under section 6(8) of the National Health Service (Scotland) Act 1947, or under regulations made under section 66 of that Act; and certain payments to the National Insurance Fund -	100
20. For the salaries and expenses of the Ministry of Pensions and National Insurance including appellate, advisory and sundry other services and a subscription to an international organisation - - - -	3,000,000
21. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund -	97,800,000
22. For payments in respect of family allowances - - -	51,500,000
23. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; assistance grants, &c.; non-contributory old age pensions, including pensions to blind persons; and sundry other services - - - -	99,250,000
24. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or service in the Armed Forces after 2nd September 1939, and for sundry other services -	41,250,000
TOTAL, CIVIL, CLASS VI - - - -	-£ 1,123,538,200

Civil,
Class VII,
1966-67.

SCHEDULE (B).—PART 15

CIVIL.—CLASS VII

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding
	£
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Education and Science; for grants and loans in connection with education, &c., for sundry services; for a subscription to an international organisation and for certain grants in aid - - - - -	50,000,000
2. For the salaries and expenses of the Scottish Education Department; for grants and loans in connection with education, &c.; for sundry services and for a grant in aid - - - - -	13,423,000
3. For expenditure by the Department of Her Majesty's Secretary of State for Education and Science on superannuation allowances and gratuities, &c., in respect of teachers - - - - -	100
4. For expenditure by the Scottish Education Department on superannuation allowances and gratuities, &c., in respect of teachers - - - - -	263,000
5. For the salaries and expenses of the University Grants Committee, for grants in aid and grants towards the expenses of, and for loans to, universities, colleges, the British Academy, &c. - - - - -	71,000,000
6. For a grant in aid of the Social Science Research Council - - - - -	250,000
7. For grants in aid of the Science Research Council including subscriptions to certain international organisations - - - - -	12,785,000
8. For a grant in aid of the Natural Environment Research Council - - - - -	1,700,000
9. For grants in aid of the Medical Research Council including a subscription to an international organisation - - - - -	3,961,000
10. For a grant in aid of the Agricultural Research Council - - - - -	3,435,000
11. For the salaries and expenses of the British Museum (Natural History), including a purchase grant in aid - - - - -	310,000
12. For grants in aid of certain institutions and bodies concerned with science and for services connected therewith - - - - -	393,000
TOTAL, CIVIL, CLASS VII- - - - -	£ 157,520,100

SCHEDULE (B).—PART 16

Civil,
Class VIII,
1966-67.

CIVIL.—CLASS VIII

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz. :—

Vote	Sums not exceeding
	£
1. For the salaries and expenses of the British Museum, including a purchase grant in aid - - - -	888,000
2. For the salaries and expenses of the Science Museum, including a purchase grant in aid - - - -	180,000
3. For the salaries and expenses of the Victoria and Albert Museum, including purchase grants in aid -	400,000
4. For the salaries and expenses of the Imperial War Museum, including a purchase grant in aid - -	52,000
5. For the salaries and expenses of the London Museum, including a purchase grant in aid - - - -	29,000
6. For the salaries and expenses of the National Gallery, including a purchase grant in aid - - - -	265,000
7. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - -	62,000
8. For the salaries and expenses of the National Portrait Gallery, including a purchase grant in aid - -	30,000
9. For the salaries and expenses of the Tate Gallery, including purchase grants in aid - - - -	157,000
10. For the salaries and expenses of the Wallace Collection	22,000
11. For the salaries and expenses of the Royal Scottish Museum, including purchase grants in aid, certain other grants in aid and a grant to the Scottish Council for Museums and Galleries - - -	82,000
12. For the salaries and expenses of the National Gallery of Scotland, the Scottish National Gallery of Modern Art and the Scottish National Portrait Gallery, including purchase grants in aid - -	75,000
13. For the salaries and expenses of the National Library of Scotland, including a purchase grant in aid -	76,000
14. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a purchase grant in aid - - - -	22,000
15. For grants in aid of the National Library of Wales and the National Museum of Wales and a grant to the Council of Museums in Wales - - - -	250,000
16. For grants to, and grants in aid of, certain institutions and bodies connected with the arts - - -	3,165,000
TOTAL, CIVIL, CLASS VIII - - - -	£ 5,755,000

Civil,
Class IX,
1966-67.

SCHEDULE (B).—PART 17

CIVIL.—CLASS IX

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding
	£
1. For the salaries and expenses of the Ministry of Public Building and Works - - - - -	11,667,000
2. For expenditure on public buildings in the United Kingdom, including grants in aid, a purchase grant in aid, and sundry other services - - - - -	26,900,000
3. For expenditure on public buildings overseas - - - - -	2,800,000
4. For expenditure on works and buildings for the Ministry of Defence (Navy Department) - - - - -	10,900,000
5. For expenditure on works and buildings for the Ministry of Defence (Army Department) - - - - -	20,200,000
6. For expenditure on works and buildings for the Ministry of Defence (Air Force Department) - - - - -	13,800,000
7. For expenditure on works and buildings for the Ministry of Aviation - - - - -	2,650,000
8. For expenditure on works and buildings for Royal Ordnance Factories - - - - -	300,000
9. For certain additional married quarters for the Ministry of Defence - - - - -	100
10. For expenditure on Houses of Parliament buildings - - - - -	300,000
11. For expenditure on the Royal Palaces, including a grant in aid - - - - -	270,000
12. For expenditure on Royal parks and pleasure gardens - - - - -	520,000
13. For grants and expenses in connection with historic buildings and ancient monuments - - - - -	560,000
14. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of Commonwealth and foreign countries and international organisations - - - - -	13,000,000
15. For the salaries and expenses of the Stationery Office; for stationery, printing, books, office equipment, &c.; for official publications; and for sundry services - - - - -	10,200,000
16. For the salaries and expenses of the Central Office of Information - - - - -	3,750,000
17. For the salaries and expenses of the Department of the Government Actuary - - - - -	28,000
18. For a grant in aid of the Government Hospitality Fund - - - - -	80,000
19. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - -	18,890,000
20. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - -	100
TOTAL, CIVIL, CLASS IX - - - - -	£ 136,815,200

SCHEDULE (B).—PART 18

Civil,
Class X,
1966-67

CIVIL.—CLASS X

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

	Sums not exceeding
Vote	£
1. For the salaries and expenses of the Charity Commission for England and Wales - - - -	133,000
2. For the salaries and expenses of the Crown Estate Office - - - -	68,000
3. For the salaries and expenses of the Registry of Friendly Societies - - - -	52,000
4. For the salaries and expenses of the Royal Mint in the production of coins, medals, badges, dies, seals, &c., and for the withdrawal of coin - - - -	100
5. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - -	100
6. For the salaries and expenses of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - -	100
7. For the salaries and expenses of the Office of the Public Trustee - - - -	100
8. For the salaries and expenses of the Land Registry - - - -	100
9. For the salaries and expenses of the Office of the Registrar of Restrictive Trading Agreements - - - -	60,000
10. For the survey of Great Britain and other mapping services - - - -	1,362,000
11. For the salaries and expenses of the Public Record Office - - - -	83,000
12. For the salaries and expenses of the Scottish Record Office - - - -	32,000
13. For the salaries and expenses of the Office of the Registrar General - - - -	1,000,000
14. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - - - -	171,000
15. For the salaries and expenses of the Department of the Registers of Scotland - - - -	100
16. For the salaries and expenses, including publicity, of the National Savings Committee - - - -	650,000
TOTAL, CIVIL, CLASS X - - - - -£	3,611,600

B*

Civil,
Class XI,
1966-67.

SCHEDULE (B).—PART 19

CIVIL.—CLASS XI

SCHEDULE OF SUMS granted, on account, towards defraying the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding
	£
1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General - - - - -	27,600,000
2. For the salaries and expenses of the Carlisle State Management District - - - - -	100
3. For the salaries and expenses of the State Management Districts in Scotland - - - - -	100
4. For pensions, &c., in respect of service in the former Indian and Burma Services and under the former Government of Palestine, and in respect of certain other service overseas; for supplements to certain colonial and other overseas pensions; for certain payments to the Governments of India and Pakistan connected with pensions; and for sundry services and expenses - - - - -	4,222,000
5. For pensions, &c., and compensation allowances awarded to retired and disbanded members of the Royal Irish Constabulary, and to their widows, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances - - - - -	390,000
6. For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purpose of Irish land purchase - - - - -	485,000
7. For a grant in aid of the Development Fund - - -	550,000
8. For Her Majesty's foreign and other secret services -	4,000,000
9. For certain miscellaneous expenses, a subscription to an international organisation and grants in aid -	300,000
TOTAL, CIVIL, CLASS XI - - - - -	£ 37,547,200



Mines (Working Facilities and Support) Act 1966

1966 CHAPTER 4

An Act to consolidate Part I of the Mines (Working Facilities and Support) Act 1923 and certain enactments amending the said Part I. [10th March 1966]

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:—

Working facilities

1. The court may, subject to and in accordance with this Act, confer any rights described in the Table below. Grant of working facilities.

TABLE

Metallic ores, etc.

Paragraph 1 of Table.

(1) This paragraph applies to—

Iron ore and iron-stone.	Copper ore.
Tin ore.	Tungsten ore.
Lead ore.	Fluorspar.
Zinc ore.	Barytes.
	Oil shale.

and also, where any other mineral is being, or is to be, worked with a mineral specified above, that other mineral.

(2) A right to search for or work any minerals to which this paragraph applies (but not including coal) may be conferred on any person (exercisable either by himself or through a lessee).

(3) Where the working of any minerals to which this paragraph applies, or the working of any such minerals in the most efficient and economical manner, is impeded by any restrictions, terms or conditions contained in a mining lease, or otherwise

binding on the person entitled to work the minerals, a right may be conferred to work the minerals freed wholly or partially from the restrictions or conditions, or to work the minerals on other terms and conditions.

All minerals other than coal

Paragraph 2 of Table.

- (1) This paragraph applies to any minerals other than coal.
- (2) Where there is danger of any such minerals being left permanently unworked—
 - (a) by reason of the minerals being comprised in or lying under land which has been copyhold land, or land subject to a lease, exception, reservation, restriction, covenant or condition, or otherwise not being capable of being worked without the concurrence of two or more persons, or
 - (b) by reason of the minerals being owned in such small parcels that they cannot be properly or conveniently worked by themselves,

a right to work the minerals may be conferred on a person having an interest in the minerals or, in the case of minerals owned in small parcels, in minerals adjacent to them (exercisable either by himself or through a lessee).

Coal

Paragraph 3 of Table.

- (1) A right to search and bore for coal may be conferred on the National Coal Board.
- (2) Subject to section 4(5) of this Act, where the working of any coal, or the working of any coal in the most efficient and economical manner, is impeded by any restrictions, terms or conditions contained in a mining lease, or otherwise binding on the person entitled to work the coal, a right may be conferred to work the coal freed wholly or partially from such restrictions or conditions, or to work the coal on other terms and conditions.

In this sub-paragraph "coal" shall not include lignite or brown coal but, subject to that, includes, together with coal as defined in this Act, all other minerals worked or to be worked therewith.

All minerals

Paragraph 4 of Table.

- (1) Subject to sub-paragraph (2) below, where the persons working two adjoining mines have agreed on an adjustment of boundaries between the mines with a view to reducing the amount of minerals to be left unworked between the mines,

or to enabling the minerals to be worked more efficiently or more economically, and effect cannot be given to the agreement by reason of the failure or refusal of the lessors of the mines, or the owners of the surface, or any of them, to concur, a right may be conferred on the persons working the mines respectively to work the minerals in accordance with such adjusted boundaries.

(2) No order shall be made under this paragraph on the ground of any failure or refusal on the part of the National Coal Board.

All minerals: ancillary rights

Paragraph 5 of Table.

(1) An ancillary right may be conferred on a person having the right to work minerals, who is working or desirous of working the minerals either by himself or through his lessees, if the right is required in order that the minerals may be properly and conveniently worked by him, and the proper and efficient working of the minerals is unduly hampered by his inability or failure to obtain that right.

(2) An ancillary right may be conferred on a person on whom a right to work minerals is conferred under this Act at the same time or at any subsequent time.

2.—(1) In this Act “ ancillary right ” means, in relation to Ancillary minerals, any facility, right or privilege and, in particular, but rights. without prejudice to the generality of the foregoing provisions of this subsection, that expression shall include—

- (a) a right to let down the surface,
- (b) a right of air-way, shaft-way or surface or underground wayleave, or other right for the purpose of access to or conveyance of minerals (otherwise than by means of a pipe) or the ventilation or drainage of the mines,
- (c) a right to use and occupy the surface for the erection of washeries, coke ovens, railways, by-product works or brick making or other works, or of dwellings for persons employed in connection with the working of the minerals or with any such works as aforesaid ;
- (d) a right to obtain a supply of water or other substances in connection with the working of minerals ;
- (e) a right to dispose of water or other liquid matter obtained from mines or any by-product works.

(2) The court in determining whether a right under subsection (1)(a) above should be granted—

- (a) shall have regard to the value of minerals required for the support of any works or buildings or intended

works or buildings on or below the surface as compared with the value of the buildings or works, and as to whether the support of the works or buildings or intended works or buildings is in the national interest more important than the working of those minerals, or

- (b) if there are no such buildings or works, shall have regard to the extent to which the use of the surface for the purposes for which it is used or is intended to be used will be prejudicially affected by subsidence, and as to whether the support of the surface is in the national interest more important than the working of the minerals required for its support.

(3) So far as required in order that coal may be properly and conveniently worked, and where the surface has been used for the erection—

- (a) of any works for a coal-mining purpose, or

- (b) of dwellings for persons employed in connection with the working of coal, or in connection with any works within paragraph (a) above or subsection (1)(c) above,

the expression “ ancillary right ” shall also include a right to use and occupy the works or dwellings for the purposes for which they were erected.

(4) Where a right within subsection (3) above is to be granted on the termination of a lease, and a right to erect or use the works or dwellings was comprised in that lease, the court, in determining whether any compensation or consideration is to be paid or given in respect of the right to be granted by the court and the amount thereof, if any, shall have regard to the fact that the right comprised in the lease was therein comprised and to the amount of any rent reserved by the lease in respect thereof.

Limitations
on grant of
rights.

3.—(1) No right shall be granted under section 1 of this Act unless the court is satisfied that the grant is expedient in the national interest.

(2) No right shall be granted under section 1 of this Act unless it is shown that it is not reasonably practicable to obtain the right by private arrangement for any of the following reasons—

- (a) that the persons with power to grant the right are numerous or have conflicting interests ;
- (b) that the persons with power to grant the right, or any of them, cannot be ascertained or cannot be found ;
- (c) that the persons from whom the right must be obtained, or any of them, have not the necessary powers of

disposition, whether by reason of defect in title, legal disability or otherwise ;

- (d) that the person with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable.

4.—(1) An application for the grant of a right under section 1 of this Act shall be sent to the Minister, and the applicant for an ancillary right for the purpose of or in connection with working any minerals may be a person either having or applying for the right to work those minerals. Applications for rights.

(2) The application shall set out the circumstances alleged to justify the grant of the right, and shall be in such form and accompanied by such information verified in such manner as the Minister may direct.

(3) The Minister shall consider the application, and shall, unless after communication with such other parties interested (if any) as he may think fit, he is of opinion that a *prima facie* case is not made out, refer the matter to the court :

Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Minister shall not refer the application to the court without first having communicated with that person.

(4) Where the application relates to a right to obtain a supply of water, or a right to dispose of water or other liquid matter, or any other right which appears to the Minister to affect any local authority, the Minister before referring the application to the court shall send a copy of the application to the local authority in order to enable them to take such steps as they think fit for placing their views before the court.

(5) No application with respect to the grant of a right under paragraph 3(2) in the Table in section 1 of this Act made otherwise than by the National Coal Board shall be referred by the Minister to the court unless the National Coal Board have given notice in writing to the Minister that they have no power to grant the right, or any of the rights, for which the application is made.

5.—(1) Where a matter is referred to the court under the last foregoing section, the court, if satisfied that the requirements of this Act are complied with in the case of the applicant, may, by order, grant the right on such terms and subject to such conditions, and for such period, as the court may think fit, and upon such an order being made, the right specified in the order References of applications to court.

shall, subject to the following provisions of this Act, vest in the applicant.

(2) Where a right is granted, such compensation or consideration as in default of agreement may be determined by the court shall be paid or given by the applicant in respect of the acquisition of the right to such persons as the court may determine to be entitled thereto.

(3) In determining the duration of any right to be granted the court shall have regard to the time reasonably necessary to enable the minerals to be fully worked, and where the applicant's interest in any minerals is an interest as lessee shall have regard to the duration of the interest.

(4) In determining whether any right should be granted or the conditions upon which any such right should be granted the court shall have regard to all the circumstances of the case, and in particular to the extent to which the retention of any minerals is required for the protection of any mines or other works from flooding, or for any other mining purpose, and (so far as relevant) to the royalties, covenants, and conditions reserved by or contained in the applicant's existing mining lease or leases (if any), or customary in mining leases in the district.

(5) If in the case of an application for the grant of a right under paragraph 1 or paragraph 3(2) in the Table in section 1 of this Act, it is proved to the satisfaction of the court that there is good cause for requiring the applicant to give security for any costs which may be ordered to be paid by him to any person affected by the application, the court shall have power to make an order that all proceedings upon the application shall be stayed until such security for the costs of that person as may be required by the order has been given to the satisfaction of the court, and may order the payment into the Supreme Court (or, in Scotland, the consignment in the Court of Session) of the whole or any part of any sum so required to be paid by way of such security.

Several applications in respect of the same rights.

6.—(1) Where separate applications are made by two or more persons for the right to work the same minerals and are referred to the court, the court, in addition to the matters aforesaid, shall determine which, if any, of the applicants is to be preferred, or whether the right to work one part of the minerals should be granted to one applicant and the right to work another part should be granted to another applicant; and in arriving at its determination the court shall have regard to the question as to how the minerals can be most conveniently worked, to the respective rights of the applicants in the surface or adjacent minerals, and generally to all the circumstances of the case.

(2) This section shall apply to cases of applications by two or more persons for the same ancillary right subject to the necessary modifications, and so that the right may be granted to the applicants, or to any two or more of them, jointly.

Restrictions on working minerals required for support

7.—(1) If any person having an interest in any land is not entitled to support or sufficient support, whether vertical or lateral, for any buildings or works, whether on or below the surface, erected or constructed, or intended to be erected or constructed, on or below the surface, and alleges that it is not reasonably practicable to obtain a right to such support by private arrangement for any of the reasons mentioned in section 3(2) of this Act, he may send to the Minister an application that such restrictions may be imposed on the working of the minerals under that land and the land adjacent thereto as he may consider necessary to secure sufficient support to the buildings or works.

Restrictions on working minerals required for support.

(2) An application under this section shall set out the circumstances alleged to justify the imposition of the restrictions, and shall be in such form, and accompanied by such information verified in such manner, as the Minister may direct.

(3) The Minister shall consider the application, and shall, unless after communication with such other parties interested (if any) as he thinks fit, he is of opinion that a prima facie case is not made out, refer the matter to the court:

Provided that, where it is alleged that the right in question cannot be obtained by reason of any person not having the necessary powers of disposition, or having unreasonably refused to grant it, or having demanded terms which are unreasonable, the Minister shall not so refer the application to the court without first having communicated with that person.

(4) Where any such case is referred to the court the court if satisfied that the requirements of this section are complied with in the case of the applicant, and that it is expedient in the national interest that restrictions should be imposed, may, by order, impose such restrictions, on such terms and subject to such conditions and for such period as the court may think just, and upon such order being made the right to enforce the restrictions imposed by the order shall, subject to the following provisions, vest in the applicant.

(5) Where restrictions are imposed, such compensation or consideration as in default of agreement may be determined by the court shall be paid or given by the applicant in respect of the imposition of the restrictions to such persons as the court may determine to be entitled thereto.

(6) The restrictions may be either on the quantity or position of the minerals to be worked, or on the methods of working or packing, or otherwise such as may be necessary to secure adequate support to the buildings or works or to prevent or minimise damage to them.

(7) In determining whether restrictions should be imposed the court shall have regard to the value of the buildings or works or the cost of repairing damage likely to be caused to them by subsidence, as compared with the value of the minerals, or to the importance in the national interest of the erection or preservation of the buildings or works, as compared with the importance in the national interest of the working of the minerals.

1913 c. 32.

1953 c. 49.

(8) For the purposes of this section, where any building or work is an ancient monument within the meaning of the Ancient Monuments Consolidation and Amendment Act 1913, and is, in pursuance of that Act, or Part II of the Historic Buildings and Ancient Monuments Act 1953, under the guardianship or protection of the Minister of Public Building and Works, or is under the guardianship of a local authority, that Minister or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section.

General

Compensation.

8.—(1) Where a right is granted under section 1 of this Act, or any restriction is imposed under section 7 of this Act, the court may determine the amount and nature of compensation or consideration to be paid or given and the persons to whom it is to be paid or given, either at the time when it determines whether the right should be granted or the restrictions imposed or at any subsequent time.

(2) The compensation or consideration in respect of any right, including a right to enforce restrictions, shall be assessed by the court on the basis of what would be fair and reasonable between a willing grantor and a willing grantee, having regard to the conditions subject to which the right is or is to be granted.

(3) The court may, if it thinks fit—

- (a) where the amount of the compensation or consideration has been determined by the court, order the payment into court of the whole or any part of it ;
- (b) pending the determination of the amount of the compensation or consideration, order the payment into court of such sum on account as the court thinks fit.

(4) Where the person to whom any compensation or consideration is payable cannot be found or ascertained the compensation or consideration shall be paid into court.

(5) The court may impose as a condition on the grant of any right or the imposition of any restriction that any compensation or consideration payable in respect thereof shall be paid, or that security to the satisfaction of the court for the payment thereof shall be given, before the right is commenced to be exercised, or the restriction is enforced.

(6) References in this section to payment into court are—

(a) in the application of this Act to England and Wales, references to payment into the Supreme Court, and

(b) in the application of this Act to Scotland, references to consignment in the Court of Session.

9. The Minister of Power and any other Government Department and the National Coal Board shall give to the court such assistance as the court may require for the purposes of their duties under this Act, and shall be entitled to appear and be heard at any proceedings on an application before the court under this Act.

Duty of Ministers and National Coal Board to assist the court, and right to appear in court proceedings.

10. A right granted under this Act shall not confer on the person to whom it is granted any greater or other power than if the right had been granted by a person legally entitled to grant the right, or relieve the grantee from any obligation or liability to which he would have been subject had the right been granted by such a person.

Effect of grant of right.

11. An order under this Act may confer rights on a tenant for life or on any person having the statutory powers of a tenant for life, or any trustee, personal representative, or other person in a fiduciary position, and, where any such rights are so conferred upon any such person, the rights shall be deemed to form part of the property subject to the settlement or the estate of the deceased person or the property subject to the trust, as the case may be.

Provisions as to tenants for life, etc.

12.—(1) Nothing in this Act shall prejudicially affect—

(a) the right under the Railways Clauses Consolidation Act 1845, or any Act modifying that Act, including Part II of the Mines (Working Facilities and Support) Act 1923, or any other Act, whether public general, or local

Saving of rights under Railways Clauses Acts, etc.
1845 c. 20.
1923 c. 20.

and private, of any railway or canal company, local authority or other statutory body to acquire minerals for the purposes of support, or

- (b) any rights or interests in minerals which may have been acquired by any such company, authority or body, or
- (c) any right of support from minerals to which any such company, authority or body may be entitled, or
- (d) any right empowering any such company, authority or body to acquire the rights to which they are entitled directly or indirectly under any special Act or order relating to the company, authority or body or any statute incorporated therewith,

or shall confer on any such company, authority or body the right to acquire under this Act any rights to prohibit or restrict the working of minerals.

1947 c. 49. (2) For the purposes of Part II of the Transport Act 1947
1962 c. 46. and Part II of the Transport Act 1962, this section shall be deemed to have been enacted before those Acts.

1845 c. 20. (3) In the application of this section to Scotland for the
1845 c. 33. reference to the Railways Clauses Consolidation Act 1845 there shall be substituted a reference to the Railways Clauses Consolidation (Scotland) Act 1845.

Transitory provisions. **13.** In the Table in section 1 of this Act paragraph 1(2) and paragraph 2—

(a) shall apply to the granting of a right required by reason of the subsistence either of a retained interest (as defined by section 5 of the Coal Act 1938) or of any interest arising under a freeholder's lease (as defined by section 4 of the Coal Act 1943),

1938 c. 52.

1943 c. 38.

(b) shall not apply to minerals within section 3(4)(b) of the Coal Act 1938 (minerals (other than coal) comprised in a coal mining lease subsisting at the valuation date).

Interpretation. **14.**—(1) In this Act, unless the context otherwise requires—
“ ancillary right ” has the meaning given by section 2 of this Act ;

“ coal ” means bituminous coal, cannel coal and anthracite ;
“ coal-mining purpose ” has the meaning given by section 44(1) of the Coal Act 1938 ;

1922 c. 16. “ copyhold land ” has the same meaning as in the Law of Property Act 1922 ;

“ court ”—

(a) in the application of this Act to England and Wales, means the High Court, and

(b) in the application of this Act to Scotland, means the Court of Session ;

“ lease ” includes underlease or other tenancy and a licence, and “ lessor ” and “ lessee ” have corresponding meanings ;

“ minerals ” includes all minerals and substances in or under land obtainable by underground or by surface working, and references to working minerals include references to working, carrying away, treating and converting minerals ;

“ the Minister ” means the Minister of Power ;

“ surface ” in relation to land includes any buildings, works or things erected, constructed or growing thereon, and “ right to let down the surface ” includes a right to let down superincumbent or adjacent strata up to and including the surface.

(2) For the purposes of this Act a person whose concurrence is necessary for the exercise of a right shall be deemed to be a person having power to grant the right, or a person from whom the right must be obtained as the case may be.

(3) References in this Act to a right to work minerals include references to any right granted under paragraph 1 or paragraph 3(2) in the Table in section 1 of this Act.

15.—(1) The Acts mentioned in Schedule 1 to this Act shall be repealed to the extent specified in the third column of that Schedule. Repeal and savings.

(2) Subsection (1) above shall not affect—

(a) any exercise of the court’s jurisdiction, or any exercise (before the coming into force of the Railway and Canal Commission (Abolition) Act 1949) of the jurisdiction of the Railway and Canal Commission, 1949 c. 11.

(b) any pending application for the grant of a right or the imposition of restrictions or any pending proceedings in the court, or

(c) any other thing done before the coming into force of the repeals under the enactments repealed by this section,

and any thing done under any of those enactments before their repeal shall have effect as if done under the corresponding enactment in this Act.

1938 c. 52.

(3) The repeal of section 22(1) of the Coal Act 1938 shall not affect the saving in that subsection for the jurisdiction as respects a working facilities order subsisting on the vesting date mentioned in that subsection.

(4) Any enactment or instrument or document referring to any of the enactments repealed by this section shall be construed as referring to the corresponding enactment in this Act.

(5) Without prejudice to the generality of subsection (4) above, the Acts and instruments mentioned in Schedule 2 to this Act shall be amended in accordance with that Schedule.

(6) The mention of particular matters in this section shall be without prejudice to the provisions of section 38 of the Interpretation Act 1889 as regards the effect of repeals.

1889 c. 63.

Short title,
extent and
commence-
ment.

16.—(1) This Act may be cited as the Mines (Working Facilities and Support) Act 1966.

(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 on the date on which it is passed.

SCHEDULES

SCHEDULE 1

Section 15(1).

REPEALS

Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 20.	The Mines (Working Facilities and Support) Act 1923.	Part I.
15 & 16 Geo. 5. c. 91.	The Mines (Working Facilities and Support) Act 1925.	The whole Act.
16 & 17 Geo. 5. c. 28.	The Mining Industry Act 1926.	Section 13. Section 24(3).
24 & 25 Geo. 5. c. 27.	The Mines (Working Facilities) Act 1934.	The whole Act.
1 & 2 Geo. 6. c. 52.	The Coal Act 1938.	Section 22. Section 51.
6 & 7 Geo. 6. c. 38.	The Coal Act 1943.	Section 7.
9 & 10 Geo. 6. c. 59.	The Coal Industry Nationalisation Act 1946.	Section 43.
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	Section 57.
1965 c. 2.	The Administration of Justice Act 1965.	In Schedule 1 the amendments of the Mines (Working Facilities and Support) Act 1923, the Mines (Working Facilities and Support) Act 1925 and the Mining Industry Act 1926.

SCHEDULE 2

Section 15(5).

CONSEQUENTIAL AMENDMENTS

1. In section 3 of the Petroleum (Production) Act 1934—
 - (a) the reference to Part I of the Mines (Working Facilities and Support) Act 1923 as amended is a reference to this Act, 1934 c. 36. 1923 c. 20.
 - (b) the reference to subsections (1) and (2) of section 3 of the Act of 1923 is a reference to section 2(1) of this Act.
2. In paragraph 6(4)(5) of Schedule 2 to the Coal Act 1938 and paragraph 5 of Schedule 2 to the Coal Act 1943 references to sections 8 and 13 of the Act of 1923 are respectively references to sections 7 and 12 of this Act. 1938 c. 52. 1943 c. 38.
3. In section 78(4) of the Town and Country Planning (Scotland) Act 1947, section 198 of the Town and Country Planning Act 1962 and regulations made before the passing of this Act under either of those sections references to the Act of 1923 shall include references to this Act, references to provisions in Part I of that Act being taken as references to the corresponding provisions of this Act. 1947 c. 53. 1962 c. 38.



Statute Law Revision Act 1966

1966 CHAPTER 5

An Act to revise the statute law by repealing obsolete, spent, unnecessary or superseded enactments.

[10th March 1966]

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 Acts and Measure specified in columns 1 and 2 of the Schedule to this Act (which to the extent specified in column 3 of that Schedule are obsolete, spent or unnecessary or have been superseded by other enactments) are hereby repealed to that extent. Repeal of obsolete, &c., enactments.

2. In its application to Northern Ireland this Act shall, as respects matters within the powers of the Parliament of Northern Ireland, be subject to alteration by that Parliament as if it had been an Act passed before the day appointed for the purposes of section 6 of the Government of Ireland Act 1920. Saving for powers of Parliament of Northern Ireland. 1920 c. 67.

3. This Act may be cited as the Statute Law Revision Act 1966. Short title.

SCHEDULE

ENACTMENTS REPEALED

Armed Forces Repeals

Chapter	Short Title	Extent of Repeal
31 Car. 2. c. 1.	The Billeting Act 1679.	The whole Act.
25 & 26 Vict. c. 4.	The Officers Commissions Act 1862.	In section 1, the words " and of adjutants and quarter-masters in the Volunteer Forces ".
26 & 27 Vict. c. 65.	The Volunteer Act 1863.	The whole Act.
27 & 28 Vict. c. 24.	The Naval Agency and Distribution Act 1864.	Section 24.
28 & 29 Vict. c. 111.	The Navy and Marines (Property of Deceased) Act 1865.	In section 2, in the definition of " seaman or marine ", the words " or Naval Coast Volunteers ".
31 & 32 Vict. c. 72.	The Promissory Oaths Act 1868.	In section 14, in paragraph 6, the words " the Militia, the Yeomanry, or the Volunteers ".
32 & 33 Vict. c. 81.	The Volunteer Act 1869.	The whole Act.
33 & 34 Vict. c. 57.	The Gun Licence Act 1870.	In sections 7 and 9, the words " or volunteer ".
33 & 34 Vict. c. 96.	The Appropriation Act 1870.	The whole Act.
34 & 35 Vict. c. 86.	The Regulation of the Forces Act 1871.	In section 6, the words from the beginning to " as last aforesaid " and the words from " and all commissions " onwards. Section 19.
38 & 39 Vict. c. 17.	The Explosives Act 1875.	In section 97, in paragraph (3), the words " by or by the authority of a Secretary of State for the use of any volunteer corps or administrative regiment, or " and the words " or the said commissioners, as the case may be "; and in paragraph (4), the words " in pursuance of section twenty-six of the Volunteer Act 1863 and any Act amending the same, or otherwise ".

SCH.

Chapter	Short Title	Extent of Repeal
39 & 40 Vict. c. 73.	The Pensions Commutation Act 1876.	The whole Act.
44 & 45 Vict. c. 57.	The Regulation of the Forces Act 1881.	The whole Act.
56 & 57 Vict. c. 5.	The Regimental Debts Act 1893.	Sections 25 to 27.
57 & 58 Vict. c. 45.	The Uniforms Act 1894.	In section 4, in the definition of " Her Majesty's Military Forces ", the words " naval coast volunteers and "; and in the definition of " Her Majesty's Naval Forces ", the words " the naval coast volunteers ".
60 & 61 Vict. c. 47.	The Volunteer Act 1897.	The whole Act.
63 & 64 Vict. c. 39.	The Volunteer Act 1900.	The whole Act.
3 Edw. 7. c. 6.	The Naval Forces Act 1903.	In section 1(2)(ii), the words from " and in particular " onwards.
7 Edw. 7. c. 9.	The Territorial and Reserve Forces Act 1907.	The whole Act.

Constabulary Repeals

Chapter	Short Title	Extent of Repeal
19 Geo. 2. c. 21.	The Profane Oaths Act 1745.	Section 7.
33 Geo. 3. c. 55.	The Parish Officers Act 1793.	The whole Act.
5 Geo. 4. c. 83.	The Vagrancy Act 1824.	In section 6, the words from " and in case " onwards. Sections 11 and 12.

SCH.

Chapter	Short Title	Extent of Repeal
10 Geo. 4. c. 44.	The Metropolitan Police Act 1829.	Section 17.
4 & 5 Will. 4. c. 76.	The Poor Law Amendment Act 1834.	The whole Act.
11 & 12 Vict. c. 91.	The Poor Law Audit Act 1848.	The whole Act.
13 & 14 Vict. c. 20.	The Parish Constables Act 1850.	The whole Act.
47 & 48 Vict. c. 17.	The Metropolitan Police Act 1884.	Section 3(1).

Ecclesiastical Repeals

Chapter or Number	Short Title	Extent of Repeal
3 & 4 Vict. c. 113.	The Ecclesiastical Commissioners Act 1840.	Section 65.
24 & 25 Vict. c. 105.	The Ecclesiastical Leases Act 1861.	In section 3, the words "Notwithstanding anything contained in the eleventh section of the Episcopal and Capitular Estates Act 1851".
29 & 30 Vict. c. 111.	The Ecclesiastical Commissioners Act 1866.	Sections 6, 14 and 15.
36 & 37 Vict. c. 57.	The Consolidated Fund (Permanent Charges Redemption) Act 1873.	In section 2, the words from "if such" to "other case". In section 3, the words from "in case" to "other cases", the words "the Ecclesiastical Commissioners and" and the word "respectively". Section 4 from the beginning to "corporation". Section 9(1).
45 & 46 Vict. c. 72.	The Revenue, Friendly Societies, and National Debt Act 1882.	Section 23.
10 & 11 Geo. 6. No. 2.	The Church Commissioners Measure 1947.	Sections 15(3) and 16.

Land Tax Repeals

SCH.

Chapter	Short Title	Extent of Repeal
52 Geo. 3. c. 143.	The Land Tax Certificates Forgery Act 1812.	The whole Act.
55 Geo. 3. c. 147.	The Glebe Exchange Act 1815.	In section 12, the words "in the purchase of the land tax, or".
7 Geo. 4. c. 66.	The Clergy Residence Act 1826.	In section 3, the words "in the purchase of the land tax, or".
5 & 6 Vict. c. 26.	The Ecclesiastical Houses of Residence Act 1842.	In section 12, the words "in the purchase of the land tax, or".
51 & 52 Vict. c. 41.	The Local Government Act 1888.	In section 59(2)(c), the words "land tax".

National Debt Repeals

Chapter	Short Title	Extent of Repeal
5 & 6 Will. & Mar. c. 20.	The Bank of England Act 1694.	Sections 16 and 18.
11 Geo. 1. c. 9.	The National Debt Reduction Act 1724.	The whole Act.
1 Geo. 2. Stat. 2. c. 8.	The Bank of England Act 1727.	The whole Act.
2 Geo. 2. c. 3.	The Bank of England Act 1728.	The whole Act.
19 Geo. 2. c. 6.	The Bank of England Act 1745.	The whole Act.
6 & 7 Will. 4. c. 28.	The Government Offices Security Act 1836.	In section 1, the words from "or to deposit" to "Exchequer bills". In section 2, the words "or of such Exchequer bills". In section 3, the words "or any deposit of Exchequer bills shall be made", the words "and the said Exchequer bills shall be deposited in", the words "or in which such deposit shall be made" and the words "or delivery or sale of such Exchequer bills".

SCH.

Chapter	Short Title	Extent of Repeal
6 & 7 Will. 4. c. 28.— <i>cont.</i>	The Government Offices Security Act 1836— <i>cont.</i>	<p>In section 5, the words “ or deposit ” and the words “ or making such deposit ”.</p> <p>Section 6.</p> <p>In section 8, the words “ and all deposits of Exchequer bills made in the name of ”, the words “ or Exchequer bills ” and the words “ and Exchequer bills ”.</p> <p>In section 10, the words “ or depositing such Exchequer bills ”, the words “ or deposit ” (in both places where they occur), the words “ or to deliver up such Exchequer bills ” and the words “ or deposited ”.</p> <p>In section 11, the words “ or delivery ”, the words “ or depositing ” and the words “ or Exchequer bills ”.</p> <p>In section 12, the words “ or Exchequer bills ”, the words “ or deposit of Exchequer bills ” and the words “ and deposits ”.</p> <p>In section 14, the words “ and deposits ”.</p> <p>In the Schedule, the words “ or hath deposited Exchequer bills, as the case may be ”, the words “ or Exchequer bills ” and the words “ or deposited, as the case may be ”.</p>
1 & 2 Vict. c. 61.	The Government Offices Security Act 1838.	<p>In section 1, the words “ and any Exchequer bills so deposited as aforesaid ”, the words “ or Exchequer bills ”, the words “ or deposited ” (where first occurring), the words “ or deposited in ”, the words “ and the interest upon all Exchequer bills so deposited ” and the words “ or in whose name such Exchequer bills may be deposited ”.</p> <p>In section 2, the words “ or of such Exchequer bills ”, the words “ or Exchequer bills ” (in both places where they occur), the words “ or deposited ”, the words “ or</p>

SCH.

Chapter	Short Title	Extent of Repeal
1 & 2 Vict. c. 61.— <i>cont.</i>	The Government Offices Security Act 1838— <i>cont.</i>	shall deliver to such post-master general or chairman, Exchequer bills” and the words “ or such Exchequer bills ”. In section 3, the words “ or Exchequer bills ”.
24 & 25 Vict. c. 3.	The Bank of England Act 1861.	Section 9.
29 & 30 Vict. c. 25.	The Exchequer Bills and Bonds Act 1866.	The whole Act.
33 & 34 Vict. c. 71.	The National Debt Act 1870.	Sections 18 and 68. In section 73, the words “ dividends or ”.
38 & 39 Vict. c. 45.	The Sinking Fund Act 1875.	In section 5, the words “ and exchequer bonds ”.
40 & 41 Vict. c. 2.	The Treasury Bills Act 1877.	In section 1, the words from “ The Exchequer Bills and Bonds Act 1866 ” onwards. In section 3, the words “ of Exchequer bills or ”. In section 6, the words “ Exchequer bills or ” and the words from “ or of Exchequer bills ” onwards. Section 12.
52 & 53 Vict. c. 6.	The National Debt Act 1889.	In section 5, the words “ Exchequer bills, Exchequer bonds, and ”.
53 & 54 Vict. c. 21.	The Inland Revenue Regulation Act 1890.	In section 5, the words “ or Exchequer bills ”, the words “ or deposited ” (in both places where they occur) and the words “ or in ”.
55 & 56 Vict. c. 48.	The Bank Act 1892.	In section 3, the words “ Exchequer bonds, Exchequer bills, and ”, the words from “ as respects ” to “ Treasury bills ” (where last occurring) and the words “ bonds or ”. In section 4, the words “ Exchequer bonds, Exchequer bills, and ”.
4 Edw. 7. c. 21.	The Capital Expenditure (Money) Act 1904.	The whole Act.

SCH.

Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 5. c. 27.	The Forgery Act 1913.	In section 18(1), the definition of "Treasury bill".
4 & 5 Geo. 5. c. 31.	The Housing Act 1914.	Section 2(4).
8 & 9 Geo. 5. c. 15.	The Finance Act 1918.	Section 38.
9 & 10 Geo. 5. c. 37.	The War Loan Act 1919.	Section 5.
21 & 22 Geo. 5. c. 49.	The Finance (No. 2) Act 1931.	Part III.
2 & 3 Geo. 6. c. 41.	The Finance Act 1939.	Section 32.
2 & 3 Geo. 6. c. 117.	The National Loans Act 1939.	In Schedule 1, the words "Section 32 of the Finance Act 1939 (2 & 3 Geo. 6. c. 41)".
5 & 6 Geo. 6. c. 21.	The Finance Act 1942.	In Schedule 11, in Part II, the entry relating to the Finance Act 1918.

Transport Repeals

Chapter	Short Title	Extent of Repeal
6 & 7 Vict. c. 86.	The London Hackney Carriages Act 1843.	Section 31.
26 & 27 Vict. c. 92.	The Railways Clauses Act 1863.	Section 31. Part V.
32 & 33 Vict. c. 115.	The Metropolitan Public Carriage Act 1869.	In section 9, the words from "This Clause" onwards.
34 & 35 Vict. c. 86.	The Regulation of the Forces Act 1871.	Section 16.
36 & 37 Vict. c. 76.	The Railway Regulation Act (Returns of Signal Arrangements, Workings, &c.) 1873.	Section 6.
51 & 52 Vict. c. 31.	The National Defence Act 1888.	The whole Act.
57 & 58 Vict. c. 12.	The Indian Railways Act 1894.	The whole Act.

SCH.

Chapter	Short Title	Extent of Repeal
59 & 60 Vict. c. 48.	The Light Railways Act 1896.	In section 19, subsection (2) and, in subsection (3), the words "or the money is contributed", the words "in the case of a conveyance of land" and the words "and in the case of a contribution of money the amount contributed".
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act 1919.	Section 7.
10 & 11 Geo. 5. c. 21.	The Harbours, Docks and Piers (Temporary Increase of Charges) Act 1920.	The whole Act.
11 & 12 Geo. 5. c. 55.	The Railways Act 1921.	Sections 7, 79 and 84.
12 & 13 Geo. 5. c. 23.	The Harbours, Docks and Piers (Temporary Increase of Charges) Act 1922.	The whole Act.
12 & 13 Geo. 5. c. 27.	The Canals (Continuance of Charging Powers) Act 1922.	The whole Act.
11 & 12 Geo. 6. c. 38.	The Companies Act 1948.	Section 65(1)(g).

Treaties of Peace Repeals

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 6.	The Treaty of Peace (Austria and Bulgaria) Act 1920.	The whole Act.
10 & 11 Geo. 5. c. 11.	The Treaty of Peace (Hungary) Act 1921.	The whole Act.
14 & 15 Geo. 5. c. 7.	The Treaty of Peace (Turkey) Act 1924.	The whole Act.

Miscellaneous Repeals

Chapter	Short Title	Extent of Repeal
22 & 23 Car. 2. c. 11.	The Piracy Act 1670.	The whole Act.
25 Geo. 2. c. 36.	The Disorderly Houses Act 1751.	Sections 13 and 14.

C

SCH.

Chapter	Short Title	Extent of Repeal
21 Geo. 3. c. 49.	The Sunday Observance Act 1780.	Sections 4, 5 and 8.
31 Geo. 3. c. 31.	The Clergy Endowments (Canada) Act 1791.	The whole Act.
51 Geo. 3. c. 36.	The Cinque Ports Act 1811.	Sections 7 and 10.
3 Geo. 4. c. 119.	The British North America (Trade and Lands) Act 1822.	The whole Act.
10 & 11 Vict. c. 67.	The Transportation Act 1847.	The whole Act.
13 & 14 Vict. c. 105.	The Liberties Act 1850.	Section 5. In section 9, the words " and the word 'gaol' shall be taken to mean also prison or house of correction ".
22 & 23 Vict. c. 16.	The Probate and other Courts and Registries Site Act 1859.	The whole Act.
23 & 24 Vict. c. 88.	The Admiralty Jurisdiction (India) Act 1860.	The whole Act.
28 & 29 Vict. c. 27.	The Parliamentary Costs Act 1865.	Section 8.
29 & 30 Vict. c. 113.	The Poor Law Amendment Act 1866.	The whole Act.
30 & 31 Vict. c. 29.	The Banking Companies (Shares) Act 1867.	The whole Act.
31 & 32 Vict. c. 22.	The Petty Sessions and Lock-up House Act 1868.	The whole Act.
31 & 32 Vict. c. 72.	The Promissory Oaths Act 1868.	In section 8, the words from "and in the case of the Office and Oaths Act 1867 " to "referred to ".
34 & 35 Vict. c. 50.	The Bankruptcy Disqualification Act 1871.	In section 9, the words from "also " onwards.
35 & 36 Vict. c. 36.	The Baptismal Fees Abolition Act 1872.	In section 1, the proviso.
36 & 37 Vict. c. 17.	The East India Stock Dividend Redemption Act 1873.	The whole Act.
37 & 38 Vict. c. 45.	The County of Hertford and Liberty of St. Alban Act 1874.	Sections 10 and 29.

SCH.

Chapter	Short Title	Extent of Repeal
38 & 39 Vict. c. 80.	The Remission of Penalties Act 1875.	The whole Act.
39 & 40 Vict. c. 42.	The Convict Prisons Returns Act 1876.	The whole Act.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	<p>Section 246.</p> <p>Schedule 1 so far as relating to the Acts 7 Jas. 1. c. 5 and 21 Jas. 1. c. 12 and to the Corporate Property (Elections) Act 1832, the Municipal Corporation Act 1852, the Municipal Corporation (Mortgages, &c.) Act 1860, the Local Taxation Returns Act 1860 and the Local Taxation Returns Act 1877.</p> <p>In Schedule 9, Part I except so far as relating to the Liberties Act 1850, the Burial Act 1854, the Burial Act 1857, the Royal Naval Reserve (Volunteer) Act 1859, the Town Gardens Protection Act 1863, the Tramways Act 1870, the Dogs Act 1871, the Explosives Act 1875, the Local Loans Act 1875, the Public Health Act 1875 and the Commons Act 1876.</p>
45 & 46 Vict. c. 72.	The Revenue, Friendly Societies, and National Debt Act 1882.	<p>In section 24, the words from "Forthwith" to "the authority of that Act".</p> <p>Section 26.</p>
47 & 48 Vict. c. 32.	The Royal Military Asylum Chelsea (Transfer) Act 1884.	The whole Act.
50 & 51 Vict. c. 48.	The Allotments Act 1887.	The whole Act.
50 & 51 Vict. c. 55.	The Sheriffs Act 1887.	Section 39(3).
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act 1889.	Section 86.
59 & 60 Vict. c. 45.	The Stannaries Court (Abolition) Act 1896.	Section 2.

SCH.

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 33.	The Church of Scotland (Property and Endow- ments) Act 1925.	Section 19. In Schedule 7, paragraphs (3) to (6).
22 & 23 Geo. 5. c. 25.	The Finance Act 1932.	Section 25(1).
8 & 9 Geo. 6. c. 19.	The Ministry of Fuel and Power Act 1945.	Section 1(3).
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act 1947.	In section 38(3), the proviso.
12, 13 & 14 Geo. 6. c. 79.	The Coal Industry (No. 2) Act 1949.	The whole Act.
14 & 15 Geo. 6. c. 39.	The Common Informers Act 1951.	In the Schedule, the entries relating to the Plate Assay Act 1700 and the Disorderly Houses Act 1751.



National Insurance Act 1966

1966 CHAPTER 6

An Act to make provision for the payment under the National Insurance Act 1965 of earnings-related benefit by way of increases of unemployment benefit, sickness benefit and widow's allowance; to make other amendments of that Act and of the National Insurance (Industrial Injuries) Act 1965; and for connected purposes. [10th March 1966]

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:—

Contributions and benefits under Insurance Act

1.—(1) With a view to enabling the payment under the Insurance Act of the earnings-related benefits provided for by sections 2 and 4 of this Act— Amendments relating to graduated contributions.

- (a) the amount of the graduated contributions payable under that Act in respect of an employed contributor's employment which is not a non-participating employment shall be increased in accordance with subsection (2) of this section;
- (b) graduated contributions shall also become payable under that Act in respect of a non-participating employment, but of the lower amount for which provision is made by the said subsection (2) in relation to such employment; and
- (c) the provisions of that Act specified in Schedule 1 to this Act shall have effect subject to the amendments so specified.

(2) For section 4(1)(c) of the Insurance Act (under which the amount of the graduated contribution payable by an employed person and by his employer is in each case four and a quarter per cent. of the amount, up to nine pounds, by which the employed person's remuneration in any week exceeds nine pounds) there shall be substituted the following:—

“(c) except where the employment is at the time of the payment a non-participating employment, the amount of the graduated contribution payable by each of them shall be the aggregate of—

(i) four and three quarters per cent. of any amount, up to nine pounds, by which that payment exceeds nine pounds (or of the equivalent amount for remuneration not paid weekly); and

(ii) a half per cent. of any amount, up to twelve pounds, by which that payment exceeds eighteen pounds (or of the equivalent amount for remuneration not paid weekly); and

(d) where the employment is at the time of the payment a non-participating employment, the amount of the graduated contribution payable by each of them shall be a half per cent. of any amount, up to twenty-one pounds, by which that payment exceeds nine pounds (or of the equivalent amount for remuneration not paid weekly).”

Benefit under Insurance Act by way of earnings-related supplement.

2.—(1) Benefit under the Insurance Act shall include earnings-related supplement which shall be payable by way of an increase of the weekly rate of unemployment benefit or sickness benefit.

(2) Subject to section 3(1) of this Act and to the provisions of this section, earnings-related supplement shall be payable to a person in respect of any day of unemployment or of incapacity for work falling on or after the appointed day—

(a) in respect of which he is entitled to unemployment benefit or sickness benefit; and

(b) on which he is over the age of eighteen and under pensionable age; and

(c) which forms part of a period of interruption of employment and is not earlier than the thirteenth day of that period.

(3) Where a person has been entitled to earnings-related supplement in respect of an aggregate of one hundred and fifty-six days in (or in what, but for section 21(3)(b) of the Insurance Act, would have been) the same period of interruption of employment, he shall not be entitled thereto in respect of any further day in that period.

(4) Subject to any regulations made by virtue of subsection (8)(b) or (d) of this section, the weekly rate of earnings-related supplement in respect of any day shall be whichever is the less of the following amounts, namely—

(a) an amount equal to one-third of the amount, up to twenty-one pounds, by which the claimant's average weekly earnings for the relevant income tax year exceeded nine pounds; or

(b) the amount, if any, by which the weekly rate of the amount payable to the claimant by way of unemployment benefit or sickness benefit in respect of that day, including any increase of that weekly rate under section 40(1) or 43(1) or (2) of the Insurance Act, falls short of eighty-five per cent. of those average weekly earnings.

(5) For the purposes of subsection (4) of this section—

(a) a person's average weekly earnings for any income tax year shall be taken to be one-fiftieth of his reckonable earnings for that year;

(b) the expression "reckonable earnings", in relation to any person, means, subject to any regulations under section 114(5) of the Insurance Act, that person's remuneration within the meaning of section 4(2) of that Act;

(c) the expression "relevant income tax year", in relation to any such day forming part of a period of interruption of employment as is mentioned in subsection (2) of this section, means, subject to any regulations made by virtue of subsection (8)(e) of this section, the last complete income tax year before the beginning of the earnings-related benefit year in which that period began;

(d) the expression "earnings-related benefit year" means, subject to any regulations made by virtue of subsection (8)(f) of this section, a period beginning with the first Monday in May in any year and ending with the Sunday immediately preceding the first Monday in May in the next following year.

(6) Where a widow who is not entitled to unemployment benefit or sickness benefit in respect of any day—

(a) is, or in such circumstances as may be prescribed by regulations would be, entitled in respect of that day to such other benefit as may be so prescribed, being—

(i) benefit under the Insurance Act or under the Industrial Injuries Act; or

(ii) benefit under any other enactment or instrument in respect of her husband's death in connection

with any hostilities or with service as a member of Her Majesty's forces or of such other organisation as may be specified in the regulations ; and

- (b) would be entitled in respect of that day to unemployment benefit or sickness benefit but for either or both of the following, namely, the operation of section 21 of the Insurance Act or her failure to satisfy the contribution conditions for that benefit,

that widow shall be treated for the purposes of this section as entitled in respect of that day to unemployment benefit or, as the case may be, sickness benefit at a nominal weekly rate.

(7) Where, in the case of a person entitled to earnings-related supplement in respect of any day, a payment by way of unemployment benefit or sickness benefit does not, but a payment by way of injury benefit under section 11 of the Industrial Injuries Act does, fall to be made to that person in respect of that day, the earnings-related supplement may be paid with the injury benefit ; and a person to whom earnings-related supplement in respect of any day has been paid in accordance with this subsection shall not by reason of that payment be treated for the purposes of section 21(2)(b) of the Insurance Act as having been entitled to sickness benefit in respect of that day.

(8) Regulations may—

- (a) provide for treating a person for the purposes of this section as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim or give a notice, so, however, that he shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to cause a new period of interruption of employment to begin for the purposes of earnings-related supplement ;
- (b) vary the provisions of subsection (4)(b) of this section for the purposes of the application of this section to any particular case or class of case ;
- (c) vary the conditions for the payment of earnings-related supplement in respect of any day to a widow where that widow is, or in the circumstances prescribed under subsection (6)(a) of this section would be, entitled in respect of that day to any other benefit so prescribed ;
- (d) make provision for calculating the amounts payable by way of earnings-related supplement under this section or of widow's supplementary allowance under section 4(1) of this Act according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or otherwise facilitate computation ;

- (e) provide that the relevant income tax year for the purposes of earnings-related supplement shall be such other income tax year than that specified in subsection (5)(c) of this section as may be prescribed by the regulations ;
- (f) provide that the earnings-related benefit year shall, instead of being the period specified in subsection (5)(d) of this section, be such other period of fifty-two or fifty-three contribution weeks as may be prescribed by the regulations ;
- (g) require employers to maintain such records of the reckonable earnings within the meaning of subsection (5)(b) of this section of persons employed by them as may be prescribed by the regulations, and to retain those records for such period as may be so prescribed ;

and any records maintained under regulations made by virtue of paragraph (g) of this subsection shall be included among the documents which may be required to be produced for inspection under section 90(3) of the Insurance Act.

(9) Any question arising under this section or section 4 of this Act with respect to any person's reckonable earnings within the meaning of subsection (5)(b) of this section shall be determined in accordance with Part IV of the Insurance Act in like manner as if it were a question such as is mentioned in section 64(1)(a) to (c) of that Act ; and sections 73(1) and (2) and 97 of that Act shall have effect accordingly.

3.—(1) For the purpose of earnings-related supplement under section 2 of this Act and, as from the expiration of the period of three years beginning with the date of the passing of this Act, for the purpose of any provision of the Insurance Act relating to unemployment benefit or to a day or period of interruption of employment, section 20 of that Act shall have effect as if—

Amendments
as to
unemployment
benefit and
sickness
benefit.

- (a) for paragraph (b) of subsection (1) there were substituted the following :—

“(b) where an employed contributor's employment has not been terminated but a person's employment therein has been suspended by the employer, a day shall not be treated in relation to that person as a day of unemployment unless it is the seventh or a later day in a continuous period of days on which that suspension has lasted, there being disregarded for the purpose of determining the first six days of that period, but for no other purpose—

- (i) Sunday or such other day in each week as may have been prescribed under paragraph (e) of this subsection ; and

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- (ii) any day of recognised or customary holiday in connection with that employment; and
- (iii) such other day or days, if any, as may be prescribed";

(b) for paragraph (b) of subsection (2) there were substituted the following:—

“(b) prescribe respective circumstances in which, for the purposes of subsection (1)(b) of this section—

- (i) an employed contributor’s employment may be treated as having been, or as the case may be as not having been, terminated; or
- (ii) a person’s employment in an employed contributor’s employment may be treated as having been, or as the case may be as not having been, suspended”.

(2) In subsection (1) of section 21 of the Insurance Act (which requires a person to requalify for unemployment benefit after he has been entitled to such benefit for one hundred and eighty days or, in a case falling within the proviso to that subsection, such greater number of days as may be allowed by regulations), for the words “one hundred and eighty” there shall be substituted the words “three hundred and twelve”; and the proviso to that subsection shall cease to have effect and accordingly the following provisions of regulations made by virtue thereof are hereby revoked, namely—

- S.I. 1953/848. (a) the National Insurance (Additional Days of Unemployment Benefit) Regulations 1953;
- S.I. 1956/2108,
S.I. 1948/1470. (b) in the regulation 8A inserted by regulation 3 of the National Insurance (Married Women) Amendment Regulations 1956 in the National Insurance (Married Women) Regulations 1948, paragraph (1)(c) and, in paragraph (11), the words “or sub-paragraph (c)” in both places where they occur and the words “as the case may be”;
- S.I. 1960/1210. (c) in the Schedule to the National Insurance (Graduated Contributions and Non-participating Employments—Miscellaneous Provisions) Regulations 1960, the entry relating to the said regulations of 1953.

(3) Section 19(7) of the Insurance Act (which provides that a woman who has been confined and is, or would if she made the necessary claim be, entitled to a maternity grant in respect of that confinement shall not be entitled to unemployment benefit or sickness benefit in respect of any day falling within the period of four weeks beginning with the date of the confinement) shall cease to have effect except in relation to a case where the date of the confinement was before the appointed day.

4.—(1) Widow's benefit under the Insurance Act shall include widow's supplementary allowance, which shall be payable by way of an earnings-related increase of the weekly rate of widow's allowance under section 26 of that Act where—

Earnings-related and other widow's benefit under Insurance Act.

- (a) the widow's allowance is payable in respect of a husband who died on or after the appointed day and who at the date of his death was not entitled to a retirement pension ; and
- (b) that husband's average weekly earnings for the appropriate income tax year exceeded nine pounds ;

and, subject to any regulations made by virtue of section 2(8)(d) of this Act, the weekly rate of widow's supplementary allowance shall be an amount equal to one-third of the amount, up to twenty-one pounds, of the excess referred to in paragraph (b) of this subsection.

(2) For the purposes of subsection (1) of this section—

- (a) subject to paragraph (b) of this subsection, the expression "the appropriate income tax year" means the last complete income tax year before the beginning of the earnings-related benefit year in which the widow's husband died ;
- (b) regulations may provide that, where the husband was, or in the prescribed circumstances would have been, entitled to earnings-related supplement under section 2 of this Act at any time during the earnings-related benefit year in which he died, the appropriate income tax year shall be such other income tax year as may be prescribed, being a year which was a relevant income tax year for the purposes of that entitlement ;
- (c) without prejudice to the application of subsections (8)(d) and (9) of the said section 2, subsection (5) of that section, except paragraph (c) thereof, shall apply as it applies for the purposes of subsection (4) of that section.

(3) In section 26(2) of the Insurance Act (which provides that the period for which widow's allowance is payable to a widow shall be the thirteen weeks next following the husband's death), except in its application to a case where the husband died more than thirteen weeks before the appointed day, for the words "thirteen weeks" there shall be substituted the words "twenty-six weeks".

(4) For the removal of doubt, in relation to a widow ceasing while entitled to widow's allowance to be eligible for a widowed mother's allowance, section 28(3) of the Insurance Act (which relates to widow's pension) shall have effect (and together with the enactments re-enacted thereby shall be deemed always to have

had effect) as if any reference to a widow ceasing to be entitled to a widowed mother's allowance or to the marriage in respect of which that allowance is or was payable included references respectively to a widow ceasing as aforesaid to be eligible for such an allowance and to the marriage in respect of which the widow's allowance is or was payable.

Benefit payable out of Industrial Injuries Fund

Amendments
as to
benefit under
Industrial
Injuries Act.

5.—(1) The following provisions of the Industrial Injuries Act shall cease to have effect, namely—

- (a) the proviso to section 11(1) (which provides that, subject to section 29(1)(b) of that Act, which enables days of incapacity as the result of either or any of two or more accidents happening at intervals not greater than thirteen weeks to be taken into account in the case of any other of them, an insured person shall not be entitled to injury benefit in respect of the first three days during the injury benefit period on which, as the result of the relevant injury, he is incapable of work unless as a result of the relevant injury he is incapable of work during that period on not less than twelve days);
- (b) section 11(2) (which provides that, in determining whether the insured person is incapable of work on the day of the accident, any part of that day before the happening of the accident shall be disregarded); and
- (c) the said section 29(1)(b);

and subsections (2) and (3) of this section shall have effect in lieu thereof.

(2) An insured person shall not be entitled to injury benefit under the said section 11 in respect of any day during the injury benefit period—

- (a) unless that day forms part of a period of interruption of employment; or
- (b) where that day is one of the first three days of a period of interruption of employment, unless, within the period of thirteen weeks beginning with the first day of that period of interruption of employment, he has in addition to those three days a further nine days of interruption of employment forming part of the same period of interruption of employment.

(3) The provisions of subsection (1)(a) to (e) of section 20 of the Insurance Act (which relate to the determination of days and periods of interruption of employment), and any

regulations made under those provisions or under subsection (2) of the said section 20, shall have effect for the purposes of injury benefit under the Industrial Injuries Act as they have effect for the purposes of unemployment benefit or sickness benefit under the Insurance Act.

(4) Unless, or except to the extent that, regulations otherwise provide, no sum shall be paid to any person on account of injury benefit in respect of any day more than six months earlier than the date on which the claim for the benefit is made.

(5) In section 19(4) of the Industrial Injuries Act (which enables regulations to provide a higher rate of death benefit for a widow for any prescribed period ending not later than thirteen weeks after the deceased's death), except in its application to a case when the husband died more than thirteen weeks before the appointed day, for the words "thirteen weeks" there shall be substituted the words "twenty-six weeks".

6.—(1) Where a disablement pension is payable to any person under section 12(5) of the Industrial Injuries Act, and—

(a) that person is, or but for the proviso to section 15(2) of that Act would be, entitled to an increase of the weekly rate of that pension under the said section 15 by way of constant attendance allowance, and the weekly rate of that increase exceeds the amount specified in paragraph 6(a) of Schedule 3 to that Act; and

(b) his need for constant attendance of an extent and nature qualifying him for such an increase at a weekly rate in excess of the amount so specified is likely to be permanent,

the weekly rate of the pension shall, in addition to any increase thereof under the said section 15, be further increased by three pounds.

(2) An increase under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

(3) Any question whether an increase under this section is to be granted or renewed and, if so, for what period shall be a special question within the meaning of the Industrial Injuries Act and shall be determined by the Minister in like manner, subject to the like power of the Minister to review his decision, as if it were a question such as is mentioned in section 35(1)(f) of that Act.

(4) The following references, that is to say—

(a) in sections 29(2) and 30(a) of the Industrial Injuries Act (which relate to the treatment of certain increases of benefit for the purposes respectively of adjustments

- for successive accidents and overlapping benefits), the references to an increase under section 15 of that Act ;
- (b) in subsection (2)(b) of section 81 of that Act (which enables regulations to provide for payments corresponding to constant attendance allowance to be made to persons to whom that section applies), the reference to payment under that Act in respect of the need of constant attendance ;
 - (c) in subsection (2)(c) of the said section 81, the reference to an increase of a disablement pension in respect of the need of constant attendance ; and
 - (d) in section 3(2)(b) of the Pneumoconiosis and Byssinosis Benefit Act 1951 (which enables a scheme under that Act to provide for an increase of benefit thereunder corresponding to constant attendance allowance), the reference to an increase under the said section 15,

shall in each case include a reference to an increase under this section.

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Assessment of
disablement.

7.—(1) Any regulations made under paragraph 1(d) or 2 of Schedule 4 to the Industrial Injuries Act with respect to the assessment of the extent of disablement may include provision for adjusting or reviewing any such assessment made before the date of the coming into force of those regulations and for any resulting alteration of that assessment to have effect as from that date, so, however, that no assessment shall be reduced by virtue of this subsection.

(2) For the purpose of determining whether a person is entitled—

- (a) to an increase by way of constant attendance allowance under section 15 of the Industrial Injuries Act of a disablement pension payable to that person under that Act ; or
- (b) to a corresponding increase by virtue of section 81(2)(b) of that Act or section 3(2)(b) of the Pneumoconiosis and Byssinosis Benefit Act 1951 of any other benefit, regulations under the Industrial Injuries Act may make provision for the extent of that person's disablement resulting from the relevant injury or disease to be determined in such manner as may be provided for by the regulations by reference to all disabilities to which that person is subject which result either from the relevant injury or disease or from any other injury or disease in respect of which payments fall to be made to that person of any of the following descriptions, that is to say—
 - (i) payments by way of disablement pension under the Industrial Injuries Act ;

- (ii) payments such as are referred to in section 81(1) of that Act ;
- (iii) payments by way of benefit under the Industrial Diseases (Benefit) Acts 1951 and 1954 ;
- (iv) payments in such circumstances as may be prescribed by regulations by way of such other benefit (being benefit in connection with any hostilities or with service as a member of Her Majesty's forces or of such other organisation as may be specified in the regulations) as may be so prescribed.

Determination of claims and questions

8.—(1) For the purposes of the determination of claims and questions under the Industrial Injuries Act—

Amendments
as to
determination
of claims and
questions.

- (a) any claim for benefit under that Act and any question arising in connection with a claim for or award of such benefit, other than a special question within the meaning of that Act, shall, subject to sections 47(2) and 48 of that Act and to the provisions of Schedule 2 to this Act, be determined in accordance with the provisions of sections 68 to 76 of the Insurance Act in like manner as a claim for benefit under the Insurance Act or, as the case may be, as a question to which section 67(1) of the Insurance Act applies ;
- (b) the functions under Part III of the Industrial Injuries Act hitherto exercisable by insurance officers for the purposes of that Act, local appeal tribunals constituted under section 51 of that Act or the Industrial Injuries Commissioner shall become functions respectively of insurance officers for the purposes of the Insurance Act, of local tribunals constituted under section 77 of the Insurance Act or of a Commissioner appointed under section 9 of this Act ;

and accordingly—

- (i) subject to section 9(4) of this Act, any reference in the provisions of the said Part III so far as not repealed by this Act to an insurance officer or local tribunal or the Commissioner shall be construed in accordance with paragraph (b) of this subsection ;
- (ii) the references in sections 48(2) and 57(2) of the Industrial Injuries Act to the said Part III shall be construed as including references to Part IV of the Insurance Act ;
- (iii) in section 48(4) of the Industrial Injuries Act, for the reference to the said Part III there shall be substituted a reference to the said Part IV ; and

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(iv) section 50 of the Industrial Injuries Act shall cease to apply in relation to section 48 thereof.

(2) Where any question under the Insurance Act or the Industrial Injuries Act (not being a question to which section 64(1) or 74(1) of the Insurance Act applies and not being a special question within the meaning of the Industrial Injuries Act) first arises in the course of an appeal to a local tribunal constituted under the Insurance Act or a Commissioner appointed under section 9 of this Act, the tribunal or Commissioner may, if they or he think fit, proceed to determine that question notwithstanding that it has not been considered by an insurance officer.

(3) Regulations under section 75(2) of the Insurance Act may include provision—

- (a) that in such cases as may be prescribed one or more medical practitioners shall sit with a local tribunal either as additional members or as assessors and for the appointment by the Minister of medical practitioners to act for this purpose either generally or for such cases or for such tribunals as the Minister may determine ;
- (b) for extending and defining the functions of assessors for the purposes of Part IV of that Act ;
- (c) for empowering the Minister, a local tribunal or an insurance officer to refer to a medical practitioner for examination and report any question arising for his or their decision.

National
Insurance
Commis-
sioners.

9.—(1) For the purposes of Part IV of the Insurance Act and Part III of the Industrial Injuries Act, Her Majesty may from time to time appoint, from among persons who are barristers or advocates of not less than ten years' standing, a Chief National Insurance Commissioner and such number of other National Insurance Commissioners as Her Majesty may think fit.

(2) The persons serving immediately before the appointed day as the National Insurance Commissioner or as deputy Commissioners for the purposes of the Insurance Act shall be deemed to have been appointed on that day as respectively the Chief National Insurance Commissioner or National Insurance Commissioners under this section ; and, subject to subsection (4) of this section, and unless the context otherwise requires, any reference in the Insurance Act to the National Insurance Commissioner shall be construed as a reference to a Commissioner appointed under this section.

(3) If it appears to the Chief National Insurance Commissioner (or, in the case of his inability to act, to such other of the National Insurance Commissioners as the Chief National Insurance Commissioner may have nominated to act for the

purpose) that any appeal falling to be heard by one of those Commissioners involves a question of law of special difficulty, he may direct that the appeal shall be dealt with, not by that Commissioner alone, but by a tribunal consisting of any three of those Commissioners, and if the decision of any such tribunal is not unanimous, the decision of the majority shall be the decision of the tribunal.

(4) Unless the context otherwise requires any reference in the Insurance Act or the Industrial Injuries Act to, or falling to be construed as a reference to, a Commissioner appointed under this section shall include a reference to any tribunal constituted under subsection (3) of this section.

Miscellaneous

10.—(1) As respects any period during which, under regulations made by virtue of section 15(1) of the Insurance Act, graduated contributions under that Act fall to be paid in like manner as income tax, a certificate of a collector of taxes that any amount of graduated contributions which an employer is liable to pay to that collector for any period has not been paid to him, or, to the best of his knowledge and belief, to any other person to whom it might lawfully be paid, shall, until the contrary is proved, be sufficient evidence in any proceedings before any court that the sum mentioned in the certificate is unpaid and due; and any document purporting to be such a certificate as aforesaid shall be deemed to be such a certificate until the contrary is proved. Provisions as to evidence.

(2) A statutory declaration by an officer of the Minister that the searches specified in the declaration for a particular insurance card or for a record of the payment of a particular contribution have been made and that the card in question or a record of the payment of the contribution in question has not been found shall be admissible in any proceedings for an offence as evidence of the facts stated in the declaration.

(3) Nothing in subsection (2) of this section shall be deemed to make a statutory declaration admissible as evidence in proceedings for an offence except in a case where, and to the extent to which, oral evidence to the like effect would have been admissible in those proceedings.

(4) Nothing in subsections (2) and (3) of this section shall be deemed to make a statutory declaration admissible as evidence in proceedings for an offence—

- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served on the person charged with the offence in any manner in which a summons or, in Scotland, a citation in a summary prosecution may be served; or

(b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, gives notice to the prosecutor requiring the attendance at the trial of the person by whom the declaration was made.

(5) Regulations under section 75(2) of the Insurance Act or section 50(2) of the Industrial Injuries Act may include provision for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of the determination of, or of any question arising on, any claim if, in the opinion of the prescribed authority, being the person or tribunal, or the chairman of the tribunal, by whom that determination falls to be made, disclosure of those particulars to that person would be undesirable in the interests of that person.

(6) In section 95(4)(a) of the Insurance Act and in section 69(4)(a) of the Industrial Injuries Act, the expression "prescribed" shall mean, and be taken as always having meant, prescribed by rules made under section 15 of the Justices of the Peace Act 1949.

1949 c. 101.

Miscellaneous
amendments
and
corrections.

11.—(1) Regulations may make provision—

- (a) for permitting in such circumstances as may be prescribed a claim for sickness benefit under the Insurance Act or injury benefit under the Industrial Injuries Act to be made, or to be treated as if made, for a period falling partly after the date of the claim ;
- (b) for permitting an award on any such claim so made or treated as so made to be made for a period after the date of the claim of not more than thirteen weeks (or such shorter period as the Minister may in any particular case direct) subject to the condition that the claimant continues during that period to satisfy the requirements for payment of the benefit in question ;
- (c) for the review of any such award if the said requirements are found not to have been satisfied at some time during the period of the award ;
- (d) for the disallowance of a person's claim for unemployment benefit or sickness benefit under the Insurance Act on any grounds to be treated as a disallowance of any further claim by that person for that benefit until the grounds for the original disallowance have ceased to exist ;
- (e) for treating benefit under the Insurance Act or the Industrial Injuries Act paid to one person in respect of another as being a child of the family, or the wife or

husband, or an adult dependant, of the first-mentioned person as having been properly paid for any period for which it is not in fact payable in cases where under a subsequent decision either—

- (i) that other person is himself entitled to benefit under either of those Acts for that period ; or
- (ii) a third person is entitled to benefit under either of those Acts for that period in respect of that other person in priority to the first-mentioned person, and for reducing or withholding accordingly any arrears payable for that period by virtue of the subsequent decision.

(2) For the purposes of, and of any regulations under, paragraph 17 of Schedule 11 to the Insurance Act (which provides for the application of that Act to contributors and beneficiaries under certain enactments repealed by that Act), section 12(7) of the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act 1937 (which precludes contributions in respect of a voluntary contributor under certain of those enactments from being paid after the contributor's death) shall be deemed not to have been passed. 1937 c.39.

(3) The following corrections shall be made, namely—

- (a) in section 58 of the Insurance Act, for the word “ subsection ” in both places where it occurs there shall be substituted the word “ section ” ;
- (b) in section 18(2) of the Industrial Injuries Act, for the word “ other ” there shall be substituted the word “ similar ”.

(4) The regulations specified in Schedule 12 to the Insurance Act (being regulations the effect of which is reproduced by the provisions of that Act specified in section 116(1) thereof) shall be treated as having been duly made ; and accordingly subsection (2) of the said section 116 (which provides that any question as to the validity of the said provisions may be determined as though they were contained in regulations made under the powers under which the regulations they reproduce were respectively made) shall cease to have effect.

General

12.—(1) Subject to the provision made by section 85 of the Financial Insurance Act for reimbursement out of the National Insurance provisions, Fund or by section 61 of the Industrial Injuries Act for reimbursement out of the Industrial Injuries Fund, there shall be paid out of moneys provided by Parliament any increase attributable to this Act in the expenses of the Minister or any other

government department which are so payable under either of those sections.

(2) The amount of any payments under section 80 of the Insurance Act (which relates to the remuneration and expenses of the National Insurance Commissioner and other persons) so far as estimated by the Minister to be attributable to the operation of section 8(1) of this Act, and any other expenses attributable to the said section 8(1), shall be included among the amounts to be treated as expenses incurred as mentioned in section 61(1) of the Industrial Injuries Act and shall be left out of account for the purposes of subsections (1) and (4) of section 85 of the Insurance Act; and accordingly references to section 8(1) of this Act shall be substituted for the references to section 36 of the Industrial Injuries Act in subsections (1)(b) and (3)(c) of the said section 61 and in subsection (6)(b) of the said section 85.

(3) Where, under any enactment or otherwise, payments fall to be made—

(a) out of the National Insurance Fund or the Industrial Injuries Fund either to the Treasury or into the Exchequer; or

(b) into either of those Funds out of moneys provided by Parliament,

being payments by way of adjustments in respect of expenses falling to be met respectively out of the Fund in question and out of moneys provided by Parliament, then, in such cases or classes of case as may be specified by the Minister by order made with the consent of the Treasury, the amount of the payments due shall be taken to be such, and payments on account thereof shall be made at such times and in such manner, as may be determined by the Minister in accordance with any directions given by the Treasury.

Repeals,
savings and
consequential
amendments.

13.—(1) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent so specified; but nothing in that Schedule shall affect any rights of any person, or any liability of the Industrial Injuries Fund, in respect of service before the day appointed for the purposes of section 9 of this Act as a Commissioner or deputy Commissioner appointed under the Insurance Act or the Industrial Injuries Act, and any decision given by any Commissioner or deputy Commissioner appointed under either of those Acts shall be treated after the day aforesaid as a decision given by a Commissioner appointed under the said section 9.

1957 c. 20.

(2) The House of Commons Disqualification Act 1957 shall have effect subject to the following amendment, being an amendment of that Act in its application both to the House of Commons

of the Parliament of the United Kingdom and to the Senate and House of Commons of Northern Ireland, that is to say, in Part I of Schedule 1, for the entries beginning respectively "Industrial Injuries" and "National Insurance Commissioner or" there shall be substituted the following entry:—

"Chief or other National Insurance Commissioner."

(3) In the Tribunals and Inquiries Act 1958, in Part I of Schedule 1, for the entries containing paragraphs 11 and 12 there shall be substituted the following entry:—

"National Insurance, 11. (a) Local tribunals constituted under etc.

section 77 of the National Insurance Act 1965 or constituted under regulations made under section 73(1) of that Act;

(b) medical appeal tribunals constituted for the purposes of the National Insurance (Industrial Injuries) Act 1965;

(c) any Commissioner appointed under section 9 of the National Insurance Act 1966, and any tribunal presided over by such a Commissioner."

14.—(1) This Act may be cited as the National Insurance Act 1966. Citation, interpretation, commencement, transitional provisions and extent.

(2) This Act—

(a) so far as it relates to the subject matter of the Insurance Act, shall be construed as one with that Act and may be cited together with that Act as the National Insurance Acts 1965 and 1966;

(b) so far as it relates to the subject matter of the Industrial Injuries Act, shall be construed as one with that Act and may be cited together with that Act as the National Insurance (Industrial Injuries) Acts 1965 and 1966.

(3) In this Act—

(a) the expression "the Insurance Act" means the National Insurance Act 1965;

(b) the expression "the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act 1965;

(c) the expression "the appointed day" in any provision means, in relation to any case or class of case falling within that provision, the day appointed under subsection (4) of this section for the purposes of that

provision, or for the purposes of that provision in its application to that case or class of case, as may be appropriate.

(4) This Act shall come into force on such day as the Minister may by order appoint ; and any such order—

- (a) may appoint different days for different purposes of this Act or for the same purpose in relation to different cases or classes of case ;
- (b) if a day is appointed thereby for some only of the purposes of this Act or in relation only to some cases or classes of case, may contain such incidental or supplemental provisions as appear to the Minister to be necessary or expedient as respects the period or any part of the period when 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, the Insurance Act or the Industrial Injuries Act ;
- (c) may be varied or revoked by a subsequent order under this subsection.

(5) Without prejudice to subsection (4)(b) of this section, regulations may make such transitional provision as appears to the Minister to be necessary or expedient in consequence of any of the provisions of this Act, and any such regulations may for that purpose modify any of the provisions of this Act, the Insurance Act or the Industrial Injuries Act.

(6) Section 108 of the Insurance Act (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 is laid before Parliament) and section 62(2) of the Industrial Injuries Act (which requires any proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice) 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 ; and section 107(4) of the Insurance Act (which provides for orders of the Minister to be subject to annulment in pursuance of a resolution of either House of Parliament) shall not apply to any statutory instrument containing an order under subsection (4) of this section, but any such statutory instrument shall be laid before Parliament after being made.

(7) Without prejudice to the operation in relation to Northern Ireland of any such provision of the Insurance Act as is referred to in section 118(2) thereof and of sections 83(5) and 87 of the Industrial Injuries Act, this Act, except section 13(2) and (3) thereof, shall not extend to Northern Ireland.

SCHEDULES

Section 1(1).

SCHEDULE 1

AMENDMENTS OF INSURANCE ACT CONNECTED WITH S. 1 OF THIS ACT

1. The provisions of the Insurance Act hereafter specified in this Schedule shall have effect subject to the amendments so specified, being amendments connected with the provisions of section 1 of this Act.

2. Where payments are made to a person on account of remuneration in two or more employments under the same employer which include both an employment which is, and an employment which is not, at the time of the payment in respect thereof a non-participating employment, then, for the purposes of section 4(3)(a) (which requires the aggregated amount of those payments to be treated as a single payment of remuneration in one employment) regulations may prescribe respective circumstances in which that one employment is to be taken to be an employment which is, or as the case may be is not, at the time of the payment a non-participating employment.

3. Without prejudice to the provisions of section 4(5) as to the disregarding of payments of remuneration, where—

(a) a payment on account of a person's remuneration in one employment is made at a time when he is employed in another employment under the same employer; or

(b) a payment on account of a person's remuneration in one employment is made at a time when that employment and another employment under the same employer have both come to an end,

and in either case one of the employments in question is, and the other is not, at the time of the payment a non-participating employment, regulations may prescribe respective circumstances in which the payment is to be treated for the purpose of graduated contributions as a payment on account of remuneration in an employment which is, or as the case may be is not, at the time of the payment a non-participating employment.

4. For section 5(1)(b) (which provides that, beginning with 6th April in each of the years 1970, 1975 and 1980, an addition of a quarter per cent, shall be made to the rate at which graduated contributions are calculated), there shall be substituted the following:—

“(b) beginning with 6th April, an addition of a quarter per cent. shall be made to the rate per cent. applicable for the purposes of section 4(1)(c)(i) of this Act”.

5. In section 36(2) (which relates to the determination of the units of graduated contributions for the purpose of graduated retirement benefit)—

(a) in paragraph (a), for the words “contributions calculated at the rate of four and a quarter per cent. specified in section 4(1)(c) of this Act” there shall be substituted the words “contributions calculated in accordance with section 4(1) before any amendment thereof under section 5(1)(b) of this Act”; and

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

SCH. 1

“(b) in the case of contributions calculated in accordance with the said section 4(1) after any such amendment thereof, the units shall be of such amounts as may be specified for men and women respectively by order of the Minister, being amounts which maintain the same proportions as under paragraph (a) of this subsection between the percentage applicable for the purposes of paragraph (c)(i) of the said section 4(1) in calculating contributions to which that paragraph applies and the amount of the unit, except for adjusting the amount of a unit to the nearest shilling above, or to the nearest shilling below, the proportionate amount.”

6. In relation to the income tax year in which the day appointed for the purposes of section 1 of this Act falls and any subsequent income tax year, section 56(3) (which relates to the determination of any question as to the amount, if any, by which the graduated contributions paid by certain persons in respect of remuneration paid in any income tax year exceeded the amount prescribed under section 4(4)) shall have effect in relation to any insured person only on an application for the purpose made by that person in such manner and within such period as may be prescribed, and shall so have effect as if—

- (a) after the words “contributor’s employment” there were inserted the words “whether or not a non-participating employment”;
- (b) for the words “a graduated contribution in respect of a weekly payment of remuneration of eighteen pounds made on that day” there were substituted the words “a graduated contribution of such amount as may be prescribed”; and
- (c) the proviso were omitted.

7. In section 56(4) (which makes provision for the purpose of determining liability to graduated contributions as to the circumstances in which an employment in which a person was but is no longer employed is to be deemed to be a non-participating employment), after the words “liability to” there shall be inserted the words “or the rate of”.

8. Section 58 shall have effect—

- (a) in relation to any contribution week beginning on or after the day appointed for the purposes of section 1 of this Act, as if—
 - (i) in paragraph (a), after the words “graduated contributions” in the second place where those words occur, there were inserted the words “payable, subject to any regulations under section 4(7)(a) of this Act, at a rate of a half less per cent. than the rate per cent. applicable for the purposes of section 4(1)(c)(i) of this Act”; and
 - (ii) in paragraph (b), after the words “the contributions” there were inserted the words “(other than graduated contributions)”; and

SCH. 1

(iii) after the words "having paid" there were inserted the words "in respect of the employment in question in addition to any graduated contributions paid by him in respect of that employment under section 4(1)(d) of this Act";

- (b) in relation to the income tax year in which the day appointed as aforesaid falls and any subsequent income tax year, as if after the words "purposes of this Act" there were inserted the words "(other than section 4(4) thereof)".

9. In section 99(3)(c) (which provides that regulations may make provision for reducing the rate of contributions as an employed person and as employer in the case of persons who are employed persons in respect of their membership of Her Majesty's forces and for determining the deductions on account of contributions from the pay of such persons)—

- (a) after the words "to those contributions" there shall be inserted the words "or, in the case of graduated contributions in respect of a non-participating employment, for excusing payment of those contributions"; and
- (b) after the word "deductions" there shall be inserted the words "if any".

10. In paragraph 16 of Schedule 11—

- (a) in sub-paragraph (b), for the words "mentioned in section 4(1)(c)" there shall be substituted the words "applicable for the purposes of section 4(1)(c)(i)";
- (b) in sub-paragraph (c), for the words "the said percentage or the sums of money mentioned in the said section 4(1)(c), or of any change" there shall be substituted the words "any of the percentages or sums of money mentioned in section 4(1) of this Act, or".

Section 8(1).

SCHEDULE 2

MODIFICATIONS OF PART IV OF INSURANCE ACT IN APPLICATION TO CLAIMS AND QUESTIONS UNDER INDUSTRIAL INJURIES ACT

1. The provisions of the Insurance Act hereafter specified in this Schedule shall have effect for the purposes of the application of those provisions to the determination of claims and questions under the Industrial Injuries Act subject to the modifications so specified, being modifications re-enacting the effect of certain provisions of Part III of the Industrial Injuries Act repealed by this Act.

2. Any reference in section 68, 69 or 70 to a claimant shall be construed as a reference to a claimant or beneficiary within the meaning of the Industrial Injuries Act.

3. For the purposes of the application of section 69—

- (a) where the insurance officer has decided any claim or question under the Industrial Injuries Act in favour of the claimant or a beneficiary and any other person's right to benefit under that Act is or may be, under Schedule 5 to that Act,

affected by that decision, that other person shall have the like right of appeal to a local tribunal as the claimant or beneficiary would have had if the claim or question had been decided adversely to him ;

- (b) the reference in the proviso to subsection (1) to any question to which section 64(1) of the Insurance Act applies shall be construed as a reference to any special question within the meaning of the Industrial Injuries Act.

4. An appeal under section 70 shall lie at the instance of—

- (a) a person whose right to benefit under the Industrial Injuries Act is or may be, under Schedule 5 to that Act, affected by the decision appealed against ; or
- (b) an association of employed persons of which the claimant or beneficiary or, in a case relating to death benefit, the deceased was a member at the time of the relevant accident,

as well as at the instance of the persons referred to in subsection (1) of that section.

5. Section 71(1) shall apply as if—

- (a) for the reference to any question to which section 64(1) of the Insurance Act applies there were substituted a reference to any special question within the meaning of the Industrial Injuries Act ; and

- (b) for paragraph (a) there were substituted the following:—

“(a) subject to and in accordance with regulations under the Industrial Injuries Act, refer the special question for determination as required by Part III of that Act ; and”.

6. Section 72(1)(c) shall have effect as if—

- (a) for the reference to any question to which section 64(1) of the Insurance Act applies there were substituted a reference to any special question within the meaning of the Industrial Injuries Act ; and

- (b) for the reference to section 66 of the Insurance Act there were substituted a reference to Part III of the Industrial Injuries Act.

7. Section 72 shall apply to a decision under section 48 of the Industrial Injuries Act that an accident was an industrial accident as it applies to a decision under sections 67 to 70 of the Insurance Act if, but only if, the insurance officer or local tribunal, as the case may be, is or are satisfied by fresh evidence that the decision under the said section 48 was given in consequence of any wilful non-disclosure or misrepresentation of a material fact, but shall not apply to a decision under the said section 48 that an accident was not an industrial accident ; and subject to the foregoing provisions of this paragraph any decision under the said section 48 shall be final.

Section 13(1).

SCHEDULE 3

ENACTMENTS REPEALED

Repeals consequential on s. 1

1. In the Insurance Act—

- (a) in section 4(1), the words “and is not at the time of the payment a non-participating employment”;
- (b) in section 56(1)(a), the words from “retirement benefits” to “referred to as”;
- (c) in section 114(1), in the definition of “equivalent pension benefits”, the words “56(1)(a) and”.

Repeal consequential on s. 3(2)

2. In the Insurance Act, the proviso to section 21(1).

Repeal consequential on s. 3(3)

3. In the Insurance Act, except as mentioned in section 3(3) of this Act, section 19(7).

Repeals consequential on s. 5

4. In the Industrial Injuries Act—

- (a) the proviso to section 11(1);
- (b) section 11(2);
- (c) section 29(1)(b).

Repeals consequential on s. 8

5. In the Industrial Injuries Act—

- (a) section 36;
- (b) in section 39, in subsection (1) the words “in accordance with section 47 of this Act”, and in subsection (2) the words “under the said section 47”;
- (c) in sections 42(1), 48(3), 50(4) and 50(6), the words “Industrial Injuries”;
- (d) sections 43, 44, 45 and 46 and section 47(1), (3) and (4);
- (e) in section 48(3) the word “appeal” wherever it appears in the expression “local appeal tribunal”;
- (f) section 49;
- (g) in section 50—
 - (i) in subsection (2)(a) the words “and insurance officers”;
 - (ii) subsection (2)(d);
 - (iii) in subsection (2)(g), the words “or an insurance officer”;
 - (iv) in subsection (4), the words “a local appeal tribunal or” and the words “tribunal or”;
 - (v) in subsection (6), the words “a local appeal tribunal”;
- (h) sections 51 and 52;

- (i) in section 53, subsections (1), (2)(a) and (2)(b)(i), in subsection (2)(b)(ii) the words "local appeal tribunals", and subsection (2)(b)(iii);
- (j) in section 54, in subsections (3) and (6)(b) the words "under this Part of this Act", and in subsection (7) the words "under this Act" wherever they occur;
- (k) in section 61(1)(d), the figures "36, 52(5)";
- (l) in section 61(3)(b), the words "in respect of a person's service as Industrial Injuries Commissioner or deputy Commissioner under this Act or";
- (m) in section 61(3)(c), the words "or deputy Commissioner under that Act";
- (n) in section 86(1), in the definition of "special question", the figures "36".

6. In the Insurance Act—

- (a) in section 76(3)(b), the words "of this Act";
- (b) in section 76(3)(d), the words "under this Act";
- (c) in section 108(9)(d)(i) the words "or 36".

Repeals consequential on s. 9

7. In the Insurance Act—

- (a) section 70(3);
- (b) in section 73(2)(c) the words "or a deputy Commissioner appointed under section 78 of this Act";
- (c) section 78;
- (d) in section 79(1), the words "or any deputy Commissioner appointed under section 78 of this Act";
- (e) in section 79(2), in paragraph (a), the words "or deputy Commissioner", paragraph (b), and in paragraph (c) the words "or as deputy Commissioner";
- (f) in section 79(4), the words "or deputy Commissioner" in both places where they occur;
- (g) in section 80(1), the words "and any deputy Commissioner appointed under this Act", the words "a deputy Commissioner" where first occurring, and the words "or a deputy Commissioner";
- (h) in section 80(2)(c), the words "or a deputy Commissioner";
- (i) in section 85(5)(a), the words "or deputy Commissioner under this Act".

Repeals consequential on s. 11(4)

8. In the Insurance Act, section 116 and Schedule 12.

Repeal consequential on Schedule 1, para. 6

9. In the Insurance Act, except in relation to an income tax year before that in which the day appointed for the purposes of section 1 of this Act falls, the proviso to section 56(3).



Local Government (Pecuniary Interests) (Scotland) Act 1966

1966 CHAPTER 7

An Act to amend sections 73 and 102 of the Local Government (Scotland) Act 1947. [10th March 1966]

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:—

**Pecuniary
interests of
members.**
1947 c. 43.

1.—(1) For the purposes of section 73 of the Local Government (Scotland) Act 1947 (duty of members of authorities to disclose pecuniary interests and abstain from voting etc.) a member shall not be treated as having a pecuniary interest in any contract or other matter by reason only of any interest—

(a) of that member, or

(b) of any company, body or person connected with him as mentioned in subsection (2) of that section,

which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

(2) In proviso (i) to the said subsection (2) (connection with public bodies to be disregarded) the expression "public body" shall include, and be deemed always to have included, any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, college of a university, college of education or central institution, and the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the National Trust for Scotland Order Confirmation Act 1935.

1935 c. ii.

In this subsection “college of education” and “central institution” have the meanings assigned to them by section 145 of the Education (Scotland) Act 1962.

1962 c. 47.

(3) In subsection (5) of the said section 73 (power to give general notice of certain interests) after the words “in the employment of a specified person” there shall be inserted the words “or that he or his spouse is the tenant of any premises owned by the authority”, and after the words “or to that person” there shall be inserted the words “or to those premises”.

(4) In subsection (7) of the said section 73 (penalties) for the words “a fine not exceeding fifty pounds” there shall be substituted, in relation to any offence committed after the commencement of this Act, the words “a fine not exceeding two hundred pounds”.

(5) The power of the Secretary of State under subsection (8) of the said section 73 to remove any disability imposed by that section shall include power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member or any class or description of members by reason of such interests, and in respect of such matters, as may be specified by the Secretary of State.

(6) Any decision under the said subsection (8) (as amended by this Act) to remove any disability imposed by the said section 73 may be modified or revoked by the Secretary of State.

(7) In the said subsection (8) the words “of any particular item” are hereby repealed.

2.—(1) For the purposes of section 102 of the said Act of 1947 (duty of officers and servants of authorities to disclose pecuniary interests in contracts) an officer or servant shall not be treated as having a pecuniary interest in any contract by reason only of any interest—

Pecuniary interests of officers and servants.

(a) of that officer or servant, or

(b) of any company, body or person connected with him as mentioned in section 73(2) of that Act,

which is so remote or insignificant that it cannot reasonably be regarded as likely to influence an officer or servant in discharging his duties.

(2) In subsection (4) of the said section 102 (penalties) for the words “a fine not exceeding fifty pounds” there shall be substituted, in relation to any offence committed after the commencement of this Act, the words “a fine not exceeding two hundred pounds”.

3.—(1) This Act may be cited as the Local Government (Pecuniary Interests) (Scotland) Act 1966.

Short title and extent.

(2) This Act shall extend to Scotland only.



National Health Service Act 1966

1966 CHAPTER 8

An Act to facilitate the financing of premises and equipment used by practitioners providing general medical services; to modify the prohibition of full-time salaries for practitioners providing general medical services; and for purposes connected therewith. [10th March 1966]

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 General Practice Finance Corporation

The General
Practice
Finance
Corporation.

1.—(1) There shall be a body corporate, to be called the General Practice Finance Corporation (in this Act referred to as the Corporation) which shall perform the functions conferred upon it by or under this Act.

(2) The Corporation shall not be taken to be the servant or agent of the Crown or to enjoy any status or immunity of the Crown, or to be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and its property shall not be taken to be property of, or property held on behalf of, the Crown.

(3) The provisions of the Schedule to this Act shall have effect with respect to the constitution and proceedings of the Corporation and other matters relating to the Corporation and its members.

2.—(1) The Corporation may make loans to persons included in a list prepared under the National Health Service Act 1946 or the National Health Service (Scotland) Act 1947 of medical practitioners undertaking to provide general medical services, for the purpose of enabling them—

Financing of premises used for general practice.
1946 c. 81.
1947 c. 27.

- (a) to provide, or acquire a share in, premises used or to be used, in whole or in part, for the provision of such services ;
- (b) to alter, enlarge, improve or repair such premises ;
- (c) to acquire any land required for the erection of or in connection with the use of such premises ;
- (d) to repay any loan raised by them for any such purpose.

(2) The Corporation may lease to such persons any such land as is mentioned in paragraph (c) of the preceding subsection.

(3) In the application of the preceding subsection to land in Scotland "lease" includes feu.

3.—(1) If the Minister and the Secretary of State by order made by statutory instrument provide that the Corporation shall have the powers mentioned in this section, the Corporation may—

Equipment for general practice.

- (a) make loans to such persons as are mentioned in section 2 of this Act for the purpose of enabling them to purchase any equipment or furniture needed by them in the provision of general medical services ; and
- (b) let any such equipment or furniture to such persons under hire-purchase agreements.

(2) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.—(1) The Corporation shall perform its functions in accordance with a scheme made by the Corporation and approved, with or without modifications, by the Minister and the Secretary of State ; and shall in the performance of its functions comply with any directions given from time to time under this section.

Schemes and directions.

(2) A scheme under this section may provide for the approval by the Minister or the Secretary of State of any premises or other land or works as a condition of the exercise of the Corporation's powers in respect thereof.

(3) A scheme under this section may be varied or revoked by a subsequent scheme made and approved thereunder.

D

(4) Directions under this section may be given—

- (a) by the Minister and the Secretary of State acting jointly, if the directions concern the performance of functions throughout Great Britain ; and
- (b) by the Minister or, as the case may be, the Secretary of State, if the directions concern the performance of functions in England and Wales or in Scotland only, and whether the directions are of a general or of a particular character.

(5) A transaction between a person and the Corporation shall not be invalid by reason of any non-compliance with a scheme or direction under this section unless that person had actual notice of the scheme or direction.

Financial provisions and reports

Financial
duty of
Corporation.

5.—(1) It shall be the duty of the Corporation in discharging its functions under this Act to secure that its revenue is sufficient, taking one year with another, to make provision for meeting all charges properly chargeable to revenue account, including allocations to reserve.

(2) The Minister and the Secretary of State may, with the approval of the Treasury, give to the Corporation directions as to any matter relating to the establishment of a reserve and the carrying of sums to the credit thereof or the application thereof for the purposes of the Corporation, and the Corporation shall comply with any such directions.

Borrowing
powers.

6.—(1) Subject to the limits specified in the following provisions of this section, the Corporation may borrow—

- (a) by the issue of stock ; and
- (b) temporarily, whether by overdraft or otherwise ;

such sums as it may require for meeting its obligations or performing its functions.

(2) The aggregate of the amounts outstanding in respect of any temporary loans raised by the Corporation shall not exceed such limit as the Minister and the Secretary of State may from time to time impose by a direction given by them to the Corporation with the approval of the Treasury.

(3) The aggregate of the amounts outstanding in respect of the principal of any money borrowed by the Corporation, whether by the issue of stock or temporarily, shall not exceed ten million pounds or such greater sum not exceeding twenty-five million pounds as may from time to time be specified by order made by the Minister and the Secretary of State by statutory

instrument; but no such order shall be made unless a draft thereof has been laid before and approved by a resolution of the Commons House of Parliament.

(4) The Corporation shall not have power to borrow money otherwise than in accordance with this section, but a person lending money to the Corporation shall not be bound to inquire whether the borrowing of the money is within the power of the Corporation.

(5) The limits specified in the preceding provisions of this section shall not prevent the borrowing of any money required by the Corporation for the repayment of any temporary loan or the redemption of stock.

(6) Stock created under this section shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such provisions as may be determined with the approval of the Treasury by the Minister and the Secretary of State.

(7) Nothing in this section shall be taken as exempting the Corporation from the provisions of any order under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

7.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the redemption or repayment of any stock issued or temporary loan raised by the Corporation and the payment of interest on any such stock or loan. Treasury guarantees.

(2) Immediately after any guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of any guarantee given under this section, the Corporation shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may direct in or towards repayment of the sums so issued and payments of interest on what is outstanding for the time being in respect of sums so issued, at such rates as the Treasury may direct.

(5) Any sums received by the Treasury under this section shall be paid into the Exchequer.

Accounts,
audit and
annual reports.

8.—(1) The Corporation shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each year ending with 31st March a statement of accounts in such form as the Minister and Secretary of State acting jointly may, with the approval of the Treasury, direct.

(2) The accounts of the Corporation shall be audited by auditors appointed for the purpose by the Minister and the Secretary of State acting jointly, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies:—

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Certified and Corporate Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade;

1948 c. 38.

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(3) The Corporation shall in respect of each such year make to the Minister and to the Secretary of State a report on the discharge of its functions during that year and that report shall include a copy of its audited accounts for that year; and the Minister and the Secretary of State shall lay a copy of every such report before each House of Parliament.

Superannuation, etc.

Superannua-
tion, etc.,
of members
and employees
of the
Corporation.
1946 c. 81.

9.—(1) The Minister may direct that regulations made under section 67(1) of the National Health Service Act 1946 shall, subject to such modifications as may be provided in the direction, apply to any member or officer of the Corporation or any class of such persons as if he, or any person of the class, were a person who, within the meaning of the regulations, is an officer in the employment of an employing authority; and if the Minister so directs the regulations shall apply accordingly.

(2) A direction under this section shall not be varied or revoked by a subsequent direction so as to exclude from

the benefits provided under the said section 67(1) any person previously entitled thereto, unless—

- (a) the Minister is satisfied that other suitable pension arrangements are available for that person ; and
- (b) that person consents to his being so excluded ;

and where the subsequent direction results in the exclusion of any person from those benefits it may contain provision for the payment of a transfer value in respect of him.

(3) In the application of the preceding subsections to Scotland for the references to the Minister and to section 67(1) of the National Health Service Act 1946 there shall be substituted respectively references to the Secretary of State and to section 66(1) of the National Health Service (Scotland) Act 1947. 1946 c. 81.
1947 c. 27.

(4) In the case of any such person as the Minister and the Secretary of State may with the consent of the Treasury determine (not being a person to whom or a member of a class to which a direction under subsection (1) of this section applies) the Minister may in respect of that person's office as chairman, deputy chairman or other member of the Corporation pay out of moneys provided by Parliament 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.

(5) Where a person ceases to be a member of the Corporation and it appears to the Minister and the Secretary of State that there are special circumstances which make it right that that person should receive compensation the Minister may, with the approval of the Treasury, pay to him out of moneys provided by Parliament a sum of such amount as the Minister may with the approval of the Treasury determine.

Remuneration of general practitioners

10.—(1) The remuneration to be paid under arrangements made under Part IV of the National Health Service Act 1946 or Part IV of the National Health Service (Scotland) Act 1947 to a practitioner who provides general medical services shall not consist wholly or mainly of a fixed salary which has no reference to the number of patients for whom the practitioner has undertaken to provide such services, except where—

Modification of prohibition of full-time salaried practitioner service.

- (a) the arrangements are made by virtue of section 43 of the said Act of 1946 or section 44 of the said Act of 1947 ; or
- (b) the services are provided in such circumstances as may be prescribed and the practitioner consents.

(2) Before making regulations prescribing any circumstances for the purposes of this section the Minister or, as the case may be, the Secretary of State shall consult with such organisations as appear to him to be representative of the medical profession.

1949 c. 93.

(3) Section 10 of the National Health Service (Amendment) Act 1949 (prohibition of full-time salaried practitioner service) is hereby repealed.

Supplemental

Inter-
pretation.
1946 c. 81.
1947 c. 27.

11. In this Act “the Minister” means the Minister of Health, and any expression used in this Act and in the National Health Service Act 1946 and the National Health Service (Scotland) Act 1947 shall, in the application of this Act to England and Wales, have the same meaning as in the said Act of 1946 and, in the application of this Act to Scotland, have the same meaning as in the said Act of 1947.

Citation,
commence-
ment and
extent.

12.—(1) This Act may be cited as the National Health Service Act 1966.

(2) This Act, so far as it applies to England and Wales, and the National Health Service Acts 1946 to 1964 may be cited together as the National Health Service Acts 1946 to 1966; and this Act, so far as it applies to Scotland, and the National Health Service (Scotland) Acts 1947 to 1961 may be cited together as the National Health Service (Scotland) Acts 1947 to 1966.

(3) This Act shall come into operation on such day as the Minister and the Secretary of State may by order made by statutory instrument appoint and different days may be so appointed for different provisions.

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

SCHEDULE

Section 1.

CONSTITUTION, ETC. OF GENERAL PRACTICE FINANCE CORPORATION

Members

1. The Corporation shall consist of a chairman, a deputy chairman and not more than six other members appointed by the Minister and the Secretary of State acting jointly.

2. Before appointing any person to be chairman, deputy chairman or other member of the Corporation the Minister and the Secretary of State shall jointly consult with such organisations as appear to them to be representative of the medical profession.

3. Subject to the following provisions of this Schedule, a member of the Corporation shall hold and vacate office in accordance with the terms of his appointment.

4. A member of the Corporation may, by notice in writing addressed to the Minister or the Secretary of State, resign his membership and the chairman or deputy chairman may by such a notice resign his office as such without resigning his membership.

5.—(1) If the Minister and the Secretary of State are satisfied that a member of the Corporation—

- (a) has become bankrupt or made an arrangement with his creditors ; or
- (b) is incapacitated by physical or mental illness ; or
- (c) is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member ;

they may terminate his membership of the Corporation.

(2) In the application of this paragraph to Scotland, for the references to a member having become bankrupt and to a member having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member having made a trust deed for behoof of his creditors or a composition contract.

6. A member of the Corporation who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for re-appointment.

7. The Minister or the Secretary of State may, out of moneys provided by Parliament, pay to members of the Corporation such remuneration and such reasonable allowances in respect of expenses incurred by them in the performance of their duties, as he may determine with the consent of the Treasury.

8. In Part II of Schedule 1 to the House of Commons Dis-qualification Act 1957 (which specifies the bodies of which the members are disqualified under that Act) in its application to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the Gas Council there shall be inserted the words "The General Practice Finance Corporation".

Proceedings

9. The quorum of the Corporation and the arrangements relating to its meetings shall, subject to any directions given by the Minister and the Secretary of State acting jointly, be such as the Corporation may determine.

10. The validity of any proceedings of the Corporation shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

11. The fixing of the seal of the Corporation shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Corporation.

12. Any document purporting to be a document duly executed under the seal of the Corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Incidental powers

13. It shall be within the capacity of the Corporation as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the performance of its functions under this Act.



Rating Act 1966

1966 CHAPTER 9

An Act to make provision for the payment by instalments of rates on dwellings and for the granting of rebates in respect of such rates; and for connected purposes.

[10th March 1966]

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:—

Payment of rates by instalments

1.—(1) Without prejudice to any power of a rating authority to make provision for the payment of rates by instalments, any person who (not being a tenant or licensee of the rating authority who pays his rates as part of his rent) is the occupier of, and resides or is usually resident in, a hereditament which—

- (a) either is a dwelling-house or, though not a dwelling-house, is used mainly for the purposes of a private dwelling or private dwellings; and
- (b) is not the subject of arrangements made by virtue of section 11 of the Rating and Valuation Act 1925 or any local Act whereby the payment of rates thereon is made by or through the owner,

may by notice in writing to the rating authority given in accordance with subsection (2) of this section elect to pay any rates in respect of that hereditament by instalments in accordance with this section; and, as from the date which under the said subsection (2) is the effective date of that notice until in pursuance of subsection (7) of this section that notice ceases to be in force, any rates in respect of the rate period in which

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that date falls or any subsequent rate period which are charged on that person in respect of that hereditament shall be payable by instalments accordingly.

(2) Subject to subsection (3) of this section, a notice by any person under subsection (1) of this section may be given—

- (a) at any time not earlier than 1st February preceding the beginning of a year and not later than 30th April in that year; or
- (b) in the year in which he first becomes qualified to serve such a notice in respect of the hereditament in question, on any later date in that year which is not later than the twenty-eighth day after he first became so qualified;

and the effective date of the notice—

- (i) where it is given less than three months before the end of a rate period, shall be the first day of the next succeeding rate period;
- (ii) in any other case shall be the date of the giving of the notice.

(3) Where under subsection (2) of this section a notice under subsection (1) thereof would fall to be given at a time before the first occasion when rates are levied in respect of the hereditament in question, the notice may be given at any time not later than the fourteenth day after service of the first demand note for such rates, and the effective date of the notice shall not be earlier than the date of the service of that demand note.

(4) Where a notice under subsection (1) of this section in respect of any hereditament is duly given to the rating authority by a person qualified to give it, the authority shall—

- (a) in respect of the year in which the effective date of that notice falls (or so much of that year as falls after that date); and
- (b) in respect of each subsequent year until that notice ceases to be in force,

send to that person a statement in writing specifying the number of the instalments by which the rates are to be paid in the year in question, the respective dates on which those instalments are to become due, and the respective amounts of those instalments:

Provided that, where the notice under the said subsection (1) is given after the service of a demand note for rates for the rate period in which the effective date of that notice falls, the requirements of paragraph (a) of this subsection shall be deemed to be

satisfied if that demand note included the statement required in consequence of the notice.

(5) The number of the instalments specified in any statement under subsection (4) of this section—

(a) if the effective date of the notice under subsection (1) of this section is after 30th April, shall in the year in which that effective date falls be not less than the number of complete months between that date and the end of that year (including, if that date is the first day of a month, that month) reduced, if that number of months is three, by one or, if that number of months is four or more, by two ;

(b) in any other case shall be not less than ten ;

and the date specified in any such statement for the first instalment thereunder shall not be earlier than ten days after the date when the statement is sent, and the interval between any two of the instalment dates shall not be less than one month.

(6) The amounts specified in any statement under the said subsection (4) for the instalments payable in the year or part of a year to which the statement relates—

(a) if that statement relates to a whole year and that year includes two or more rate periods, shall be fixed on the basis that the amount in the pound of all rates levied in that year will be that of the rates levied in the first of those rate periods ; or

(b) if that statement relates to part of a year and that part of a year includes the whole or part of two or more rate periods, shall be fixed on the basis that the amount in the pound of the rates levied in any rate period or periods beginning after the date of the sending of the statement will be the amount in the pound, or the average of the amounts in the pound, of the rates levied in any rate period or periods in that year beginning before that date ; and

(c) in every case, shall (apart from any rebate under section 5 of this Act) be equal, except that the rating authority may round off the amount of any of those instalments other than either the first or the last to the nearest shilling and adjust the amount of the first or, as the case may be, last of those instalments accordingly ;

but the rating authority may by a further statement in writing make such adjustments in those amounts as may from time to time be necessary in consequence of any change in the amount the occupier is liable to pay by way of rates in respect of that year or part of a year.

(7) A notice under subsection (1) of this section shall cease to be in force—

(a) if the person by whom it was given withdraws it by a further notice in writing to the rating authority; or

(b) if—

(i) any instalment is not paid on or before the date when it is due; or

(ii) the rating authority are satisfied that the person aforesaid is no longer qualified to give a notice under the said subsection (1) in respect of the hereditament in question,

and the rating authority give notice in writing to that person that, by reason of the default or, as the case may be, his ceasing to be so qualified, the notice under the said subsection (1) is being treated as cancelled;

and upon the giving of any notice under this subsection any amount due by way of rates in respect of the hereditament shall be recoverable as if no notice had been given under the said subsection (1), without prejudice, however, to the right to give a fresh notice under the said subsection (1) in accordance with subsection (2)(a) of this section.

1925 c. 90.

(8) No allowance by way of discount shall be made by virtue of section 8 of the Rating and Valuation Act 1925 or any provision for like purposes contained in any local Act on any amount payable by way of an instalment under this section; and the reference in section 11(4) of the said Act of 1925 to occupiers of rated hereditaments shall be construed as a reference to such occupiers other than one by whom a notice under subsection (1) of this section has been given and is for the time being in force.

1869 c. 41.

1960 c. 12.

(9) Where the rates charged on any person in respect of any hereditament are payable by instalments, whether under this section or under section 15 of the Poor Rate Assessment and Collection Act 1869, then, notwithstanding anything in section 1 of the Distress for Rates Act 1960, those rates shall be recoverable only to the extent of each respectively of those instalments as and when it falls due; and for the purposes of the said section 1, no sum by way of rates in respect of any year or part of a year shall be treated as having been legally demanded from any person in respect of any hereditament in respect of which he is entitled to give but has not given a notice under subsection (1) of this section until the expiration of the period for the giving of such a notice by that person in that year; and the said section 15 from “and thereupon” onwards is hereby repealed.

(10) This section shall not extend to Scotland.

2.—(1) Except when the rating authority have made provision to the satisfaction of the Secretary of State for the payment of rates by instalments by any person in the area of that authority who—

Right to pay rates on dwelling in Scotland by instalments.

(a) is the occupier of, and resides or is usually resident in, a hereditament which either is a dwelling-house, or, though not a dwelling-house, is used mainly for the purposes of a private dwelling or private dwellings, and

(b) is not liable under the House Letting and Rating (Scotland) Acts 1911 and 1920, or under section 239, 240 or 241 of the Local Government (Scotland) Act 1947 or under any local Act to pay the amount of the rates in respect of that hereditament to the owner thereof, 1947 c. 43.

any such person may by notice in writing to the rating authority, given in accordance with subsection (2) of this section, elect to pay to them any rates in respect of that hereditament by instalments in accordance with this section; and as from the date when that notice is given until, in pursuance of subsection (10) of this section, that notice ceases to be in force, any rates in respect of the year in which that date falls, or any subsequent year, which are charged on that person in respect of that hereditament shall be payable by instalments accordingly:

Provided that where a notice given under this subsection by any person ceases to be in force as aforesaid that person shall not be entitled to give another such notice so as to entitle him to receive, under the next following subsection, an instalments statement relating to the period of twelve months commencing with 1st November next following the date when the first-mentioned notice ceased to be in force.

(2) A notice by any person under subsection (1) of this section may be given in any year at any time between the commencement of the year and the expiration of the period of twenty-one days beginning with the day on which the person receives the demand note for the rates for that year in respect of the hereditament to which the notice relates; and where such a notice in respect of any hereditament is duly given to the rating authority by a person qualified to give it, the authority shall (subject to subsection (7) of this section) send to that person a statement in writing (in this section referred to as an "instalments statement") specifying in relation to the period of twelve months commencing with 1st November in the year in which the notice is given the particulars set out in the next following subsection:

Provided that such a notice may also be given by any person on any date within twenty-eight days of his first becoming the

occupier of the hereditament in question, not being a date during the months of September or October ; and, in relation to a notice so given, this subsection in so far as it relates to the duty of the rating authority shall have effect with the substitution for the reference to 1st November in the year in which the notice is given—

- (a) if the notice is given on 1st November, of a reference to that date ;
- (b) in any other case, of a reference to 1st November last preceding the date of the notice.

(3) The particulars referred to in the foregoing subsection are as follows:—

- (a) the total number of instalments which will be payable during the period of twelve months to which the instalments statement relates or, as the case may be, the remainder of that period ;
- (b) the number of the instalments (if any) which are to be in payment of the rates (or, as the case may be, the balance of the rates) due in respect of the hereditament in question for the relevant year, and the amount of each of those instalments ;
- (c) the number of the instalments which are to be on account of the rates to become due in respect of the hereditament in question for the year next following the relevant year, and the amount of each of those instalments ; and
- (d) the dates, during the said period of twelve months, on which the instalments will become due.

(4) The total number of instalments specified in any instalments statement shall be not less than ten ; the date specified as the date on which the first of the instalments will become payable shall not be earlier than ten days after the date when the statement is sent ; and the interval between any two of the instalment dates shall not be less than one month :

Provided that, in the case of an instalments statement sent to a person in response to a notice given as mentioned in the proviso to subsection (2) of this section, so much of this subsection as relates to the number of instalments shall be disregarded.

(5) In any instalments statement the aggregate of the specified amounts of the instalments to which paragraph (b) of subsection (3) of this section relates shall be equal to the amount of the rates or, as the case may be, the balance of the rates, due in respect of the hereditament in question for the relevant year, and the specified amount of each such instalment shall (apart

from any rebate under section 5 of this Act) be the same, except that the rating authority may round off the amount of any of those instalments other than either the first or the last to the nearest shilling and adjust the amount of the first or, as the case may be, the last of those instalments accordingly.

(6) In any instalments statement the specified amount of any instalment to which paragraph (c) of subsection (3) of this section relates shall be not greater than one-tenth of the rates in respect of the hereditament in question for the relevant year, and the specified amount of each such instalment shall be the same.

(7) Where a notice under subsection (1) of this section is given in respect of a hereditament after the service of a demand note for any rates in respect of that hereditament for the first year to which the notice relates, nothing in subsection (2) of this section shall require the rating authority to send to the person who gave the notice an instalments statement relating to the period of twelve months commencing with 1st November in that year, if that demand note included the information which (apart from this subsection) would have been required to be given in an instalments statement relating to that period of twelve months in consequence of the notice; and in that case the demand note shall be deemed for the purpose of the following provisions of this subsection to be an instalments statement.

(8) Where, after sending an instalments statement, the rating authority are satisfied that there has been, or may be, any change in the amount the occupier is, or will be, liable to pay by way of rates in respect of the hereditament in question for the balance of the period of twelve months to which the instalments statement relates, the rating authority may by a further statement in writing make such adjustments as they think necessary in the amounts of the remainder of the instalments to which the instalments statement relates.

(9) Where the rating authority have sent an instalments statement to a person in pursuance of a notice under subsection (1) of this section in relation to a period of twelve months commencing on 1st November in any year, the authority shall send further instalments statements to that person in relation to each succeeding period of twelve months until the notice ceases to be in force.

(10) A notice under subsection (1) of this section shall cease to be in force—

(a) if the person by whom it was given withdraws it by a further notice in writing to the rating authority; or

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(b) if—

(i) any instalment is not paid on or before the date when it is due ; or

(ii) the rating authority are satisfied that the person aforesaid is no longer qualified to give a notice under the said subsection (1) in respect of the hereditament in question,

and the rating authority give notice in writing to that person that by reason of the default or, as the case may be, his ceasing to be so qualified the notice under the said subsection (1) is being treated as cancelled ;

and upon the giving of any notice under this subsection any amount due by way of rates in respect of the hereditament shall be recoverable as if no notice had been given under the said subsection (1), without prejudice, however, to the right to give a fresh notice under that subsection.

1947 c. 43.

(11) Section 232 of the Local Government (Scotland) Act 1947 shall not apply to the payment of rates by instalments in pursuance of a notice given under subsection (1) of this section.

(12) In this section—

(a) “ relevant year ”, in relation to an instalments statement, means the year ending within the period of twelve months to which the instalments statement relates ; and

(b) any reference to a rate includes a reference to a domestic water rate, but does not include a reference to so much of any rate or domestic water rate as is leviable by virtue of a supplementary valuation roll made up under section 11 of the Valuation and Rating (Scotland) Act 1956 or any corresponding provision for like purposes contained in any local Act.

1956 c. 60

(13) This section shall extend to Scotland only.

Right of
charity to
pay certain
rates on
dwellings by
instalments.

3.—(1) This section applies to any hereditament such as is mentioned in section 1(1) or section 2(1) of this Act in the case of which—

(a) the persons who reside or are usually resident therein consist wholly or mainly of persons who are beneficiaries of a charity ; and

(b) the rates thereon are paid by that charity either as occupier of the hereditament or in pursuance of arrangements made between the charity and the persons who reside or are usually resident in the hereditament ;

and in this section the expression “ charity ” means any body of persons or trust which appears to the Minister or, as the case

may be, to the Secretary of State to be established wholly or mainly for charitable purposes.

(2) The Minister or, as the case may be, the Secretary of State may direct that any hereditament to which this section applies which is specified in the direction shall be treated for the purposes of section 1 or, as the case may be, section 2 of this Act as if the charity were both the occupier of, and residing in, that hereditament.

4.—(1) The rating authority may, if they think fit, by resolution direct that an allowance by way of discount of such amount not exceeding two-and-a-half per cent. as may be specified in the resolution shall be granted to any person entitled to give a notice under section 1(1) of this Act in respect of a hereditament which is a dwelling-house, whether or not he has in fact given such a notice, who pays the net amount due by way of rates on that hereditament either—

(a) otherwise than by instalments ; or

(b) by instalments required in pursuance of section 15 of the Poor Rate Assessment and Collection Act 1869, 1869 c. 41.

before such date or respective dates as the rating authority may specify.

(2) If an allowance under this section is made in respect of a hereditament in respect of which a notice under subsection (1) of section 1 of this Act is for the time being in force, that notice shall thereupon cease to be in force and, notwithstanding anything in the said subsection (1), rates on that hereditament shall cease to be payable in accordance with that section, without prejudice, however, to the right to give a fresh notice under the said subsection (1) in accordance with subsection (2)(a) of that section.

(3) The rating authority may at any time revoke or vary a resolution under this section.

(4) While any resolution under this section is in force, a statement of the effect thereof shall be included in or sent with every demand note on which rates are levied in respect of any hereditament which is a dwelling-house, being a demand note in respect of a rate period beginning on or after 1st October 1966.

(5) Nothing in this section shall prejudice the powers with respect to allowances by way of discount conferred by section 8 of the Rating and Valuation Act 1925 or any provision for like purposes contained in any local Act, but a person who is for the time being entitled to an allowance under this section in respect of any hereditament shall not be entitled to an allowance in respect of that hereditament under the said section 8 or any such provision of a local Act as aforesaid. 1925 c. 90.

1925 c. 90.

(6) In section 9(4)(a) of the Rating and Valuation Act 1925 (which enables rules made for the purposes of certain precepts to provide in what manner and to what extent any allowances made under section 8 of that Act are to be treated as deductions in estimating and ascertaining the amount produced by a rate) the reference to such allowances shall be construed as including a reference to allowances made under this section.

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

- (a) in subsection (1), for the reference to section 1(1) of this Act there shall be substituted a reference to section 2(1) thereof, and the words from “either” to the end of paragraph (b) and the words “or respective dates” shall be omitted;
- (b) in subsection (2), for any reference to section 1 of this Act there shall be substituted a reference to section 2 thereof, and the words from “in accordance” onwards shall be omitted;
- (c) in subsection (4) the words from “being” onwards shall be omitted;
- (d) in subsection (5), for the reference to section 8 of the Rating and Valuation Act 1925 there shall be substituted references to section 12 of the Local Government (Development and Finance) (Scotland) Act 1964; and
- (e) subsection (6) shall be omitted.

1964 c. 67.

Rebates in respect of rates on dwellings

Right to rebate in respect of rates on dwelling.

5.—(1) Any person to whom this section applies who makes application therefor in accordance with the provisions of this section shall, subject to subsections (2) and (7) of this section, be entitled in respect of any period of six months beginning with 1st April or 1st October in any year (hereafter in this Act referred to as a “rebate period”) to a rate rebate of such amount, if any, as represents—

- (a) two-thirds of the amount by which the applicant’s reckonable rates determined in accordance with section 6 of this Act exceed £3 15s., less
- (b) five shillings for every complete pound by which the applicant’s reckonable income determined in accordance with section 7 of this Act exceeds the appropriate limit so determined.

(2) The amount which under subsection (1) of this section, would otherwise fall to be afforded by way of rebate shall be reduced—

(a) if—

- (i) the applicant did not become entitled to make the rebate application until after the beginning of the rebate period to which it relates; and

(ii) the application is made more than one month after the date on which he became entitled to make it,

by a sum bearing the same proportion to that amount as the period between that date and the making of the application bears to the period between that date and the end of the rebate period ;

- (b) if in any other case the application is made more than one month after the beginning of the rebate period to which it relates, by a sum bearing the same proportion to that amount as the part of that rebate period falling before the date of the making of the application bears to the whole of that rebate period :

Provided that the rating authority may in any particular case determine that the amount aforesaid shall not be reduced under this subsection, or shall be reduced by a lesser sum than that provided for by this subsection, if they are satisfied that it is reasonable and proper so to do having regard to the reason for the application being made after the expiration of the month referred to in paragraph (a)(ii) or, as the case may be, paragraph (b) of this subsection, and to any difference between the amount aforesaid and what that amount would have been if the application had been made immediately before the expiration of that month.

(3) This section applies to the following persons, namely—

- (a) a person who is the occupier of, and resides or is usually resident in, a hereditament which is a dwelling-house ;
- (b) a person who is the occupier of, and resides or is usually resident in, a hereditament which, though not a dwelling-house, is used mainly for the purposes of a private dwelling or private dwellings ;
- (c) a person who, not being the occupier of such a hereditament as is mentioned in paragraph (a) or (b) of this subsection, is the tenant of, and resides or is usually resident in, a part of any such hereditament in respect of which he makes payments to the occupier by way of rent.

(4) A rebate application shall be made in writing to the rating authority not earlier than two months before the beginning, and not later than the end, of the rebate period to which it relates ; and the Minister may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, require any such application to contain such particulars as may be prescribed by the regulations.

(5) Subject to subsection (7) of this section, it shall be the duty of the rating authority to consider any application made to them under this section and, if satisfied that the application has been duly made by a person qualified to make it, the authority shall grant the rebate, if any, to which the applicant is entitled under this section.

(6) Where the rating authority have granted any person a rebate in respect of the rebate period beginning with 1st April in any year and have no reason to believe that there has been, or is likely by 1st August in that year to be, any material change in that person's circumstances which is relevant to the calculation of any rebate in respect of the next succeeding rebate period, they may not later than 31st July in that year notify that person in writing that, unless a rebate application in respect of the rebate period beginning with 1st October in that year is received by them from that person before that date, they propose to grant him a rebate in respect of that rebate period calculated on the assumption that there has been no change in his relevant circumstances; and if no such application is so received before 1st October, the authority may grant the rebate accordingly and that person shall not be entitled to make a rebate application in respect of that rebate period on or after that date.

(7) Where two or more persons are joint occupiers of a hereditament such as is mentioned in paragraph (a) or (b), or joint tenants of such a part thereof as is mentioned in paragraph (c), of subsection (3) of this section, then for the purposes of rebates under this section each of those persons shall be treated separately as if he were the sole occupier of the hereditament or, as the case may be, sole tenant of that part thereof, except that where a husband and wife are such joint occupiers or tenants a rebate may be granted to either but not to both of them.

(8) Any person who, with intent to obtain a rebate under this section—

(a) furnishes any information which he knows to be false in a material particular; or

(b) withholds any material information,

shall be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both.

(9) Without prejudice to any other right to recover the amount of any relief by way of rebate under this section which has been wrongly afforded, where any person convicted of an offence under subsection (8) of this section has as a result of that offence been afforded such relief to which he was not entitled, the amount of that relief may be recovered by the

rating authority summarily as a civil debt; and proceedings for that purpose may, notwithstanding anything to the contrary in any Act, be brought at any time within twelve months from the time when that relief was afforded or, where the proceedings are for the recovery of a consecutive series of amounts by way of such relief, within twelve months from the date on which the last amount of the series was afforded.

(10) In this section, for the purposes of its application to Scotland—

(a) for the references to 1st April, 1st October, 1st August and 31st July there shall be substituted—

(i) in the case of a hereditament in the area of a rating authority whose financial year begins on 16th May, references respectively to 16th May, 16th November, 16th September and 15th September;

(ii) in the case of a hereditament in the area of a rating authority whose financial year begins on 29th May, references respectively to 29th May, 29th November, 29th September and 28th September; and

(iii) in the case of a hereditament in the area of a rating authority whose financial year begins on 1st June, references respectively to 1st June, 1st December, 1st October and 30th September;

(b) for the reference in subsection (4) to the Minister there shall be substituted a reference to the Secretary of State;

(c) for subsection (6) there shall be substituted the following subsection:—

“(6) Where the rating authority have received from any person a rebate application in respect of the rebate period beginning with 16th May in any year (in this subsection referred to as ‘the first period’) and have no reason to believe that there has been, or is likely by 16th September in that year to be, any material change in that person’s circumstances which is relevant to the calculation of any rebate in respect of the next succeeding rebate period (in this subsection referred to as ‘the second period’), they may not later than 15th September in that year notify that person in writing that, unless a rebate application in respect of the second period is received by them from that person before the beginning of the second period, they propose, on the assumption that there has been no change in his relevant circumstances, to treat the application as a rebate application in respect of the second period

as well as the first period ; and if no application in respect of the second period is received before the beginning of the second period, the authority may grant a rebate in respect of that period, calculated on the assumption aforesaid, and that person shall not be entitled to make a rebate application in respect of that period after the beginning of that period ” ;

- (d) subsection (9) shall have effect as if for the words from “ may be recovered ” onwards there were substituted the words “ shall be recoverable by the rating authority as a debt ” ;

and in subsection (6) of this section, as substituted by paragraph (c) above, references to 16th May, 15th September and 16th September shall be construed in relation to such hereditaments as are mentioned in paragraph (a)(ii) above as references respectively to 29th May, 28th September and 29th September ; and in relation to such hereditaments as are mentioned in paragraph (a)(iii) above as references respectively to 1st June, 30th September and 1st October.

Reckonable rates.

6.—(1) In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (a) of section 5(3) of this Act, the applicant's reckonable rates shall, subject to the provisions of this section, be—

- (a) the amount of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates, less
- (b) the proportion of that amount which, by virtue of subsection (3) and apart from subsection (4) of this section, is or would be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of paragraph (c) of the said section 5(3).

(2) In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (b) of the said section 5(3), the applicant's reckonable rates shall, subject to the provisions of this section, be—

- (a) an amount equal to such proportion of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates as, having regard to the apportionment of the rateable value of the hereditament referred to in section 11(2)(a) of this Act, the rating authority may determine to be attributable to the part of that hereditament used for the purposes of a private dwelling or private dwellings, less

(b) the proportion of that amount which, by virtue of subsection (3) and apart from subsection (4) of this section, is or would be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of the said paragraph (c).

(3) In the case of a rebate application by such a person in respect of such a part of a hereditament as is mentioned in the said paragraph (c), the applicant's reckonable rates shall, subject to the provisions of this section, be such proportion of the amount which, for the purposes of a rebate application in respect of the same rebate period by an occupier of the hereditament, is or would be the amount referred to in subsection (1)(a) or, as the case may be, subsection (2)(a) of this section as the rating authority may consider it appropriate (having regard to all the circumstances and, in particular, where that part of the hereditament is at the date of the making of the application the subject of a tenancy to which the Rent Acts apply or a statutory tenancy, to any relevant agreement or determination such as is mentioned in the definition of "rates" contained in section 25(1) 1957 c. 25. of the Rent Act 1957 or in section 47(1) of the Rent Act 1965) 1965 c. 75. to attribute to that part of the hereditament.

(4) Where, at the date of the making of a rebate application in respect of any hereditament or part of a hereditament, the persons who reside or are usually resident in the relevant premises, that is to say—

- (a) in the case of such an application as is mentioned in subsection (1) or (2) of this section, the hereditament apart from any part thereof in respect of which by virtue of the said paragraph (c) any other person is entitled to make a rebate application ;
- (b) in the case of such an application as is mentioned in subsection (3) of this section, the part of the hereditament in respect of which the application is made,

include (apart from any child or children) any person in addition to the applicant and one other person who is either the spouse or a relative of the applicant, then, subject to subsection (6) of this section, the applicant's reckonable rates shall be reduced by an amount bearing the same proportion to the amount of the reckonable rates as the number of those additional persons bears to the total number of persons who at the said date reside or are usually resident in the relevant premises (any child who is not a child of the applicant or in the applicant's care being disregarded, and any child not falling to be disregarded being counted as half a person).

(5) In the case of a rebate application by one of two or more joint occupiers or, as the case may be, joint tenants, subsection

(4) of this section shall have effect as if for the words "one other person who is either the spouse or a relative of the applicant" there were substituted the words "the applicant's spouse, if any".

(6) If any of the additional persons referred to in subsection (4) of this section represents to the rating authority that he has no income or only such income as he receives from the applicant, and if the authority are satisfied that the representation is true, the authority shall make no reduction under that subsection in respect of that person.

(7) Where a rebate application in respect of, or of part of, a hereditament is made by a person who did not become entitled to make it until more than one month after the beginning of the rebate period to which it relates, then—

(a) if the rating authority to whom the application is made are satisfied that, for that rebate period, the applicant has made or is liable to make (and neither is nor will be entitled to recover) a payment by way of rates or rent entitling him to apply for a rebate in respect of, or of part of, some other hereditament, the amount of the applicant's reckonable rates shall be increased by that sum or £3 15s., whichever is the less ;

(b) in any other case, the amount of the applicant's reckonable rates shall be increased by an amount bearing the same proportion to £3 15s. as the part of the rebate period to which the application relates falling before the date when the applicant became entitled to make it bears to the whole of that period.

(8) Where a rate period falls partly in one rebate period and partly in another, then, for the purposes of a rebate under section 5 of this Act, a proportionate part of the rates chargeable for that rate period shall be deemed to be chargeable for each respectively of those rebate periods.

(9) In this section, for the purposes of its application to Scotland, for subsection (8) there shall be substituted the following subsection, that is to say—

"(8) For the purposes of this section the rates chargeable in respect of a hereditament for a rebate period shall be deemed to be one half of the rates chargeable in respect of that hereditament for the year in which the rebate period falls."

Reckonable
income and
appropriate
limits thereof.

7.—(1) For the purposes of a rebate application in respect of any rebate period, the applicant's reckonable income shall, subject to subsections (2) and (3) of this section, be his income in the relevant assessment period, that is to say, the period of

six months ending, if the rebate period begins on 1st April, with the preceding 31st December or, if the rebate period begins on 1st October, with the preceding 30th June.

(2) If—

(a) at the date of the making of the application the applicant is married and living with his spouse ; and

(b) he was married to, and living with, that spouse for the whole or any part of the relevant assessment period,

his income in that assessment period shall, subject to subsection (3) of this section, be deemed to include any income of his spouse in that assessment period or, as the case may be, that part thereof.

(3) There shall be left out of account for the purposes of subsections (1) and (2) of this section—

(a) any income by way of payments in respect of living accommodation or board made by any person residing or usually resident in the relevant premises within the meaning of section 6(4) of this Act ;

(b) in the case of a rebate application by the occupier of a hereditament, such part of any rent received by the occupier from any other person who was (or, if this Act had been in force during the relevant assessment period, would have been) entitled to make a rebate application in respect of part of that hereditament as is equal to the amount which, by virtue of section 6(3) and apart from section 6(4) of this Act, was or would have been the amount of that other person's reckonable rates.

(4) The limit of income for the purposes of section 5(1)(b) of this Act shall, subject to subsections (5) and (6) of this section, be the following amount of income for the six months of the relevant assessment period, namely—

(a) if at the date of making of the application the applicant is married and living with his spouse, £260 ;

(b) in any other case, £208.

(5) The appropriate limit specified in subsection (4) of this section shall, subject to subsection (6) of this section, be increased by £39 for any child, or for each of any children, who at the date of the making of the application, being a child of the applicant or in the applicant's care, usually resides with the applicant.

(6) The Minister, with the approval of the Treasury, may by order made by statutory instrument vary either of the limits of income specified in subsection (4), or the amount of the increase thereof in respect of a child specified in subsection (5), of this

section, and any order made under this subsection may vary or revoke any previous order made thereunder; but no such order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

(7) For the purposes of this section, an applicant shall be treated as living with his spouse at any time unless at that time either—

- (a) they are separated under an order of a court of competent jurisdiction or by deed of separation; or
- (b) they are in fact separated in such circumstances that the separation is likely to be permanent.

(8) In this section, for the purposes of its application to Scotland—

- (a) for subsection (1) there shall be substituted the following subsection, that is to say—

“ (1) For the purposes of a rebate application in respect of any rebate period, the applicant's reckonable income for that period shall, subject to subsections (2) and (3) of this section, be his income in the relevant assessment period, that is to say, the period of six months ending—

- (a) if the rebate period begins on 16th May, 29th May or 1st June, with the preceding 5th April;
- (b) if the rebate period begins on 16th November, 29th November or 1st December, with the preceding 5th October ”;

- (b) for the reference in subsection (6) to the Minister there shall be substituted a reference to the Secretary of State.

Affording
of rebates.

8.—(1) Where on any rebate application a rebate is granted in respect of any rebate period, then subject to subsections (9) and (10) of this section, the rebate shall be afforded—

- (a) if the applicant is such a person as is mentioned in section 5(3)(a) or (b) of this Act who himself pays to the rating authority the rates chargeable in respect of the hereditament to which the application relates, in accordance with subsections (2) to (5) of this section;
- (b) if—

(i) the applicant is such a person as is mentioned in the said section 5(3)(a) or (b) but, by virtue of section 11 of the Rating and Valuation Act 1925 or of any other arrangements, the said rates are paid by or through the owner of the hereditament; or

1925 c. 90.

(ii) the applicant is such a person as is mentioned in section 5(3)(c) of this Act,

in accordance with subsections (6) to (8) of this section ;

and in this section the expression "relevant rates" means the amount of the rates which are, or are deemed under section 6(8) of this Act to be, chargeable for that rebate period in respect of the hereditament or part of a hereditament to which the application relates.

(2) If the rebate is granted before any of the relevant rates have been paid, the occupier shall be liable to pay only the amount by which the relevant rates exceed the amount of the rebate.

(3) If the rebate is granted after all the relevant rates have been paid, the rating authority shall refund the amount of the rebate to the applicant.

(4) If the rebate is granted after some but not all of the relevant rates have been paid, the rating authority may adjust the amount of any payment remaining to be made in respect of those rates so as to take account of the rebate or may afford the rebate in such other manner as appears to them convenient.

(5) Notwithstanding anything in subsections (2) to (4) of this section, where the amount of the rebate does not exceed £2 10s., the rating authority may pay the amount of the rebate to the applicant at the end of the rebate period or afford the rebate in such other manner and at such time, being a time before, or as early as reasonably practicable after, the end of the rebate period, as appears to them convenient.

(6) Where in a case falling within subsection (1)(b)(i) of this section the owner is a local authority, then, subject to subsection (8) of this section—

(a) if that authority are not the rating authority, the rating authority shall pay the amount of the rebate to the owner authority in such manner as may be agreed between them and the owner authority shall afford the amount of the rebate in accordance with paragraph (b) of this subsection in like manner as if they were the rating authority ;

(b) if the owner authority are also the rating authority, they may adjust the amount of the periodical payments to the authority as owner to take account of the rebate or afford the rebate by way of refund of any such payments already made, as appears to them convenient.

(7) In any other case falling within subsection (1)(b) of this section, the rating authority shall, subject to subsection (8) of

this section, pay the amount of the rebate to the applicant at the end of the rebate period or so soon thereafter as the rebate is granted.

(8) If at the time when a payment of rebate falls to be made under subsection (6) or (7) of this section the rating authority have reasonable grounds for believing—

- (a) in a case falling within sub-paragraph (i) of subsection (1)(b) of this section, that an amount equal to the relevant rates has not been paid to the owner of the hereditament; or
- (b) in a case falling within sub-paragraph (ii) of the said section (1)(b), that an amount equal to the applicant's reckonable rates has not been paid to the occupier of the hereditament in respect of part of which the application is made.

the rating authority may withhold payment of the whole or such part as they think fit of the amount of the rebate, but may, if they think fit, pay any amount so withheld at any subsequent time when they are satisfied that the appropriate amount has been paid as aforesaid.

1955 c. 9
(4 & 5 Eliz. 2).

(9) Where the amount of the relevant rates recoverable is for the time being reduced under section 1(7) of the Rating and Valuation (Miscellaneous Provisions) Act 1955, the rating authority may withhold a proportionate part of the amount of the rebate.

1925 c. 90.
1964 c. 18.

(10) Where the rating authority are for the time being affording the applicant any relief from the relevant rates under section 2(4) of the Rating and Valuation Act 1925 or section 2 of the Rating (Interim Relief) Act 1964, they shall afford the rebate only if, and to the extent that, the amount thereof exceeds the aggregate amount afforded the applicant by way of such relief as aforesaid in the rebate period.

(11) In this section, for the purposes of its application to Scotland—

1947 c. 43.

- (a) for any reference in subsection (1) to section 11 of the Rating and Valuation Act 1925 there shall be substituted a reference to the House Letting and Rating (Scotland) Acts 1911 and 1920, or section 239, 240 or 241 of the Local Government (Scotland) Act 1947;
- (b) for the reference in subsection (9) to section 1(7) of the Rating and Valuation (Miscellaneous Provisions) Act 1955 there shall be substituted a reference to section 228 of the said Act of 1947; and

(c) for the references in subsection (10) to the enactments there mentioned there shall be substituted a reference to section 244 of the said Act of 1947 ;

and for the purposes of subsection (6) of this section, as it applies to Scotland, the Scottish Special Housing Association shall, in relation to any rating area as to which the Association and the rating authority so agree, be treated as if it were a local authority.

9.—(1) There shall be paid to any rating authority affording rebates under section 5 of this Act by the Minister or, in the case of a rating authority in Wales or Monmouthshire, by the Secretary of State for Wales or, in the case of a rating authority in Scotland, by the Secretary of State for Scotland, a grant equal to three-quarters of the aggregate net amount of the rebates so afforded in any year. Grants towards rebates.

(2) Any grant payable to any authority under this section shall be paid at such times as the Minister or, as the case may be, the Secretary of State may with the consent of the Treasury determine.

(3) The appropriate Minister or Ministers may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make provision with respect to—

- (a) the calculation and correction of estimates of grants payable under this section ;
- (b) the adjustment of payments of such grants by reference to later estimates and calculations ;
- (c) the recovery by the Minister or, as the case may be, the Secretary of State of any such grants overpaid to any authority, whether by way of deduction from grants payable to that authority or otherwise.

(4) In subsection (3) of this section, the expression “the appropriate Minister or Ministers” means, in relation to England and Wales, the Minister and the Secretary of State for Wales acting jointly and, in relation to Scotland, the Secretary of State for Scotland.

10.—(1) Any rebate under section 5 and any grant under section 9 of this Act shall be disregarded in calculating the product of a rate of one penny in the pound for any area for the purposes of section 5 of the Local Government Act 1958 (which relates to rate-deficiency grants) or section 6 of the Local Government (Financial Provisions) Act 1963 (which relates to expenditure by a local authority in the interests of their area or its inhabitants but not otherwise authorised). Treatment of, and of grants towards, rebates for other purposes. 1958 c. 55. 1963 c. 46.

(2) Subject to the foregoing subsection—

- (a) the amount of any rebates granted under the said section 5 in respect of any year shall be treated as loss on collection for that year ;

(b) the amount of any grants payable under the said section 9 in respect of any year shall be included in the gross rate income for that year.

(3) This section shall not extend to Scotland.

General

- Interpretation. **11.**—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—
- 1965 c. 53. “child” means a person who would be treated as a child for the purposes of the Family Allowances Act 1965 ;
- 1949 c. 31. “domestic water rate” has the same meaning as in the Water (Scotland) Act 1949 ;
- 1953 c. 42. “dwelling-house”, in the application of this Act to England and Wales, means a dwelling-house within the meaning of the Valuation for Rating Act 1953 ;
- S.I. 1959/258. “gross rate income” and “loss on collection” have the meanings respectively assigned by the Rate-product Rules 1959 or the Rate-product (County Boroughs) Rules 1959, as the case may require ;
- S.I. 1959/259. “hereditament”—
- (a) in the application of this Act to England and Wales, has the meaning assigned by section 68 of the Rating and Valuation Act 1925 ;
- 1925 c. 90. style="padding-left: 40px;">(b) in the application of this Act to Scotland, means lands and heritages ;
- “local authority” means—
- (a) in the application of this Act to England and Wales, a rating authority, a county council or the Greater London Council ;
- (b) in the application of this Act to Scotland, a county council or the town council of a burgh ;
- “the Minister” means the Minister of Housing and Local Government ;
- “owner”, in relation to a hereditament—
- (a) in the application of this Act to England and Wales, has the meaning assigned by section 11(11) of the Rating and Valuation Act 1925 ;
- (b) in the application of this Act to Scotland, has the like meaning as, in relation to land, is assigned to it for the purposes of the Local Government (Scotland) Act 1947 by section 379(1) of that Act ;
- 1947 c. 43. “rate”—
- (a) in the application of this Act to England and Wales, has the meaning assigned by section 68 of the Rating and Valuation Act 1925 ;

(b) in the application of this Act to Scotland, means a rate as defined in section 43(1) of the Valuation and Rating (Scotland) Act 1956, but, 1956 c. 60. except in section 2 of this Act, does not include a domestic water rate ;

“ rate period ” means a period, being a year or part of a year, for which a rate is made ;

“ rating authority ” means—

(a) in the application of this Act to England and Wales, the council of any county borough, London borough or county district, the Common Council of the City of London or the Council of the Isles of Scilly ;

(b) in the application of this Act to Scotland, an authority empowered under section 209 of the Local Government (Scotland) Act 1947 to levy a rate ; 1947 c. 43.

“ rebate application ” means an application under section 5 of this Act ;

“ rebate period ” has the meaning assigned by section 5(1) of this Act ;

“ relative ” means any of the following, that is to say, son, daughter, father, mother, brother, sister, grandparent, grandchild, uncle, aunt, nephew and niece ; and, in deducing relationships for the purposes of this definition, an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person and, subject as aforesaid, any relationship of the half-blood shall be treated as a relationship of the whole blood, and an illegitimate person shall be treated as the legitimate child of his mother ;

“ year ”—

(a) in the application of this Act to England and Wales, means a period of twelve months beginning with 1st April in any calendar year ;

(b) in the application of this Act to Scotland, means a period of twelve months beginning with 16th May in any calendar year, except that, in relation to a rating authority whose financial year begins on some other day, it means a period of twelve months beginning with that other day in any calendar year.

(2) For the purposes of this Act, a hereditament which is not a dwelling-house shall be deemed to be used mainly for the purposes of a private dwelling or private dwellings—

(a) if it appears to the rating authority that, having regard to all the circumstances at the relevant date, that is to say—

(i) for the purposes of a notice under section 1(1) or 2(1) of this Act, the date of the giving of the notice ; or

(ii) for the purposes of a rebate application, the date of the making of the application, the proportion of the rateable value of the hereditament as shown in the valuation list or valuation roll in force at that date which is attributable to the part of the hereditament used for the purposes of a private dwelling or private dwellings is greater than the proportion thereof which is attributable to the part used for other purposes ; or

(b) for the purposes of a notice under section 1(1) or 2(1) of this Act, if at the date of the giving of the notice a rebate under section 5 of this Act is for the time being payable in respect of the hereditament or any part thereof ; or

(c) for the purposes of a rebate application in respect of a hereditament or any part thereof, if at the date of the making of the application either—

(i) a notice under section 1(1) or 2(1) of this Act is for the time being in force in respect of the hereditament; or

(ii) a rebate under section 5 of this Act in respect of the rebate period in question has already been granted to any other person entitled to make a rebate application in respect of that hereditament or any part thereof.

1925 c. 90.
1947 c. 43.

(3) Section 59 of the Rating and Valuation Act 1925 or, as the case may be, section 349 of the Local Government (Scotland) Act 1947 (which relate to the service of documents) shall apply in relation to any notice, statement or application required or authorised by this Act to be given, sent or made by any person as it applies to the documents specified in the said section 59 or 349, as the case may be.

(4) Save where the context otherwise requires, references in this Act to any enactment or instrument shall be construed as references to that enactment or instrument as amended, extended or applied by or under any other enactment or instrument.

12. There shall be defrayed out of moneys provided by Expenses. Parliament—

- (a) any expenses of the Minister or a Secretary of State incurred in paying grants under section 9 of this Act ;
- (b) any increase attributable to this Act in the sums payable out of moneys so provided under any other Act.

13.—(1) This Act may be cited as the Rating Act 1966.

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

(3) This Act shall have effect—

- (a) in its application to England and Wales, as respects the rates for any period beginning on or after 1st April 1966 ; and
- (b) in its application to Scotland, as respects the rates for any period beginning on or after 16th May 1966.

Short title,
extent and
commence-
ment.



Commonwealth Secretariat Act 1966

1966 CHAPTER 10

An Act to make provision with respect to the Commonwealth Secretariat; and for connected purposes.
[10th March 1966]

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

The Commonwealth Secretariat, its privileges and immunities.

1.—(1) The Commonwealth Secretariat shall have the legal capacity of a body corporate.

(2) The Commonwealth Secretariat shall have the privileges and immunities conferred by Part I of the Schedule to this Act, the officers and servants of the Secretariat and members of their families shall have the privileges and immunities conferred by Part II of that Schedule and the supplementary provisions in Part III of that Schedule shall have effect for the purposes of the said Parts I and II.

(3) Every written contract entered into by or on behalf of the Commonwealth Secretariat, if it does not contain an express provision for the reference of any dispute in connection with the contract to arbitration, shall be deemed to contain a provision that any such dispute shall at the request of either party to the contract be referred to arbitration and (except where the contract falls to be construed by reference to the law of Scotland) shall accordingly be treated as an arbitration agreement for the purposes of the Arbitration Act 1950 and the Arbitration Act (Northern Ireland) 1937.

1950 c. 27.
1937 c. 8
(N.I.).

(4) In the said excepted case the arbitration shall be that of a single arbiter appointed, in default of agreement between the parties, by the Sheriff of the Lothians and Peebles, and—

- (a) the arbiter may, and if so directed by the Court of Session shall, state a case for the decision of that Court on any question of law arising in the arbitration, and the decision of that Court thereon shall be final unless that Court or the House of Lords gives leave to appeal to the House of Lords against the decision; and
- (b) the award of the arbiter may be recorded in the Books of Council and Session for execution and shall, subject to the provisions of paragraph 1 of the Schedule to this Act, be enforceable accordingly.

(5) In this Act “the Commonwealth Secretariat” means the Commonwealth Secretariat established at the Commonwealth Prime Ministers’ Meeting of June 1965.

2.—(1) This Act may be cited as the Commonwealth Secretariat Act 1966. Short title
and com-
mencement.

(2) This Act shall be deemed to have come into operation on 1st July 1965, but not so as to affect any cause of action arising, or liability to criminal proceedings incurred, before the passing of this Act.

Section 1(2).

SCHEDULE

IMMUNITIES AND PRIVILEGES

PART I

THE COMMONWEALTH SECRETARIAT

1.—(1) The Commonwealth Secretariat shall have immunity from suit and legal process except—

(a) in respect of a civil action for damage alleged to have been caused by a motor vehicle belonging to, or operated on behalf of the Secretariat or in respect of a motor traffic offence involving such a vehicle; and

(b) in respect of arbitration proceedings relating to any written contract entered into by or on behalf of the Secretariat.

(2) The foregoing sub-paragraph shall not be construed as authorising the enforcement of any judgment or arbitration award by execution on the premises or official archives of the Secretariat.

2. The Commonwealth Secretariat shall have the like inviolability of premises, official archives and communications as is accorded by law in respect of the premises, official archives and communications of the mission of a sending State.

3. The Commonwealth Secretariat shall be exempt from income tax and the capital gains tax and shall have the like exemption from the general rate as is accorded by law in respect of the premises of the mission of a sending State.

4. The Commonwealth Secretariat shall be exempt from duties on the importation of goods necessary for the official use of the Secretariat and directly imported by it, subject, however, to compliance with such conditions as the Commissioners of Customs and Excise may prescribe.

PART II

THE STAFF OF THE SECRETARIAT

1948 c. 56.

5.—(1) Every senior officer of the Commonwealth Secretariat, who is a citizen of a country mentioned in section 1(3) of the British Nationality Act 1948, and any member of his family forming part of his household, other than a member who is a citizen only of the United Kingdom and Colonies, shall, if permanently resident outside the United Kingdom, have the like privileges and immunities as are accorded by law to a diplomatic agent and the members of his family forming part of his household, except that any such person shall not be exempt from liability for income tax in respect of any salary or emoluments payable to him by the Secretariat.

1965 c. 61.

1965 c. 52.

(2) In accordance with the foregoing sub-paragraph, service as a senior officer falling within that sub-paragraph shall not be treated as employment in respect of which contributions are required to be paid, or as insurable employment, under the National Insurance Act 1965, the National Insurance (Industrial Injuries) Act 1965 or any enactment for the time being in force amending either of those Acts, but the foregoing provision shall not be construed as rendering any person liable to any contribution which he would not be required to pay if service as aforesaid were not so treated.

6. Every officer and servant of the Commonwealth Secretariat not falling within paragraph 5(1) of this Schedule shall have— SCH.

- (a) immunity from suit and legal process in respect of acts or omissions of his in the course of the performance of official duties, except immunity from suit and legal process in respect of a civil action for damage alleged to have been caused by a motor vehicle belonging to or driven by him, or in respect of a motor traffic offence involving such a vehicle;
- (b) the like inviolability for all his official papers and documents as is accorded by law to the diplomatic agent of a sending State.

7. Every officer and servant of the Commonwealth Secretariat not falling within paragraph 5(1) of this Schedule shall, if a citizen of a country mentioned in section 1(3) of the British Nationality Act 1948 and ordinarily resident outside the United Kingdom immediately before first taking up his post with the Secretariat, be exempt from duties on the importation, on the occasion of his first taking up that post, of personal and household effects, including private motor vehicles, for the use of himself and any members of his family forming part of his household. 1948 c. 56.

PART III

SUPPLEMENTAL

8. The privileges and immunities conferred by this Schedule on the Commonwealth Secretariat, its officers and servants and members of their families may be waived by the Secretary-General or any person for the time being exercising his functions.

9. If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Schedule, a certificate issued by or under the authority of the Secretary of State stating any fact relevant to that question shall be conclusive evidence of that fact.

10.—(1) In this Schedule—

“duties” includes taxes and related charges, other than charges for storage, cartage and similar services;

“income tax” includes surtax;

“senior officer”, in relation to the Commonwealth Secretariat, means an officer of the Secretariat recognised by the Secretary of State as being a senior officer of the Secretariat.

(2) Expressions used in this Schedule and in the Articles set out in Schedule 1 to the Diplomatic Privileges Act 1964 shall have the same meaning in this Schedule as they have in those Articles. 1964 c. 81.

(3) References in this Schedule to the United Kingdom shall be construed as including references to the Channel Islands and the Isle of Man.



Air Corporations Act 1966

1966 CHAPTER 11

An Act to provide for the capital reconstruction of the British Overseas Airways Corporation; to provide for Exchequer investment in that Corporation otherwise than by way of loan; to amend the financial duties and borrowing powers of that Corporation and of the British European Airways Corporation; to enable the Treasury to guarantee foreign currency debts of those Corporations; and to amend sections 21 and 23 of, and paragraphs 9 and 10 of Schedule 1 to, the Air Corporations Act 1949. [10th March 1966]

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:—

Capital
reconstruction
of B.O.A.C.

1956 c. 54.
1962 c. 5
(11 & 12
Eliz. 2).

1949 c. 91.

1.—(1) As from 1st April 1965—

- (a) all outstanding liabilities of the British Overseas Airways Corporation in respect of advances made before that date to the Corporation under section 42 of the Finance Act 1956 or section 3 of the Air Corporations Act 1962 shall be extinguished; and
- (b) all rights and liabilities which under the terms of issue of the stock issued under section 9 of the Air Corporations Act 1949 (in this Act referred to as "the principal Act") or any enactment repealed by that Act were immediately before that date rights and liabilities of the Corporation shall be rights and liabilities of the Treasury.

(2) The sum of £31 million shall be deemed to have been borrowed by the Corporation from the Minister of Aviation (hereafter in this Act referred to as "the Minister") on the

said 1st April and to have been then advanced by him to the Corporation under section 3 of the said Act of 1962; and the sum of £35 million shall be deemed to have been paid by him to the Corporation under section 2 of this Act.

(3) In section 12(1) of the principal Act (which restricts borrowing by the Corporation to a limit of £260 million or such greater sum not exceeding £300 million as the Minister may from time to time by order specify) for the references to £260 million and £300 million there shall be substituted respectively references to £90 million and £120 million, and the limit imposed by the said section 12(1) shall apply to the sum of—

- (a) the aggregate amount outstanding in respect of the principal of any moneys borrowed by the Corporation, including in such moneys the sum deemed to have been borrowed by the Corporation by virtue of subsection (2) above; and
- (b) the aggregate of any sums paid to the Corporation under section 2 of this Act, including the sum deemed to have been so paid by virtue of the said subsection (2), but not any sum treated as so paid by virtue of a direction under section 2(3)(b) of this Act.

(4) Schedule 1 to this Act shall have effect for the purposes of subsection (1)(b) of this section.

2.—(1) Subject to the limit imposed by section 12(1) of the principal Act as amended by section 1(3) of this Act, the Minister may with the approval of the Treasury pay to the British Overseas Airways Corporation such sums as he thinks fit.

Exchequer investment in B.O.A.C. otherwise than by way of loan.

(2) In consideration of receiving sums under this section, the Corporation shall, as respects the financial year ending on 31st March 1966 and each subsequent financial year, make to the Minister out of any funds available for that purpose payments of such amount as may be proposed by the Corporation and approved by the Minister with the consent of the Treasury, or such other amount as the Minister may, with the approval of the Treasury and after consultation with the Corporation, determine.

(3) The funds available for the purpose of making a payment under subsection (2) above shall be—

- (a) any profits of the Corporation for any financial year not earlier than the financial year ending on 31st March 1966, after deducting any sums out of those profits carried to the credit of the reserve fund of the Corporation; and

(b) any sums standing to the credit of that fund other than any such sum which the Minister may, with the approval of the Treasury and after consultation with the Corporation, direct to be treated as if it were a sum which had been paid by the Minister to the Corporation under this section.

(4) Any sums required by the Minister for making payments under this section shall be defrayed out of moneys provided by Parliament ; and any sums received by him under subsection (2) above shall be paid into the Exchequer.

1962 c. 5
(11 & 12
Eliz. 2).

(5) The account required to be prepared by the Minister under section 3(6) of the Air Corporations Act 1962 (Exchequer advances) shall include particulars of any sums paid by him to the Corporation under this section and of any sums to be paid into the Exchequer under subsection (4) above.

(6) In this section “ profits ” as respects any financial year means the excess of the revenue of the Corporation for that year over the total sums properly chargeable by it to revenue account for that year.

(7) Section 19 of the principal Act (Minister’s powers in relation to profits of air Corporations) shall cease to have effect in relation to the Corporation.

(8) In section 23 of the principal Act (estimates of receipts and expenditure of Corporations) the expression “ receipts ” shall not include any sum paid by the Minister to the Corporation under this section.

Financial
duties of
B.O.A.C.

3.—(1) The Minister shall from time to time determine with the approval of the Treasury and after consultation with the British Overseas Airways Corporation, as respects such period as he may so determine, the rate of return on net assets which he considers, having regard to his rights under section 2(2) of this Act, it is reasonable for the Corporation to achieve in that period ; and the Minister may, with the like approval and after such consultation as aforesaid, vary a determination under this section in respect of any period by a further determination.

(2) In subsection (1) above the reference to the rate of return on net assets is a reference to the amount of profits for the period in question (as defined for the purposes of section 2 of this Act but before deducting interest on moneys borrowed by the Corporation) expressed as a percentage of the total assets of the Corporation after deducting liabilities of a current nature.

(3) The Minister shall give notice to the Corporation of any determination under subsection (1) above.

(4) The Corporation shall conduct its affairs during any period in respect of which a determination has been made under subsection (1) above with a view to achieving a rate of return in that period not less than that specified by the determination as for the time being in force.

(5) The Corporation shall from time to time during any such period as aforesaid review the financial results of its operations during the preceding part of the period, and if it appears to the Corporation that those results have been such that, unless special measures are taken, the Corporation is unlikely to be able to perform its obligation under subsection (4) above, the Corporation shall forthwith inform the Minister of that fact and consider what special measures can be taken, and the Corporation shall inform the Minister of the special measures which it proposes should be taken.

(6) The Minister may by order—

- (a) substitute for the duty imposed by subsection (4) of this section a financial duty expressed otherwise than by reference to a rate of return on net assets ; and
- (b) for that purpose, direct that the foregoing provisions of this section shall have effect subject to such modifications as may be specified in the order and make such other incidental and transitional provisions as appear to him to be necessary or expedient ;

but no such order shall be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(7) Any order under the last foregoing subsection shall be made by statutory instrument and may be varied or revoked by a subsequent order under that subsection.

(8) The Corporation, in framing and carrying out proposals involving substantial outlay on capital account by the Corporation or by a subsidiary of the Corporation, shall act on lines settled from time to time with the approval of the Minister.

(9) As from 31st March 1969 the Minister's power under the principal Act to give directions to the Corporation as to the application of any sums standing to the credit of the Corporation's reserve fund shall, notwithstanding paragraph (a) of the proviso to section 18(2) of that Act, include power to direct the payment of any such sum (not being a sum in respect of which a direction has been given under section 2(3)(b) of this Act) into the Exchequer if it appears to the Minister, after consultation with the Corporation, that that sum is surplus to the requirements of the Corporation.

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(10) The account required to be prepared by the Minister under section 3(6) of the Air Corporations Act 1962 shall include particulars of any sums directed to be paid into the Exchequer under subsection (9) of this section.

1962 c. 5
(11 & 12
Eliz. 2).

Duration of
ss. 2 and 3.

4.—(1) Subject to subsection (2) below, the provisions of sections 2 and 3 of this Act, and of section 1(3) of this Act so far as it relates to the said section 2, shall continue in force until 31st March 1971 and then expire.

(2) The Minister may by order direct that the said provisions—

- (a) shall continue in force permanently after the date on which they would otherwise expire ; or
- (b) shall continue in force after that date for such period as may be specified in the order and then expire.

(3) Any order under the last foregoing subsection shall be made by statutory instrument ; and no such order shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

(4) Upon the expiry of the provisions mentioned in subsection (1) above—

- (a) any sums which have been paid by the Minister to the British Overseas Airways Corporation under section 2 of this Act, including any sum deemed to have been, or treated as having been, so paid by virtue of any of the foregoing provisions of this Act, shall be deemed to have been borrowed by the Corporation from the Minister on the date of such expiry and to have been then advanced by him to the Corporation under section 3 of the Air Corporations Act 1962 (but not so as to subject to the limit imposed by section 12(1) of the principal Act any sums in respect of which a direction may have been given under section 2(3)(b) of this Act) ;
- (b) section 5 of this Act shall apply to the said Corporation as it applies to the British European Airways Corporation ;

and section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if the said provisions had been then repealed by another Act.

1889 c. 63.

Financial
duties of
B.E.A.

5.—(1) The British European Airways Corporation shall so conduct its affairs as to secure that its revenue is not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another.

(2) The Corporation, in framing and carrying out proposals involving substantial outlay on capital account by the Corporation or by a subsidiary of the Corporation, shall act on lines settled from time to time with the approval of the Minister.

(3) Any excess of the revenue of the Corporation for any financial year over the total sums properly chargeable by the Corporation to revenue account for that year shall be applied by the Corporation in such manner as the Minister, with the approval of the Treasury and after consultation with the Corporation, may direct; and any such direction may require the whole or any part of any such moneys to be paid into the Exchequer if it appears to the Minister, after such consultation as aforesaid, to be surplus to the requirements of the Corporation.

(4) The account required to be prepared by the Minister under section 3(6) of the Air Corporations Act 1962 shall include particulars of any sums directed to be paid into the Exchequer under subsection (3) of this section. 1962 c. 5
(11 & 12
Eliz. 2).

(5) Section 19 of the principal Act shall cease to have effect in relation to the Corporation.

6.—(1) The British Overseas Airways Corporation and the British European Airways Corporation (hereafter in this Act referred to as “the Corporations”) may borrow, from such persons and on such terms as the Minister may with the approval of the Treasury from time to time specify, any sums of foreign currency required by either of the Corporations for defraying expenditure properly chargeable to capital account, including the repayment of any money borrowed by that Corporation for defraying expenditure properly so chargeable: Borrowing
powers of
Corporations
and Treasury
guarantees.

Provided that nothing in this subsection shall authorise either of the Corporations to borrow in excess of the limit imposed for that Corporation by section 12 of the principal Act as for the time being in force.

(2) The Treasury may guarantee, in such manner and on such conditions as they think fit—

- (a) the repayment of, and the payment of interest on and other charges in respect of, any sums borrowed by either of the Corporations under subsection (1) above; and
- (b) the payment by either of the Corporations of any other debt incurred by it, being a debt which is to be discharged in foreign currency;

and subsections (2) to (5) of section 10 of the principal Act (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 in relation to any guarantee under this subsection as they have effect in relation to a guarantee under that section and as if, in subsection (3)(b) of that section, references to a temporary loan included references to any such sums or debts as are mentioned in paragraphs (a) and (b) of this subsection, the reference to interest on such a loan included a reference to charges other than interest in respect of such sums and the reference to the date of the raising of such a loan included a reference to the date when any such debt is incurred.

1956 c. 3
(5 & 6 Eliz. 2).

(3) Section 8(3) of the principal Act (power of Corporations to borrow from Minister for financing accumulated deficits on revenue account) and section 1(2) of the Air Corporations Act 1956 (power of British Overseas Airways Corporation to borrow from certain banks for the purpose of buying aircraft manufactured in the United States of America) shall cease to have effect.

(4) In this section "foreign currency" means any currency other than sterling.

Pensions.

7.—(1) The power of the Minister to make regulations under section 21 of the principal Act (pension regulations in respect of service of employees of the Corporations) shall include power to make regulations in respect of the service of—

(a) employees of any such undertaking as may be specified in the regulations, being—

(i) an undertaking which is a subsidiary of either of the Corporations, or

(ii) any other undertaking which would be a subsidiary of one of the Corporations if there were held by that Corporation any share capital, or power to appoint directors, of the undertaking which is held (directly or indirectly) by the other Corporation ;

(b) employees of the management trustees of the pension scheme established and maintained by virtue of regulations made under the said section 21 ;

(c) employees of the board of trustees of the joint medical service of the Corporations ;

and, accordingly, in the said section 21 references to the Corporations shall include references to any undertaking specified in the regulations by virtue of paragraph (a) of this subsection and to the trustees mentioned in paragraphs (b) and (c) of this subsection.

(2) Regulations under the said section 21 may make provision for securing that where—

- (a) an employee of any such undertaking or body of trustees as is mentioned in paragraph (a), (b) or (c) of subsection (1) above becomes a member of either of the Corporations ; or
- (b) an employee of any such undertaking or body of trustees, or of either of the Corporations, becomes a director of any such undertaking,

being, in either case an employee in respect of whose service benefits are provided by a pension scheme established under that section, his service as such a member or director (whether before or after the passing of this Act) shall be treated for the purposes of the scheme as if it were service as an employee of the undertaking, body of trustees or Corporation in whose employment he was when he became such a member or director.

(3) No regulations shall be made by the Minister under the said section 21 by virtue of this section except after consultation with each of the Corporations and with any organisation representative of the employees to whom the regulations will relate which appears to him to be appropriate ; and nothing in that section shall require the Minister to make any regulations which he has power to make by virtue of this section.

8.—(1) In section 23(4) of the principal Act (Corporations to submit to Minister in respect of each planning period, as defined for the purposes of that section, and at such time before the beginning of that period as the Minister may direct, a programme of services and activities and an estimate of receipts and expenditure) for the words “ in respect of each planning period, as defined for the purposes of this section, and at such time before the beginning of that period as the Minister may direct ” there shall be substituted the words “ at such times as the Minister may from time to time determine and in respect of any period so determined ”.

Other amendments of principal Act.

(2) In section 23(6) of the principal Act (each of the Corporations to provide the Minister with information relating to the undertaking of the Corporation and of any associate of the Corporation) for the words from “ undertaking of the corporation ” to “ or any such associate) ” there shall be substituted the words “ property, financial position, activities or proposed activities of the corporation or of any subsidiary of the corporation ”.

(3) For paragraphs 9 and 10 of Schedule 1 to the principal Act (under which remuneration paid to a member of a Corporation in respect of his office as such or in respect of his office as chairman or deputy chairman is determined by the Minister

with the consent of the Treasury, but any additional remuneration paid to a member employed about the affairs of the Corporation otherwise than as a member thereof is at the discretion of the Corporation) there shall be substituted the following paragraph—

“9. The Corporation shall pay to each member thereof such remuneration, whether in respect of his office as such or otherwise, as the Minister may with the consent of the Treasury determine.”;

but this subsection shall not affect any determination made under the said paragraphs before the commencement of this Act.

Citation,
interpretation
and repeals.

1953 c. 7
(2 & 3 Eliz. 2).

1962 c. 5
(11 & 12
Eliz. 2).

1949 c. 91.

9.—(1) This Act may be cited as the Air Corporations Act 1966, and the principal Act, the Air Corporations Act 1953, the Air Corporations Act 1962 and this Act may be cited together as the Air Corporations Acts 1949 to 1966.

(2) In this Act “the Minister” means the Minister of Aviation, “the Corporations” means the British Overseas Airways Corporation and the British European Airways Corporation, “the principal Act” means the Air Corporations Act 1949 and “financial year”, “subsidiary” and “director” have the same meaning as in the principal Act.

(3) In this Act, except where the context otherwise requires, any reference to an enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by any other enactment, including this Act.

(4) The enactments mentioned in Schedule 2 to this Act (which include certain spent provisions of the principal Act) shall be repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES

SCHEDULE 1

Section 1.

TRANSFERRED STOCK OF
BRITISH OVERSEAS AIRWAYS CORPORATION*Renaming of certain Stock*

1. As from 1st April 1965 (in this Schedule referred to as "the date of transfer") the following Stock, that is to say—

(a) the 4½% British Overseas Airways Guaranteed Stock 1965-66, and

(b) the 4% British Overseas Airways Guaranteed Stock 1974-80, being two of the issues comprised in the Stock mentioned in section 1(1)(b) of this Act, shall each be renamed by omitting the word "Guaranteed".

Application of provisions applicable to Government Stock

2. As from the date of transfer, the Stock mentioned in section 1(1)(b) of this Act (in this Schedule referred to as "the Stock") shall be deemed for all purposes, but subject to the rights and liabilities mentioned in the said section 1(1)(b), to have been created and issued under the National Loans Act 1939, and that Act and 1939 c. 117. any other enactment, regulation or rule relating to securities issued under that Act shall apply accordingly to the Stock.

3. As from the date of transfer, the Airways Corporations Stock S.I. 1947/99. Regulations 1947 and the Airways Corporations Stock Regulations S.I. 1948/2858. 1948 shall be deemed not to have applied to the Stock, but this paragraph shall not affect the validity of any thing done under or for the purposes of any provision of those regulations before the commencement of this Act, and any such thing shall continue to have effect after the commencement of this Act in relation to the Stock and shall be deemed to have been done under or for the purposes of the corresponding enactment, regulation or rule for the time being applicable to the Stock.

Transitional provisions

4. In relation to the person entitled to any payment of interest in respect of the Stock before the commencement of this Act, any payment of such interest made by the British Overseas Airways Corporation on or after the date of transfer shall have effect as if made by the Treasury.

5. As soon as may be after the commencement of this Act there shall be made between the Treasury and the said Corporation all such adjustments in respect of the period beginning with the date of transfer and ending with the commencement of this Act as may be required for carrying section 1(1)(b) of this Act into effect, including in particular payments by the Treasury out of the Consolidated Fund for reimbursing to the Corporation interest paid by it in respect of the Stock during that period.

E* 4

Section 9.

SCHEDULE 2

REPEALS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 91.	The Air Corporations Act 1949.	Section 8(3). Sections 13 to 17. Section 19. Section 23(5) and (8)(a) and (b). Section 29. Section 31(3). Section 36. In section 38(1) the definitions of “ associate ” and “ revenue ”. In Schedule 1, paragraph 8. The whole Act.
5 & 6 Eliz. 2. c. 3.	The Air Corporations Act 1956.	
11 & 12 Eliz. 2. c. 5.	The Air Corporations Act 1962.	In section 1, in the section to be substituted for section 8 of the Air Corporations Act 1949, subsection (3). In section 6(3) the words from “ and in section 1(2) ” to “ Corporation) ” and the words following the semi-colon.
1964 c. 2.	The Air Corporations Act 1964.	The whole Act.



Post Office Savings Bank Act 1966

1966 CHAPTER 12

An Act to enable deposits in a post office savings bank to be received for investment in securities, and at rates of interest, other than those authorised by the Post Office Savings Bank Act 1954; to amend the provisions of that Act as to the making and receipt of deposits; and for purposes connected with those matters.

[10th March 1966]

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) Deposits received under the Post Office Savings Bank Investment Act 1954 (in this Act referred to as “ the principal Act ”) may be deposits so received for investment in accordance with the provisions of 1954 c. 62. this Act.

(2) Deposits so received shall be known as “ investment deposits ” and other deposits made in a post office savings bank as “ ordinary deposits ”.

(3) The following provisions of the principal Act shall not apply in relation to investment deposits, that is to say—

- (a) section 5 (payment of interest);
- (b) sections 11 and 12 (transfers to and from trustee savings banks);
- (c) section 16 (disposal of deposits);
- (d) sections 17 to 20 (management of Post Office Savings Banks Fund).

**Terms of
investment
deposits.**

2.—(1) Investment deposits shall be received on such terms as to notice of withdrawal and interest (other than terms as to rate of interest) as the Postmaster General may from time to time by regulations made with the consent of the Treasury prescribe; and interest on such deposits shall be payable at such rates as the Postmaster General may from time to time determine with the consent of the Treasury, and different rates may be so determined in relation to different periods of notice.

(2) Accordingly so much of section 6 of the principal Act as entitles a depositor to repayment within ten days of his demand and requires the immediate transmission to him of the Postmaster General's authority therefor shall not apply in relation to investment deposits.

(3) Where regulations under this section extend a period of notice of withdrawal, the extension shall not apply to any deposits received before the coming into operation of the regulations.

(4) The Postmaster General shall give notice in the London, Edinburgh and Belfast Gazettes of any alteration in a rate of interest payable on investment deposits, and, if the alteration affects deposits received before it is made, the length of that notice shall not be less than that of the notice of withdrawal applicable to the deposits.

**Post Office
Savings Bank
Investment
Account Fund.**

3.—(1) The Postmaster General shall keep a separate account of all sums received or paid by him with respect to investment deposits and of investments from time to time representing such deposits.

(2) The said account shall be known as the Post Office Savings Bank Investment Account Fund and is in this Act referred to as the Fund.

(3) The sums to be debited from time to time to the Fund shall include—

(a) such sums as the Postmaster General and the Treasury may agree to be due to the Postmaster General in respect of work done by him in connection with investment deposits;

(b) such sums as the Commissioners and the Postmaster General may agree to be due to the Commissioners in respect of expenses incurred by them in connection with investment deposits; and

(c) so much of the sums payable by the Postmaster General under section 2 of the Post Office Act 1961 (contributions in lieu of taxes) as the Postmaster General and the Treasury may agree to be attributable to the investment of deposits under this Act.

(4) If the Fund is insufficient to meet all claims in respect of investment deposits the Treasury may, on being informed thereof by the Postmaster General, issue the amount of the deficiency out of the Consolidated Fund, and the Treasury shall certify the deficiency to Parliament.

4.—(1) The balance of the sums credited to the Fund over the sums debited to the Fund shall from time to time be paid over to the Commissioners for investment, in accordance with any directions given by the Postmaster General with the consent of the Treasury, in any such manner for the time being specified in Part II of Schedule 1 to the Trustee Investments Act 1961 as the Treasury may by order specify. Investment by National Debt Commissioners. 1961 c. 62.

(2) Any sums received by the Commissioners in respect of investments made under this section shall, in accordance with any directions given by the Postmaster General with the consent of the Treasury, be re-invested under this section or paid over to the Postmaster General and credited to the Fund.

(3) The Commissioners shall keep a separate account of all receipts, investments and payments under this section and shall furnish to the Postmaster General such statements of and information as to those investments at such times as may be agreed between them.

(4) The power to make an order under this section shall be exercisable by statutory instrument and includes power to vary or revoke any such order by a subsequent order.

(5) A draft of any statutory instrument made under this section shall be laid before Parliament.

5.—(1) The following provisions of this section shall apply, in relation to investment deposits, in lieu of sections 15 and 21 of the principal Act. Preparation and audit of accounts.

(2) The Postmaster General and the Commissioners shall for each year ending on 31st December prepare a statement of accounts of the Fund in such form and manner as the Postmaster General may with the approval of the Treasury determine.

(3) The said statement shall, before the end of May next following the year for which it is prepared, be transmitted to the Comptroller and Auditor General, who shall examine, certify and report on it on behalf of Parliament and return it, with his report, to the Postmaster General.

(4) The Postmaster General shall lay copies of the statement and of the report before each House of Parliament not later than the end of July.

Making of deposits.

6. Section 3 of the principal Act (making of deposits) shall cease to have effect and the power of the Postmaster General under section 2 of that Act to make regulations with respect to the making of deposits shall include power to make regulations—

- (a) for prescribing the entries to be made in depositors' books;
- (b) for the giving of receipts and acknowledgments;
- (c) for treating entries, receipts or acknowledgments made in pursuance of the regulations as evidence or conclusive evidence of such facts as may be prescribed by the regulations;
- (d) for preventing the making of deposits of less than such amount as may be specified in the regulations.

Supplemental.

7.—(1) Any order or regulations made under the principal Act (including any such regulations made by virtue of section 6 of this Act) may make different provision with respect to ordinary deposits and with respect to investment deposits; and any such regulations may prevent the making of an investment deposit unless the person who will be the depositor in respect thereof is also a depositor in respect of ordinary deposits and the sum due to him in respect of those deposits is not less than such amount as may be specified in the regulations.

1961 c. 62.

(2) Where the investments specified in an order under section 4(1) of this Act include investment in the manner specified in paragraph 9 of Part II of Schedule 1 to the Trustee Investments Act 1961 the provisions of the Schedule to this Act shall apply with respect to any loan made in pursuance of the order to any such authority as is specified in sub-paragraphs (a) to (c) and (e) of the said paragraph 9.

(3) The expenses mentioned in sections 22 and 23 of the principal Act shall be calculated separately for the purposes of section 16 of that Act and for the purposes of section 3 of this Act.

1961 c. 15.

(4) Section 19(6) of the Post Office Act 1961 (which provides for payments by the Commissioners to the Postmaster General for work done by him in the execution of the principal Act) shall not apply in relation to any work done by him in respect of investment deposits, and the references in that section to money deposited under the principal Act shall be construed as not including any sums paid over to the Commissioners under section 4 of this Act.

(5) For the purposes of section 2 of the Post Office Act 1961 (contributions in lieu of taxes)—

1952 c. 10.

- (a) any exemption from liability to tax which is enjoyed under section 119 of the Income Tax Act 1952 with

respect to investments made by the Commissioners under this Act shall be treated as an exemption enjoyed by the Postmaster General; and

- (b) the tax which, but for the exemptions enjoyed by him, would be payable by the Postmaster General in respect of his activities in relation to investment deposits shall be calculated as if the business of the Post Office included no other activity.

8.—(1) In section 1 of the principal Act, after the words “ any of his officers ” there shall be inserted the words “ and such other persons as he thinks fit ” and the words “ for remittance to the principal office ” shall be omitted. Minor amendments of principal Act.

(2) In section 10(1) of the principal Act for the words “ officers of the Postmaster General ” and for the words “ of his officers ” there shall be substituted the word “ persons ”.

(3) In section 12(2) of the principal Act for the words “ officer of the Postmaster General ” there shall be substituted the word “ person ”.

9.—(1) This Act may be cited as the Post Office Savings Bank Act 1966. Short title, citation, construction, extent and commencement.

(2) The principal Act and this Act may be cited together as the Post Office Savings Bank Acts 1954 and 1966.

(3) This Act shall be construed as one with the principal Act.

(4) This Act extends to Northern Ireland, the Isle of Man and the Channel Islands.

(5) This Act shall come into operation on the expiration of the period of two months beginning with the day on which it is passed.

Section 7(2)

SCHEDULE

PROVISIONS APPLICABLE TO LOANS MENTIONED IN
SECTION 7(2)

1. An agreement between the Commissioners and the authority shall be sufficient to effect the loan and shall, notwithstanding anything in any enactment, be included among the means by which the authority may raise money; and—

1933 c. 51.
1947 c. 43.
1949 c. 21
(N.I.).

(a) section 197 of the Local Government Act 1933, section 261 of the Local Government (Scotland) Act 1947, section 7 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949 or any other enactment providing for charging moneys borrowed by the authority on its revenues shall apply accordingly to the money raised by the loan;

(b) where no enactment (other than this paragraph) so provides, then, so long as any part of the principal or any interest remains outstanding, the loan shall be a charge on all the revenues of the authority (including any grants or contributions from the Exchequer which are receivable by the authority) and the charge shall, subject to any provision to the contrary made by or under any enactment, rank equally with any other charges on those revenues.

2.—(1) Where the loan is effected by agreement, the agreement shall not be chargeable with stamp duty, but—

(a) the Commissioners shall, at such times as may be agreed between them and the Commissioners of Inland Revenue, deliver to those Commissioners periodical accounts of the loans made in pursuance of the agreements exempted from stamp duty by virtue of this paragraph and pay over the aggregate of the sums which would have been chargeable by way of stamp duty if each loan had been secured by mortgage by deed, being the only or principal or primary security for that loan; and

(b) the Commissioners may recover from any other party to the agreement the amount for which they are required under this paragraph to account to the Commissioners of Inland Revenue in respect of the loan.

(2) In the application of this paragraph to Northern Ireland, for any reference to the Commissioners of Inland Revenue there shall be substituted a reference to the Ministry of Finance for Northern Ireland.

3.—(1) In section 197(2) of the Local Government Act 1933, the reference to securities created by a local authority shall include a reference to any charge arising by virtue of this Schedule.

(2) Section 207 of that Act shall apply to such a charge as it applies to a mortgage, but with the following modifications, that is to say:—

(a) in subsection (2), for the reference to the mortgage deed and the date of a mortgage there shall be substituted respectively

references to the agreement giving rise to the charge and the date of the agreement; and

(b) subsections (3) and (5) shall be omitted.

4. Section 268 of the Local Government (Scotland) Act 1947 ^{1947 c. 43.} shall apply to a charge arising by virtue of this Schedule as it applies to a mortgage, but with the following modifications, that is to say:—

(a) the time within which particulars are to be entered under subsection (2) of that section shall be fourteen days from the making of the agreement giving rise to the charge;

(b) the reference in paragraph (c) of that subsection to the date of the mortgage shall be construed as a reference to the date of the agreement;

(c) so much of that subsection as relates to the endorsement of any certificate or receipt on the deed of mortgage, and subsections (3) and (7) of the section, shall be omitted.

5.—(1) Section 241 of the Public Health (Ireland) Act 1878 as ^{1878 c. 52.} applied by section 7 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949 shall apply ^{1949 c. 21} to a charge arising by virtue of this Schedule as it applies to a mortgage, (N.I.) but with the following modifications, that is to say—

(a) the reference to a sanitary authority shall include a reference to the Belfast City and District Water Commissioners; and

(b) for the reference to the mortgage deed and the date of a mortgage there shall be substituted respectively references to the agreement giving rise to the charge and the date of the agreement.

(2) In the application of this Schedule to Northern Ireland the reference to the Exchequer shall include a reference to the Exchequer of Northern Ireland.

(3) For the purposes of section 6 of the Government of Ireland ^{1920 c. 67.} Act 1920 so much of this Schedule as relates to matters with respect to which the Parliament of Northern Ireland has power to make laws shall be deemed to be contained in an Act passed before the day appointed for the purposes of that section.



Universities (Scotland) Act 1966

1966 CHAPTER 13

An Act to amend the law relating to the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh; to make provisions consequential on the foundation of a University of Dundee; and for purposes connected therewith.

[10th March 1966]

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

PROVISION FOR FUTURE RECONSTITUTION OF OLDER UNIVERSITIES

1.—(1) Subject to the next following subsection, the University Court of any of the older Universities may apply to Her Majesty in Council for the grant of a royal charter making fresh provision for the constitution of that University and, notwithstanding anything in the Universities (Scotland) Acts 1858 to 1932, section 28 of the Act of 1868, the Act of 1953 or this Act, Her Majesty in Council may grant a charter accordingly. Reconstitution of older Universities.

(2) Before making an application under this section, a University Court shall obtain the concurrence of the *Senatus Academicus* and shall consult the General Council, the Students' Representative Council and such body or bodies as appear to the University Court to be representative of the academic staff of the University.

(3) The College Charter Act 1871 shall apply to an application under this section as it applies to an application for a charter for the foundation of a new University. 1871 c. 63.

(4) If Her Majesty in Council is pleased to grant in respect of any of the older Universities a charter such as is described in subsection (1) of this section, then, on such day as may be

PART I

appointed in that behalf by Her Majesty by Order in Council, the enactments mentioned in the said subsection (1) in so far as they apply to that University shall cease to have effect; and any Order in Council made under this subsection may make such amendments to the said enactments as appear to Her Majesty in Council to be consequential on the application of this subsection in relation to that University.

PART II

AMENDMENT OF CONSTITUTIONS AND POWERS OF EXISTING BODIES, ETC.

University Courts

Constitution
of University
Courts.

2.—(1) Subject to the provisions of section 17 of this Act, the University Courts of the older Universities shall consist of the persons specified in Parts I, II, III and IV respectively of Schedule 1 to this Act.

(2) Except as provided in section 5(2) of the Act of 1889, subsections (3) and (4) of this section and paragraphs (g) and (h) of Part I of Schedule 1 to this Act, the term of office of all assessors on a University Court to which this section applies shall be four years.

(3) The term of office of assessors elected by the Senatus Academicus or by the General Council to such a University Court, or of members co-opted by such a University Court, shall be four years or such lesser period as may at the time of election or, as the case may be, co-option be determined by the University Court, and different periods may be prescribed for different persons.

(4) In the event of a casual vacancy among the assessors elected by the Senatus Academicus or by the General Council to such a University Court, the person elected to fill such vacancy shall demit office at the date when the person whom he succeeded would have retired.

(5) All assessors on such a University Court shall be eligible for further nomination or, as the case may be, re-election; and all members co-opted by such a University Court shall be eligible for further co-option.

(6) The validity of any proceedings of such a University Court shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

Powers of
University
Courts.

3.—(1) The University Courts of each of the older Universities shall have the powers specified in Schedule 2 to this Act.

(2) The powers specified in Part I of the said Schedule shall be exercisable by ordinance made in accordance with section 4 of this Act; the powers specified in Part II of that Schedule shall be exercisable by resolution passed in accordance with section 6 of this Act; and the powers specified in Part III thereof shall be exercisable in accordance with procedure prescribed by the University Court.

(3) The power conferred by the last foregoing subsection to make an ordinance or pass a resolution shall include a power to vary or revoke the ordinance or resolution by subsequent ordinance or, as the case may be, by subsequent resolution made or, as the case may be, passed in the like manner and subject to the like conditions.

4.—(1) The procedure for the making of ordinances as prescribed in section 21 of the Act of 1889 shall cease to have effect, but, subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the making of an ordinance under section 3 of this Act, that is to say—

Making of ordinances.

- (a) a draft of the ordinance shall be sent to the *Senatus Academicus* and to the General Council ;
- (b) throughout the period of eight weeks from the sending of the draft of the ordinance to the *Senatus Academicus* and to the General Council, notices, stating that the draft has been sent to the *Senatus Academicus* and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University ;
- (c) the University Court shall take into consideration any representations from the *Senatus Academicus*, the General Council or any other body or person having an interest concerning the ordinance if received by them within the period mentioned in the last foregoing paragraph ;
- (d) in computing the said period, the months of August and September shall be left out of account ;
- (e) no ordinance shall come into operation until it has been approved by Her Majesty in Council, and the University Court may submit the ordinance to Her Majesty in Council for approval as soon as may be after the end of the said period ;
- (f) Her Majesty in Council may refer the ordinance to the Universities Committee, who shall report to Her Majesty thereon ;
- (g) as soon as may be after the ordinance has been approved by Her Majesty in Council, a copy thereof shall be sent to the *Senatus Academicus* and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period ;
- (h) without prejudice to the other provisions of this section, the University Court shall not proceed with the making of any ordinance which relates to the purposes mentioned in section 2 of the Act of 1932 until after consultation with the General Assembly.

PART II

(2) Before proceeding to make an ordinance, the University Court may determine that on the ground of urgency the foregoing subsection shall apply in relation to that ordinance as if every reference to period, except in paragraph (g), were construed as a reference to the period of one month; and forthwith notices to that effect shall be sent to the *Senatus Academicus* and to the General Council and shall be displayed publicly within the University.

Ordinances made under former enactments.

5. Ordinances made under the *Universities (Scotland) Acts 1858 to 1932* or the *Act of 1953*, which were in force immediately before the passing of this Act, shall remain in force until varied or revoked—

- (a) in the case of the ordinances listed in Schedule 3 to this Act, by ordinance made in pursuance of paragraph 6 of Part I of Schedule 2 to this Act;
- (b) in the case of ordinances relating to any of the matters mentioned in paragraphs 1 to 3 and 5 to 7 of Part II of Schedule 2 to this Act, by resolution passed in accordance with section 6 of this Act; and
- (c) in the case of any other ordinance, by such of the methods mentioned in section 3(2) of this Act as the University Court thinks fit.

Passing of resolutions.

6.—(1) Subject to the provisions of subsection (2) of this section, the following provisions of this subsection shall apply to the passing of a resolution under section 3 of this Act, that is to say—

- (a) a draft of the resolution shall be sent to the *Senatus Academicus* and to the General Council;
- (b) throughout the period of one month from the sending of the draft of the resolution to the *Senatus Academicus* and to the General Council, notices, stating that the draft has been sent to the *Senatus Academicus* and to the General Council and naming a place within the University where the draft may be inspected at all reasonable hours, shall be displayed publicly within the University;
- (c) the University Court shall take into consideration any representations from the *Senatus Academicus*, the General Council or any other body or person having an interest, concerning the resolution if received by them within the period mentioned in the last foregoing paragraph;
- (d) in computing the said period the months of August and September shall be left out of account;
- (e) the resolution may be passed by the University Court as soon as may be after the end of the said period, and it shall come into effect on a date fixed therein;

CORRECTION

Page 157, line 24 (Subsection 2 of section 7)

For " Paragraph 5 "

Read " Paragraph 4 "



(f) after the resolution has been passed, a copy thereof shall be sent to the Senatus Academicus and to the General Council, and a copy shall be displayed publicly within the University for a reasonable period.

PART II

(2) In the case of a resolution relating to matters mentioned in paragraph 2 or paragraph 5 of Part II of Schedule 2 to this Act, the University Court may at a meeting by a majority of not less than three-fourths of the members of the University Court present and voting determine that on the ground of extreme urgency the procedure set out in paragraphs (a) to (e) of the foregoing subsection in relation to that resolution should be dispensed with, and where the University Court so determine the resolution may be passed forthwith.

Senates

7.—(1) The Senatus Academicus of each of the older Universities shall include a number of readers and lecturers of that University equal to not less than one-third of the number of persons who are members of that Senatus by virtue of section 5 of the Act of 1858. Constitution of Senates.

(2) The readers and lecturers to be included on a Senatus Academicus to which this section applies shall be elected in such manner and for such term of office as may be provided by the University Court by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act, but the only persons qualified to vote in the election of those readers and lecturers shall be the readers and lecturers of the University concerned.

(3) The validity of any proceedings of a Senatus Academicus to which this section applies shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

8.—(1) The Senatus Academicus of each of the older Universities shall have power to promote research; and accordingly section 7(1) of the Act of 1889 shall have effect as if at the end thereof there were inserted the words "and to promote research". Powers of Senates.

(2) Without prejudice to the said section 7, the Senatus Academicus as aforesaid shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

General Councils

9.—(1) In addition to the meetings prescribed by section 6 of the Act of 1858, special meetings of the General Council of each of the older Universities may be held at any time in accordance with such procedure as the General Council may by rules determine. Powers of General Councils.

PART II

(2) The quorum of the General Council of each of the older Universities shall be fifty, but any such General Council may resolve that its quorum shall be altered to such number as it may determine:

Provided that a notice stating that the quorum has been so altered shall require to be sent to every member of the General Council, and the alteration shall take effect only after the expiry of three months from the sending of the notice.

(3) The General Council of each of the older Universities shall have power to appoint committees of its own number or others, and to define the powers, and to determine the membership and the quorum, of such committees.

General
Council
register.

10.—(1) The University Court of each of the older Universities shall cause to be maintained a register of members of the General Council in accordance with conditions prescribed by ordinance made in pursuance of paragraph 5 of Part I of Schedule 2 to this Act.

(2) On the approval by Her Majesty in Council of any such ordinance as is mentioned in the foregoing subsection, the enactments set out in Schedule 4 to this Act shall cease to have effect in relation to the University to which the ordinance applies.

Miscellaneous

University
staff ineligible
to become
rector, or
assessor on
Court except
in certain
circumstances.

11. No person holding an appointment in any of the older Universities shall be eligible to be—

- (a) elected as rector of that University, or
- (b) nominated or elected as an assessor on the University Court by any other person or body than the Senatus Academicus:

Provided that nothing in paragraph (b) of this section shall prejudice the right of the University Court as provided for in Schedule 1 to this Act to co-opt a person holding such an appointment.

Annual
reports and
financial
statements.

12.—(1) The University Court of each of the older Universities shall lay before the General Council annually—

- (a) a report of the work and activities of the University, and
- (b) a financial statement of the University which shall be audited by auditors appointed by the University Court.

(2) No person shall be qualified to be appointed as an auditor under this section unless he is a member of one or more of the following bodies:—

- (a) the Institute of Chartered Accountants of Scotland;
- (b) the Institute of Chartered Accountants in England and Wales;

- (c) the Institute of Chartered Accountants in Ireland ; PART II
 (d) the Association of Certified and Corporate Accountants ;
 (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Board of Trade ;

but a Scottish firm may be so appointed if each of the partners thereof is qualified to be so appointed.

(3) No person shall be qualified to be appointed as an auditor under this section who is, or any member of whose firm is, a member of the University Court or of the staff of the University concerned.

PART III

PROVISIONS CONSEQUENTIAL ON FOUNDATION OF UNIVERSITY OF DUNDEE

13. If Her Majesty in Council is pleased to provide by royal charter for the foundation of a University of Dundee, including the unincorporated society of teachers and students known as Queen's College, Dundee, then, on such day as may be appointed in that behalf by Her Majesty by Order in Council (hereafter in this Act referred to as "the appointed day")— Consequential provisions.

- (a) the said College shall cease to be comprised in the University of St. Andrews ;
 (b) the College Councils constituted by section 4 of the Act of 1953 shall be dissolved ;
 (c) the Act of 1953 shall cease to have effect, but the provisions set out in Schedule 5 to this Act shall apply to the University of St. Andrews ;
 (d) Schedule 6 to this Act shall have effect for the purpose of the transfer to the University of Dundee of the property, rights, liabilities and functions therein specified, being property, rights, liabilities and functions now vested in or attaching to the University of St. Andrews, the said College or the College Council of that College and for the other transitional purposes specified in that Schedule.

PART IV

SUPPLEMENTARY

14. The Acts mentioned in Schedule 7 to this Act, being to the extent specified in relation to them respectively in column 3 of that Schedule no longer required in consequence of the provisions of this Act or otherwise obsolete, are to that extent hereby repealed, and— Repeals.

- (a) the repeal of the enactments specified in Part I of the said Schedule shall take effect on the passing of this Act ; and

PART IV

(b) the repeal of the enactments specified in Part II of the said Schedule shall take effect on the appointed day.

Statutory
Instruments Act
1946 not to apply
to Orders in
Council.
1946 c. 36.

15. The Statutory Instruments Act 1946 shall not apply to an Order in Council under this Act.

Interpretation.

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

1858 c. 83.

“the Act of 1858” means the Universities (Scotland) Act 1858;

1868 c. 48.

“the Act of 1868” means the Representation of the People (Scotland) Act 1868;

1889 c. 55.

“the Act of 1889” means the Universities (Scotland) Act 1889;

1932 c. 26.

“the Act of 1932” means the Universities (Scotland) Act 1932;

1953 c. 40.

“the Act of 1953” means the University of St. Andrews Act 1953;

“the appointed day” means the day appointed by Her Majesty by Order in Council as mentioned in section 13 of this Act;

“the older Universities” means the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh;

“functions” includes powers and duties;

and other expressions shall have the like meaning as in the Universities (Scotland) Acts 1858 to 1932.

(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, extended or applied by, or by virtue of, any subsequent enactment including this Act.

Citation and
commence-
ment.

17.—(1) This Act may be cited as the Universities (Scotland) Act 1966, and the Universities (Scotland) Acts 1858 to 1932 and this Act may be cited together as the Universities (Scotland) Acts 1858 to 1966.

(2) The following provisions of this Act shall come into operation on the appointed day, that is to say—

(a) section 2 so far as relating to the University of St. Andrews,

(b) section 14(a) and Part I of Schedule 7 so far as those provisions repeal part of section 5(2) of the Act of 1889 in relation to the University of St. Andrews,

(c) section 14(b) and Part II of Schedule 7,

(d) Part I of Schedule 1,

(e) Schedule 5,

(f) Schedule 6.

SCHEDULES

SCHEDULE 1

Section 2.

COMPOSITION OF COURTS OF OLDER UNIVERSITIES

PART I

St. Andrews

- (a) the rector ;
- (b) the principal ;
- (c) the master of the United College of St. Salvator and St. Leonard ;
- (d) the vice-principal of the University, if he is not a member of the University Court in another capacity ;
- (e) an assessor nominated by the chancellor ;
- (f) an assessor nominated by the rector ;
- (g) the provost of the royal burgh of St. Andrews for the time being, or an assessor nominated by him to serve throughout his term of office as provost ;
- (h) the convener of the county council of the county of Fife for the time being, or an assessor nominated by him to serve throughout his term of office as convener ;
- (i) four assessors elected by the General Council ;
- (j) six assessors elected from among its members by the Senatus Academicus, of whom one shall be a professor in St. Mary's College, and of whom at least two shall be readers or lecturers ;
- (k) such persons, not exceeding three in number of whom none may hold an appointment in the University of St. Andrews, as may be co-opted by the University Court.

PART II

Glasgow

- (a) the rector ;
- (b) the principal ;
- (c) the lord provost of the city of Glasgow for the time being ;
- (d) an assessor nominated by the chancellor ;
- (e) an assessor nominated by the rector ;
- (f) an assessor nominated by the lord provost, magistrates and council of the city of Glasgow ;
- (g) four assessors elected by the General Council ;
- (h) six assessors, elected from among its members by the Senatus Academicus, of whom at least two shall be readers or lecturers ;
- (i) such persons, not exceeding three in number of whom not more than one may hold an appointment in the University of Glasgow, as may be co-opted by the University Court.

F

SCH. 1

PART III

Aberdeen

- (a) the rector ;
- (b) the principal ;
- (c) the lord provost of the city of Aberdeen for the time being ;
- (d) an assessor nominated by the chancellor ;
- (e) an assessor nominated by the rector ;
- (f) an assessor nominated by the lord provost, magistrates and council of the city of Aberdeen ;
- (g) four assessors elected by the General Council ;
- (h) six assessors, elected from among its members by the *Senatus Academicus*, of whom at least two shall be readers or lecturers ;
- (i) such persons, not exceeding three in number of whom not more than one may hold an appointment in the University of Aberdeen, as may be co-opted by the University Court.

PART IV

Edinburgh

- (a) the rector ;
- (b) the principal ;
- (c) the lord provost of the city of Edinburgh for the time being ;
- (d) an assessor nominated by the chancellor ;
- (e) an assessor nominated by the rector ;
- (f) an assessor nominated by the lord provost, magistrates and council of the city of Edinburgh ;
- (g) four assessors elected by the General Council ;
- (h) six assessors, elected from among its members by the *Senatus Academicus*, of whom at least two shall be readers or lecturers ;
- (i) such persons, not exceeding three in number of whom not more than one may hold an appointment in the University of Edinburgh, as may be co-opted by the University Court.

Section 3.

SCHEDULE 2

POWERS OF UNIVERSITY COURTS

PART I

Powers exercisable by ordinance

1. To amend the composition, powers and functions of the University Court, the *Senatus Academicus*, and the General Council, as set out in the Universities (Scotland) Acts 1858 to 1932, the Act of 1953 and this Act, and in the ordinances made under the said Acts of 1858 to 1932 and of 1953 as set out in Schedule 3 to this Act ; and to amend the composition of the General Council as set out in section 28 of the Act of 1868.

2. To amend the composition of any other body set up under the Acts of 1858 and 1889 to which the University Court nominates or appoints members :

SCH. 2

Provided that before proceeding to the exercise of the powers herein contained the Court shall have regard to any recommendation made by the body concerned.

3. To fulfil the purposes which are mentioned in sections 14 and 15 of the Act of 1889, and section 2 of the Act of 1932.

4. To provide for the manner of election of readers and lecturers to the *Senatus Academicus* and their term of office.

5. To prescribe the conditions under which the register of members of the General Council is to be maintained.

6. To vary or revoke any of the ordinances set out in Schedule 3 to this Act.

PART II

Powers exercisable by resolution

1. On the recommendation of the *Senatus Academicus*, to regulate and alter the constitution, composition, and number of the faculties and boards of studies, and to create new bodies of the same kind.

2. On the recommendation of the *Senatus Academicus*, to institute new degrees and to approve regulations made by the *Senatus Academicus* therefor ; to approve any additions or amendments to the regulations for existing degrees and to regulate the length of the academic session.

3. On the recommendation of the *Senatus Academicus*, to prescribe the conditions under which students may be admitted to the University :

Provided that the power mentioned in this paragraph shall not become exercisable by the University Court of any of the older Universities until the ordinance mentioned in paragraph 8 of Schedule 3 to this Act has been revoked in relation to that University.

4. On the recommendation of the *Senatus Academicus*, to prescribe the procedure to be followed in the case of alleged breaches of discipline within the University where the alleged breach is one which might be punishable by expulsion or rustication.

5. After consultation with the *Senatus Academicus*, to found professorships and readerships in either case carrying the responsibility of a department and, without prejudice to the provisions of section 2 of the Act of 1932, on the occasion of a vacancy and with the consent of the patrons, if any, to abolish or alter the title of existing professorships and readerships carrying the responsibility of a department and with the consent of the incumbent and patrons, if any, to alter the title of existing professorships.

6. After consultation with the *Senatus Academicus*, to make regulations for the granting of recognition to the teaching of any college or individual teacher for the purposes of graduation.

7. After consultation with the *Senatus Academicus* and without prejudice to the provisions of section 2 of the Act of 1932, to prescribe the limitations in respect of age on the tenure of office of the principal or a professor :

F 2

SCH. 2

Provided that, in the case of the principalship or a professorship the nomination or appointment whereto is reserved to or exercised by the Crown, the consent of Her Majesty to any such limitation on the tenure thereof shall have been signified by the Secretary of State ; and provided also that no resolution prescribing such limitation shall apply to the principal or a professor holding office at the date when the resolution is passed, unless the principal or that professor shall have consented to such application, or is by the terms of his appointment subject to such limitation.

8. To regulate such other matters, not being matters which fall within the scope of Part I of this Schedule, as the University Court may think fit to regulate by resolution.

PART III

Powers exercisable in accordance with procedure prescribed by the University Court

1. The powers mentioned in section 12 of the Act of 1858 but as if paragraph 4 thereof were omitted.

2. The powers mentioned in section 13 of the Act of 1858, but subject to the provisions of paragraph 2 of Part I of this Schedule.

3. The powers mentioned in section 6 of the Act of 1889 but as if—

(a) for paragraph (8) thereof there were substituted the following paragraph:—

“(8) To appoint committees of its own number or others, and to define their powers, and to determine the membership and the quorum, of such committees.”

and,

(b) in paragraph (9) thereof for the reference to the Medical Act 1886 there were substituted a reference to the Medical Act 1956.

4. To regulate the salaries of the principal, professors, readers, lecturers and other University officers.

5. After consultation with the Senatus Academicus, to regulate the qualifications, appointment and number of examiners ; and to determine the amount and manner of the remuneration of examiners.

6. To appoint such administrative staff as may be deemed necessary for the efficient functioning of the University.

7. To determine the conditions and the scale on which pensions may be granted to the principal, professors, readers, lecturers and other University officers.

8. To regulate the amount, manner of payment, and appropriation of fees and other payments made by students.

9. To make provision to enable the Senatus Academicus and the General Council to discharge their duties.

10. In this Part of this Schedule the expression “ officers ” includes “ servants ”.

1886 c. 48.

1956 c. 76.

SCHEDULE 3

Section 5.

ORDINANCES MADE UNDER FORMER ENACTMENTS WHICH MAY BE VARIED OR
REVOKED ONLY BY ORDINANCE MADE UNDER THIS ACT

	Aberdeen No.	Edinburgh No.	Glasgow No.	St. Andrews No.
1. Regulations for the Students' Representative Council	← 60 (General No. 22) →			
2. Election of rector ...	399 (Aberdeen No. 77)	361 (Edinburgh No. 120)	380 (Glasgow No. 108)	484 (St. Andrews No. 82)
3. General Council: Regulations for election of chancellor and assessors: amendment of Ordinance No. 9 (General No. 4)	← 278 (General No. 9) →			
4.—(a) Composition of the Senatus Academicus				498 (St. Andrews No. 76) Section I
(b) Admission of readers and lecturers to the Senatus Academicus	508 (Aberdeen No. 98)	360 (Edinburgh No. 112)	119 (Glasgow No. 32)	498 (St. Andrews No. 76) Section II
(c) Election of assessors of the Senatus Academicus on the University Court				498 (St. Andrews No. 76) Sections VII - X
5. Limitation of Time for Appeals and Representations	← No. 5 (General No. 2) →			
6. Board of nomination for theological chairs	← 284 (General No. 10) →			
7. Use of Common Seal (Execution of Deeds)	432 (Aberdeen No. 85)	500 (Edinburgh No. 160)	← 6 (General No. 3) →	
8. Regulations as to qualifications for admission to the Scottish Universities for purposes of graduation	← 356 (General No. 11) →			

Section 10(2).

SCHEDULE 4

LIST OF ENACTMENTS CEASING TO HAVE EFFECT ON THE APPROVAL
BY HER MAJESTY IN COUNCIL OF AN ORDINANCE MENTIONED IN
SECTION 10 OF THIS ACT

The following enactments are those mentioned in section 10(2) of this Act, that is to say—

- (a) section 6 of the Act of 1858, so far as relating to the registration of members of the General Council,
- (b) section 28 of the Act of 1868, so far as relating to the registration of members of the General Council,
- (c) section 29 of the Act of 1868 (registration book),
- (d) section 32 of the Act of 1868 (power to inspect registration book, etc.),
- (e) section 33 of the Act of 1868 (appeal against omissions),
- (f) section 34 of the Act of 1868 (quorum of University Court for purposes of that Act),
- (g) section 35 of the Act of 1868 (new registers to be made up annually),
- (h) Schedules E and F to the Act of 1868 (forms), and
- (i) the last paragraph of section 19, and section 43, of the Representation of the People Act 1918, so far as relating to the registration of members of the General Council.

1918 c. 64
(7 & 8 Geo. 5).

Section 13.

SCHEDULE 5

PROVISIONS APPLICABLE BY VIRTUE OF SECTION 13 OF THIS ACT
TO THE UNIVERSITY OF ST. ANDREWS AFTER THE FOUNDATION
OF THE UNIVERSITY OF DUNDEE

Constitution of the University and Colleges

1.—(a) The University shall comprise two Colleges, being unincorporated societies of teachers and students, namely, the United College of St. Salvator and St. Leonard, and St. Mary's College.

(b) The United College of St. Salvator and St. Leonard shall consist of the master of the College and of those teachers who provide instruction and matriculated students who engage in studies in the University wholly or mainly in that College; and St. Mary's College shall consist of the principal of the College and of those teachers who provide instruction and matriculated students who engage in studies in the University wholly or mainly in that College.

(c) Any question arising as to the College of which any teacher or student is, by virtue of the last foregoing sub-paragraph, a member shall be determined by the University Court.

(d) Notwithstanding the provisions of sub-paragraphs (a) and (b) of this paragraph, the University Court shall have power to admit to membership of a College the librarian or any other member of the administrative staff of the University of St. Andrews.

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Principal, Vice-Principal and Heads of Colleges

2.—(a) The principal of the University of St. Andrews shall be appointed by Her Majesty.

(b) There shall be a vice-principal of the University of St. Andrews who shall be appointed by the University Court from among the members of the *Senatus Academicus*:

Provided that he shall cease to hold office as vice-principal in the event of his ceasing to be a member of the *Senatus Academicus*.

(c) The master of the United College of St. Salvator and St. Leonard and the principal of St. Mary's College shall be appointed by the University Court.

Bursaries

3. On and after the appointed day those bursaries which immediately before that day were governed by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961 shall, with the exception of the bursaries referred to in paragraph 9(a) of Schedule 6 to this Act, continue to be bursaries in the University of St. Andrews and to be governed, as nearly as may be practicable, by the said scheme until a new scheme for their administration has been prepared under the provisions of the Education (Scotland) Act 1962, and has 1962 c. 47. been approved by Her Majesty in Council.

Construction of contracts etc.

4. On and after the appointed day any reference to the College Council in St. Andrews contained in any contract, agreement, bequest, will, trust or other instrument shall have effect as if it were a reference to the University Court.

Persons employed by College Council in St. Andrews

5. All persons employed in any capacity by the College Council in St. Andrews immediately before the appointed day shall on that day become employed by the University Court upon the same terms and conditions, as nearly as may be practicable, as governed their appointments immediately before the appointed day.

SCHEDULE 6

Section 13.

TRANSFER OF PROPERTY, ETC. TO UNIVERSITY OF DUNDEE AND
OTHER TRANSITIONAL PROVISIONS

Transfer of property and liabilities

1. Subject to the provisions of this Schedule, on the appointed day all property, heritable and moveable, and all rights and interests of every description, which immediately before that day

SCH. 6 belonged to the University Court or, as the case may be, were exercisable by the University Court, in connection with Queen's College, shall vest in or, as the case may be, become exercisable by, the University of Dundee.

2.—(a) Before the appointed day the University Court shall submit to Her Majesty in Council a statement of all endowment funds held by the University Court wholly or partly in connection with Queen's College.

(b) On the appointed day such of the funds referred to in the foregoing sub-paragraph as may be determined by Her Majesty by Order in Council shall be transferred to the University of Dundee.

3.—(a) Within two months after the appointed day the University Court shall submit to Her Majesty in Council an abstract of the accounts of the University Appeal Fund as at the appointed day; and such part of the said Appeal Fund as may be determined by Her Majesty by Order in Council shall be transferred to the University of Dundee.

(b) Within two months after the appointed day the University Court shall submit to Her Majesty in Council for approval a scheme for the allocation between the University of St. Andrews and the University of Dundee of such donations to the said Appeal Fund as may be received by the University Court after the appointed day under covenant made before that day; and all such donations shall be allocated in accordance with a scheme so approved.

4. On the appointed day the funds, not being endowment funds, specified in the first column of the Table set out at the end of this Schedule to the amount specified in the second column of that Table, shall be transferred to the University of Dundee.

5.—(a) All property vesting in or transferred to the University of Dundee under any of the preceding paragraphs of this Schedule shall be applied to the purposes for which the University of Dundee is incorporated.

(b) Subject to the provisions of paragraph 9 of this Schedule, any property which by any scheme, will or other instrument or otherwise was held upon trust for any specific foundation or object of Queen's College and which vests in or has been transferred to the University of Dundee by virtue of any of the preceding paragraphs of this Schedule shall, after the said vesting or transfer, be held upon trust for, and applied as far as possible to, the like foundation or object of the University of Dundee.

(c) Subject to the provisions of the last foregoing paragraph, any property which was held upon any trust and which vests in or has been transferred to the University of Dundee by virtue of any of the preceding paragraphs of this Schedule shall, after the said vesting or transfer, be held upon the same trust.

6. The transfer of property to and its vesting in the University of Dundee under paragraphs 1 to 4 of this Schedule shall have effect by virtue of this Act alone without any conveyance or other instrument.

7. On the appointed day all liabilities incurred before the appointed day by the University Court in connection with Queen's College and still outstanding shall be transferred to the University of Dundee and shall thereafter be discharged by the University of Dundee.

8. Any dispute between the University Court and the University of Dundee as to the property or the liabilities to be transferred to the University of Dundee under paragraphs 1 to 4, and paragraph 7 respectively, of this Schedule shall be determined by arbitration.

Bursaries

9.—(a) On and after the appointed day those bursaries which immediately before that day were governed by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961, and whose respective endowment funds are transferred to the University of Dundee under paragraph 2(b) of this Schedule shall become bursaries in the University of Dundee.

(b) The bursaries referred to in the foregoing sub-paragraph shall, on and after the appointed day, continue to be governed, as nearly as may be practicable, by the University of St. Andrews (Scholarships and Bursaries) Scheme 1961, until a new scheme for their administration has been prepared under the Education (Scotland) Act 1962 c. 47, 1962, and has been approved by Her Majesty in Council.

Construction of contracts etc.

10. On and after the appointed day any reference to Queen's College or to Queen's College Council contained in any contract or agreement shall have effect as if it were a reference to the University of Dundee or, as the case may be, to the governing body of the University of Dundee.

Court Proceedings

11. All court proceedings pending at the appointed day to which the University Court are a party and which relate in whole or in part to Queen's College shall proceed with the substitution of the University of Dundee for the University Court to the extent of the Queen's College interest.

Construction of gifts, etc.

12.—(a) On and after the appointed day any gift in favour of Queen's College shall have effect as if the University of Dundee had been named as the beneficiary therein, whether such gift is regulated

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by any scheme will or other instrument, or in any other manner and whether made or executed or taking effect before or on or after the appointed day.

(b) Any gift in favour of the University of St. Andrews which was regulated after 31st July 1953 and before the appointed day by any scheme will or other instrument, or in any other manner and which takes effect on or after the appointed day shall, in the absence of specific directions in the governing instrument as to the proportion in which Queen's College was to benefit therefrom, be deemed to be a gift in favour of the University of St. Andrews and the University of Dundee equally; and any fund which is created by or under any such gift and which, in terms of the governing instrument, would have vested in the University Court, shall be divided equally and one half shall vest in the University Court and the other in the University of Dundee, to be held and administered for the purposes of the gift.

(c) If the governing instrument of any such gift specifies the proportions in which the United College and St. Mary's College on the one hand and Queen's College on the other are to benefit therefrom the gift shall be deemed to be a gift in favour of the University of St. Andrews and the University of Dundee in those proportions; and any fund which is created by or under any such gift and which, in terms of the governing instrument, would have vested in the University Court, shall be divided in the same proportions and the two parts shall vest in the University Court and the University of Dundee respectively, to be held and administered for the purposes of the gift.

(d) Any reference in this paragraph to a gift shall include a reference to a bequest or trust.

Officers and staff

13. On the appointed day—

- (a) all professors of the University of St. Andrews who immediately before that day were members of Queen's College shall become professors of the University of Dundee;
- (b) all other members of the teaching staff of the University of St. Andrews who immediately before that day were members of Queen's College shall become members of the teaching staff of the University of Dundee;
- (c) all other persons who immediately before that day were employed in any capacity by the University Court and whose duties lay wholly or mainly in Queen's College shall become employed by the University of Dundee;
- (d) all persons who immediately before that day were employed in any capacity by Queen's College Council shall become employed by the University of Dundee.

14.—(a) Any person who has been appointed before the appointed day by the University Court to a post with effect from a date on or after the appointed day and whose duties were to lie wholly or mainly in Queen's College shall from the effective date of his appointment become employed by the University of Dundee.

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(b) Any person who has been appointed before the appointed day by Queen's College Council to a post with effect from a date on or after that day shall from the effective date of his appointment become employed by the University of Dundee.

15. On or before the appointed day the University Court, after consultation with Queen's College Council, shall determine who are the persons falling within the categories specified in paragraphs 13(c) and 14(a) of this Schedule.

16. The persons referred to in paragraphs 13 and 14 of this Schedule shall hold office or continue to hold office upon the same terms and conditions, as nearly as may be practicable, as governed their appointment immediately before the appointed day.

Abolition of qualifying examinations and degrees in medicine etc. in the University of St. Andrews

17.—(a) The University of St. Andrews shall on the appointed day cease to hold qualifying examinations in medicine, surgery and midwifery, and in dentistry:

Provided that a student who has matriculated in the faculty of medicine in the University of St. Andrews before the appointed day shall for a period of five years from the start of the academic session next following that day be entitled, subject to his compliance with the rules and regulations of the University of Dundee from time to time in force, to take any qualifying examinations in those subjects in the University of Dundee.

(b) The University of St. Andrews shall on the appointed day cease to grant degrees in medicine, surgery or midwifery and degrees and licences in dentistry other than to students who have matriculated in the faculty of medicine in the University of St. Andrews before the appointed day and have passed the necessary qualifying examinations in the University of St. Andrews or the University of Dundee or partly in the one and partly in the other.

Amendments to the Medical Act 1956 and Dentists Act 1957

18. On and after the appointed day the University of Dundee shall be, and the University of St. Andrews shall cease to be, entitled to choose one representative to be a member of the General Medical Council, and accordingly section 3(1) of the Medical Act 1956 shall have effect as if the words "St. Andrews" were omitted, and for the words "and Edinburgh" there were substituted the words "Edinburgh and Dundee". 1956 c. 76.

19. Notwithstanding the provisions of the last foregoing paragraph, as read with subsections (3) and (4) of section 2 of the Dentists Act 1957 (which in effect provide that for the purposes of that Act a 1957 c. 28.

SCH. 6 dental authority means any of the Universities who choose appointed members of the General Medical Council), the University of St. Andrews shall on and after the appointed day be deemed to be a dental authority for the purposes of that Act in relation to graduates upon whom it has conferred before or may confer after the appointed day in pursuance of paragraph 17(b) of this Schedule a degree or licence in dentistry.

1956 c. 76.

20. Section 11(1)(a) of the Medical Act 1956 (which states the Universities in which a qualifying examination may be held for the purposes of Part II of that Act) shall have effect as if the words "St. Andrews" were omitted, and for the words "and Edinburgh" there were substituted the words "Edinburgh and Dundee".

Existing students

21. In consultation with the University of St. Andrews, the University of Dundee shall make such regulations as it considers appropriate concerning the continuation of the courses of study and the granting of degrees to students of the University of St. Andrews who have matriculated before the appointed day:

Provided that, subject to the provisions of paragraph 17 of this Schedule, any person who before the appointed day has matriculated in Queen's College as a candidate for a qualification of the University of St. Andrews and who after the appointed day becomes a student of the University of Dundee and satisfies all the conditions required for the like qualification in the University of Dundee shall be entitled to proceed to the qualification in the University of St. Andrews; but the University of St. Andrews shall not be under any obligation to grant a qualification to any candidate who has not passed all the necessary examinations before the expiry of the maximum period of study prescribed by the regulations of the University of St. Andrews which were in force immediately before the appointed day.

Compensation for loss of office

22.—(a) Any person who suffers loss of office or employment, or loss or diminution of emoluments or pension rights, which is attributable to the coming into force of any of the provisions of this Schedule shall be entitled to compensation.

(b) Any compensation payable under this paragraph shall be paid by the University Court and the University of Dundee to the extent of one half each and shall be of such amount as may be agreed between the University Court, the University of Dundee and the person entitled to the compensation or, in default of such agreement, as may be determined by arbitration.

Arbitration

23. Any question which requires, in accordance with paragraph 8 or paragraph 22 of this Schedule, to be determined by arbitration shall be determined by a single arbiter agreed upon by the parties or, failing such agreement, appointed by the Lord President of the Court of Session on the application of any of the parties to the

question, and at any stage in the proceedings in any such arbitration the arbiter may, and shall if so directed by the Court of Session, state a case for the opinion of that court on any question of law arising in the arbitration.

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Interpretation

24. In this Schedule the expression "the University Court" means the University Court of St. Andrews.

TABLE

FUNDS, OTHER THAN ENDOWMENT FUNDS, TO BE TRANSFERRED, IN WHOLE OR IN PART, TO THE UNIVERSITY OF DUNDEE.

<i>Fund</i>	<i>Amount to be transferred to the University of Dundee</i>
(1) Replacements Reserve	One half
(2) Investment Income Reserve	One half
(3) Queen's College Hall Appeal Fund	The whole fund
(4) Accumulated surplus on Income and Expenditure Account	One half

Section 14.

SCHEDULE 7
REPEAL OF ENACTMENTS

PART I

Enactments Repealed on the Passing of this Act

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Vict. c. 83.	The Universities (Scotland) Act 1858.	In section 6, in the first proviso the words from "has attained" to "complete, and" and the word "annual". In section 12, paragraph 4.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act 1868.	Section 31.
52 & 53 Vict. c. 55.	The Universities (Scotland) Act 1889.	In section 5, in subsection (1), paragraphs (ii), (iii) and (iv) and the proviso; in subsection (2) the words from "The other" to "retired" in the second paragraph, and the third paragraph; subsection (4). In section 6, in paragraph (1) the words from "including" to "mentioned", and paragraph (10). Section 8. In section 14, in paragraph (2) the words from "principals" to end; paragraph (3); paragraphs (5) to (11); paragraphs (13) and (14); paragraph (16). Section 21. Section 25. Section 26. Section 28. Section 29. Section 30.
7 & 8 Geo. 5 c. 64.	The Representation of the People Act 1918.	In section 19, the first and second paragraphs so far as they extend to Scotland.
12 & 13 Geo. 5 c. 34.	The Universities (Scotland) Act 1922.	Section 1.
22 & 23 Geo. 5. c. 26.	The Universities (Scotland) Act 1932.	In section 2(1), the words "by section" to "revoke ordinances)", and the words "subject to the provisions of that section", and paragraph (b); section 2(3).

PART II

SCH. 7.

Enactments Repealed on the Appointed Day

Session and Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 55.	The Universities (Scotland) Act 1889.	In section 5(1), paragraph (i).
1 & 2 Eliz. 2 c. 40.	The University of St. Andrews Act 1953.	The whole Act.
4 & 5 Eliz. 2 c. 76.	The Medical Act 1956.	In section 3, in subsection (1) the words " St. Andrews ". In section 11, in subsection (1)(a) the words " St. Andrews ".



Guyana Independence Act 1966

1966 CHAPTER 14

An Act to provide for the attainment by British Guiana of fully responsible status within the Commonwealth; to make provision as to the effect of certain certificates of naturalisation; and for purposes connected with the matters aforesaid. [12th May 1966]

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:—

Fully responsible status of Guyana.

1.—(1) On and after 26th May 1966 (in this Act referred to as “the appointed day”) Her Majesty's Government in the United Kingdom shall have no responsibility for the government of the territory which immediately before that day constitutes the Colony of British Guiana and which on and after that day is to be called Guyana.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Guyana as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of Guyana.

Consequential modifications of British Nationality Acts. 1948 c. 56.

2.—(1) On and after the appointed day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) there were added at the end the words “and Guyana”.

(2) Except as provided by section 3 of this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if he becomes on that day a citizen of Guyana.

(3) Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who on the appointed day ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day. 1948 c. 56.

3.—(1) Subject to subsection (5) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—

Retention of citizenship of United Kingdom and Colonies by certain citizens of Guyana.

- (a) was born in the United Kingdom or in a colony ; or
- (b) is or was a person naturalised in the United Kingdom and Colonies ; or
- (c) was registered as a citizen of the United Kingdom and Colonies ; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said section 2(2) if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

(3) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under the said section 2(2) unless her husband does so.

(4) Subject to subsection (5) of this section, the reference in subsection (1)(b) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

(5) Any reference in this section to a colony, a protectorate or a protected state is a reference to a territory which is a colony, a protectorate or a protected state, as the case may be, within the meaning of the British Nationality Act 1948, on the appointed day, and accordingly does not include a reference to Guyana ;

and subsection (1) of this section shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not such a colony, protectorate or protected state on the appointed day.

1948 c. 56.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) shall have effect for the purposes of this section as if this section were included in that Act.

Effect of
certain
certificates of
naturalisation.

4.—(1) Any document which on or after 1st January 1949 and before the passing of this Act was issued to a person by the Governor of British Guiana with the approval of the Secretary of State and which—

(a) purported to be a certificate of naturalisation, but

(b) did not contain a declaration that, upon taking the oath of allegiance within the time and in the manner required by the regulations made in that behalf, that person was to be a citizen of the United Kingdom and Colonies as from the date of the certificate,

shall have effect, and shall be deemed always to have had effect, as if (instead of any other declaration contained in the document) it had contained such a declaration as is specified in paragraph (b) of this subsection.

(2) Any document to which the preceding subsection applies shall have effect, and shall be deemed always to have had effect, as a certificate of naturalisation granted under section 10 of the British Nationality Act 1948, whether it purported to be granted under that Act or not.

Consequential
modification
of other
enactments.
1889 c. 63.

5.—(1) Notwithstanding anything in the Interpretation Act 1889, the expression “colony” in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Guyana.

(2) On and after the appointed day—

(a) the expression “colony” in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Guyana, and

(b) in the definitions of “Commonwealth force” in sections 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in section 135(1) of the said Act of 1957, at the end there shall be added the words “or Guyana”;

but section 129 and sections 186 to 190 of each of the said Acts of 1955, and section 105 and sections 107 to 110 of the said Act of 1957, as read with section 126 of that Act, shall have effect on and after the appointed day in relation to Guyana as if it were a colony within the meaning of those Acts.

(3) For the purposes of the making, on or after the appointed day, of Orders in Council under section 4 of the West Indies Act 1962 c. 19, Guyana shall be treated as not being a colony within the meaning of that Act.

(4) On and after the appointed day the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments respectively specified in that Schedule.

(5) Subsection (4) of this section, and Schedule 2 to this Act, shall not extend to Guyana as part of its law.

6.—(1) Her Majesty may by Order in Council made before the appointed day provide a constitution for Guyana to come into effect on that day. Power to provide constitution for Guyana.

(2) An Order in Council under this section (in this Act referred to as a "Constitution Order") may include provision as to the manner in which the legislature of Guyana may alter any provisions of that Order, or may alter any law which alters any of those provisions; and a constitution provided by a Constitution Order may include provision as to the manner in which the legislature of Guyana may alter that constitution or any provisions of that constitution, or may alter any law which alters that constitution or any provisions thereof.

(3) Any such constitution may include provision whereby, in such circumstances and at such time as may be determined in accordance with the constitution, Guyana will cease to form part of Her Majesty's dominions; and a constitution including such provision may specify amendments of the constitution which are to have effect in that event.

(4) In this section references to altering a constitution or to altering any provision or law include references—

- (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
- (b) to modifying it; and
- (c) to suspending its operation for any period.

(5) A Constitution Order may contain such transitional or other incidental or supplementary provisions as appear to Her Majesty to be necessary or expedient.

(6) Any Constitution Order shall be laid before Parliament after being made.

7.—(1) A Constitution Order may provide that, in such circumstances and at such time as may be determined in accordance with the Order, the following provisions shall have effect, that is to say— Judicial Committee of Privy Council.

- (a) appeals shall cease to lie to Her Majesty in Council from any court having jurisdiction under the law of Guyana, but

(b) the Judicial Committee of the Privy Council shall have such jurisdiction and powers in respect of appeals from any such court, and in respect of any proceedings concerning judges of any such court, as may be determined in accordance with the Order.

1833 c. 41.

(2) Except so far as otherwise provided by a Constitution Order, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals and other proceedings in respect of which any jurisdiction is conferred on the said Committee in accordance with paragraph (b) of the preceding subsection as it applies in relation to appeals to Her Majesty in Council.

(3) The power conferred by subsection (5) of the last preceding section shall be exercisable in relation to the matters specified in the preceding provisions of this section; and nothing in this section shall be construed as derogating from the generality of that subsection.

(4) So much of a Constitution Order as relates to the matters specified in subsections (1) and (2) of this section (including any transitional or other incidental or supplementary provisions relating to any such matters) may be varied or revoked by a further Order in Council; but any such further Order in Council made on or after the appointed day shall not extend to Guyana as part of its law.

Interpretation
and repeal.

8.—(1) In this Act “Constitution Order” has the meaning assigned to it by section 6(2) of this Act.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

1928 c. 5.

(3) As from the appointed day the British Guiana Act 1928 is hereby repealed:

Provided that (without prejudice to the inclusion in a Constitution Order of provision revoking, as from the appointed day or any later date, any previous Order in Council which immediately before the appointed day has effect as part of the law of British Guiana) the repeal of that Act shall not affect the operation on or after the appointed day of any Order in Council made, law enacted or other thing done by virtue of that Act before that day, whether before or after the passing of this Act.

Short title.

9. This Act may be cited as the Guyana Independence Act 1966.

SCHEDULES

SCHEDULE 1

Section 1.

LEGISLATIVE POWERS OF GUYANA

1. The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Guyana. 1865 c. 63.

2. No law and no provision of any law made on or after the appointed day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and accordingly the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Guyana.

3. The legislature of Guyana shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the preceding provisions of this Schedule—

- (a) sections 735 and 736 of the Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Guyana; and 1894 c. 60.
- (b) section 4 of the Colonial Courts of Admiralty Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in Guyana. 1890 c. 27.

SCHEDULE 2

Section 5.

AMENDMENTS NOT AFFECTING THE LAW OF GUYANA

Diplomatic immunities

1. In section 461 of the Income Tax Act 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)— 1952 c. 10.

- (a) in subsection (2), before the words "for any state" there shall be inserted the words "or Guyana";
- (b) in subsection (3), before the words "and 'Agent-General'" there shall be inserted the words "or Guyana".

2. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the word "and" in the last place where it occurs there shall be inserted the word "Guyana". 1952 c. 18.

SCH. 2
1961 c. 11.

3. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the word "and" in the last place where it occurs there shall be inserted the word "Guyana".

Financial

1958 c. 6.

4. In section 2(4) of the Import Duties Act 1958, before the words "together with" there shall be inserted the word "Guyana".

Visiting forces

1933 c. 6.

5. In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Guyana as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

1931 c. 4
(22 & 23
Geo. 5.).
1952 c. 67.

6. In the Visiting Forces Act 1952—

(a) in paragraph (a) of section 1(1) (countries to which that Act applies) at the end there shall be added the words "Guyana or";

(b) in section 10(1)(a), the expression "colony" shall not include Guyana;

and, until express provision with respect to Guyana is made by an Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Guyana.

Ships and aircraft

1894 c. 60.
1949 c. 43.

7. In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words "or in any" there shall be inserted the words "or Guyana".

1948 c. 44.

8. In section 6(2) of the Merchant Shipping Act 1948, at the end of the proviso there shall be added the words "or Guyana".

1939 c. 70.

9. The Ships and Aircraft (Transfer Restriction) Act 1939 shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Guyana; and the penal provisions of that Act shall not apply to persons in Guyana (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

1934 c. 49.

10. In the Whaling Industry (Regulation) Act 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Guyana.

1960 c. 38.

11. In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, the expression "colony" shall not include Guyana.

Commonwealth Institute

SCH. 2

12. In section 8(2) of the Imperial Institute Act 1925, as amended 1925 ch. xvii. by the Commonwealth Institute Act 1958 (power to vary the pro- 1958 c. 16. visions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words "and Guyana".



Military Aircraft (Loans) Act 1966

1966 CHAPTER 15

An Act to provide money for the purchase of military aircraft, and parts, equipment and other articles for, or for use in connection with, military aircraft, and for the making of payments in respect of costs (including development, testing and training costs) incurred in connection therewith; and for connected purposes.

[26th May 1966]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising supplies for the purchase of military aircraft and for certain related purposes, have resolved that money be provided in manner hereafter mentioned in this Act; 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:—

Issues from Consolidated Fund for purchase of military aircraft and related purposes.

1.—(1) During the six financial years ending on 31st March 1972, the Treasury may, subject to subsection (2) below, from time to time issue out of the Consolidated Fund sums not exceeding in the aggregate four hundred and thirty million pounds, to be applied as appropriations in aid of moneys provided by Parliament for those years for defraying expenditure by the Ministry of Defence and the Ministry of Aviation—

(a) in the purchase from the Government of the United States of America of military aircraft, or parts, equipment or other articles for, or for use in connection with, military aircraft, or

- (b) in making payments to that Government in respect of costs incurred by them in connection with any aircraft, equipment or other articles so purchased, including in particular costs of development and testing and of training persons in their operation or maintenance.

(2) The sums issued for any year under the preceding subsection shall not, in the case of either Ministry, at any date exceed in the aggregate the total amount proposed to be so issued to defray their expenditure on the matters referred to in that subsection by the estimates upon which the House of Commons has, before that date, resolved to grant sums to Her Majesty to defray such expenditure for that year.

(3) For the purpose of providing sums (or any part of sums) to be so issued, 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. 1939 c. 117.

2.—(1) Sums issued under section 1(1) of this Act shall be repaid into the Exchequer, at such times and by such methods as the Treasury may direct, out of moneys provided by Parliament for the service of the Ministry of Defence or the Ministry of Aviation, and interest thereon at such rates and at such times as the Treasury may direct shall be paid into the Exchequer out of such moneys. Repayment of sums issued.

(2) Sums paid into the Exchequer under the preceding subsection shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows:—

- (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.

3. This Act may be cited as the Military Aircraft (Loans) Act 1966. Short title.



Public Works Loans Act 1966

1966 CHAPTER 16

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund. [26th May 1966]

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:—

Grants for
public works.

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

1887 c. 16.

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

1946 c. 75.

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

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

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

shall not exceed the sum of £950 million.

Short title.

2. This Act may be cited as the Public Works Loans Act 1966.



Transport Finances Act 1966

1966 CHAPTER 17

An Act to make further provision for the payment of grants to the British Railways Board and the British Waterways Board on account of deficits on revenue account down to the end of the year 1968; to authorise the payment of such grants to the London Transport Board; to continue the temporary suspension under section 64 of the Transport Act 1962 of the liability of the British Waterways Board to maintain inland waterways; and for purposes connected with the matters aforesaid.

[26th May 1966]

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

1.—(1) In section 22 and section 23 of the Transport Act 1962 (which enable the Minister to make grants to the Railways Board and the British Waterways Board to meet any deficit on revenue account arising during the period of five years beginning with the vesting date and contain other special provisions for the finances of those Boards during that period) for the words “ five years ”, wherever those words occur, there shall be substituted the words “ six years ”.

Finances of Railways Board, Waterways Board and London Board. 1962 c. 46.

(2) In subsection (3) of the said section 22 (which limits the aggregate amount of grants and loans to the Railways Board to meet deficits on revenue account) for the words “ four hundred and fifty million pounds ” there shall be substituted the words “ eight hundred million pounds ”.

(3) The said section 22, as amended by this Act, shall apply to the London Board as it applies to the Railways Board except that in the case of the London Board the aggregate limit imposed by subsection (3) of that section shall be sixteen million pounds ; and accordingly in subsection (4) of section 45 of the said Act (which refers to the said section 22 in defining the financial duty of the Railways Board) the words “ in the case of the Railways Board ” are hereby repealed.

Maintenance
of inland
waterways.
1962 c. 46.

2. In section 64 of the Transport Act 1962 (temporary suspension of liability to maintain inland waterways) for any reference to the end of the year nineteen hundred and sixty-seven there shall be substituted a reference to the end of the year nineteen hundred and sixty-eight.

Short title,
construction
and extent.

3.—(1) This Act may be cited as the Transport Finances Act 1966.

(2) This Act shall be construed as one with the Transport Act 1962.

(3) This Act, except section 2, extends to Northern Ireland.



Finance Act 1966

1966 CHAPTER 18

An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance. [3rd August 1966]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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CUSTOMS AND EXCISE

Reliefs, drawback, exemptions, etc.

1.—(1) Subject to subsection (3) of this section, the Commissioners shall have power to give relief in accordance with subsection (2) thereof from any duty under section 1 of the Import Duties Act 1958 or under the Customs Duties (Dumping and Subsidies) Act 1957 chargeable in respect of goods of any description imported or proposed to be imported into the United Kingdom—

Relief from duty on imported goods.
1958 c. 6.
1957 c. 18.

PART I Kingdom (hereafter in this section referred to as “ the imported articles ”) if—

- (a) the Board of Trade have notified the Commissioners that in the opinion of the Board the granting of the relief would conduce to the exportation of other goods and, subject to such, if any, limitations or conditions as the Board see fit to indicate, would be expedient in the national interest ; and
- (b) the Commissioners are satisfied as to those other goods being goods constituting, or incorporating, or manufactured or produced from, equivalent articles ;

and, in deciding whether or not to give a notification to the Commissioners under paragraph (a) of this subsection in respect of any imported articles, the Board of Trade shall have regard to the interests of those producing in the United Kingdom goods comparable with those articles.

(2) Relief under subsection (1) of this section from any duty chargeable in respect of any imported articles—

(a) may be given, as appears to the Commissioners to be appropriate in the circumstances of the case—

(i) either in respect of those imported articles as a whole, or in respect of any one or more components thereof ; and

(ii) either by remission or repayment (in whole or in part) of the amount of that duty or by payment of an amount equal to the drawback which it appears to the Commissioners would be payable apart from anything in this section if such goods as appear to the Commissioners to be appropriate in the circumstances of the case were to be exported ; and

(b) shall be subject to such conditions as the Commissioners see fit to impose—

(i) in order to give effect to any limitations or conditions such as are referred to in subsection (1)(a) of this section ; or

(ii) for the protection of the revenue ; or

(iii) for securing the exportation of goods constituting, or incorporating, or manufactured or produced from, equivalent articles.

(3) Relief under subsection (1) of this section from any duty such as is mentioned in that subsection shall not be given in respect of, or in respect of any component of, any imported articles by reference to any equivalent articles unless, or except to the extent that, the Commissioners are satisfied that—

(a) relief otherwise than under the said subsection (1) from any such duty as aforesaid chargeable in respect of

the equivalent articles themselves, or in respect of goods from which those equivalent articles were manufactured or produced, has not already been given in respect of, or, as the case may be, in respect of the corresponding component of, those equivalent articles or goods ; and

- (b) relief under the said subsection (1) in respect of, or, as the case may be, in respect of the corresponding component of, other imported articles has not already been given by reference to those equivalent articles ; and
- (c) relief from the duty chargeable in respect of the imported articles has not already been given, whether in respect of those articles as a whole or in respect of any component thereof ;

and no relief from any such duty as aforesaid, whether by way of drawback or otherwise, available on the exportation of any goods shall be given in respect of the goods exported, or in respect of any goods incorporated in the goods exported, or in respect of any goods from which the goods exported were manufactured or produced, unless, or except to the extent that, the Commissioners are satisfied that—

- (i) relief from that duty has not already been given under the said subsection (1) or otherwise ; and
- (ii) relief under the said subsection (1) has not been given in respect of, or in respect of any component of, any other goods by reference to equivalent articles constituting, or incorporated in, or used for the manufacture or production of, the goods in respect of which the relief is sought.

(4) In the foregoing provisions of this section—

- (a) any reference to a component of any goods or articles shall be construed as a reference to, and to any combination of, any of the following, namely, any component, any ingredient, and any constituent part, of those goods or articles ;
- (b) the expression “ equivalent articles ” means goods of any description which, in the opinion of the Commissioners (having regard to such matters, and in particular to such of the following matters, namely, the description, quantity, quality, value and function of those goods and the imported articles respectively, as appear to the Commissioners to be relevant in the particular circumstances) are sufficiently similar to the imported articles, or to goods which could be manufactured or produced from the imported articles, to be reasonably regarded for the purposes of relief under

PART I

subsection (1) of this section as interchangeable with those articles or, as the case may be, with goods manufactured or produced from them.

1958 c. 6.

(5) Subsections (1) to (4) of this section shall be construed as if contained in the Import Duties Act 1958; and section 10 of that Act (which relates to false statements or documents in connection with applications for, and to forfeiture for failure to comply with conditions as to, relief) shall apply in relation to relief under subsection (1) of this section as it applies in relation to relief under section 5(1) or section 6 of that Act.

1965 c. 25.

(6) Section 2(1) of the Finance Act 1965 (which makes provision for the purposes of section 7 of the Import Duties Act 1958 for goods brought to a registered shipbuilding yard to be deemed to be exported) shall have effect as if any reference therein to the said section 7 included a reference to subsections (1) to (4) of this section.

(7) Without prejudice to section 15(2) of the Import Duties Act 1958 and its application by virtue of subsection (5) of this section, for the purposes of any reference in subsections (1) to (4) of this section or in the said Act of 1958 to goods incorporating, or produced or manufactured from, any articles, any container in which goods are exported, being a container—

- (a) which is provided by the supplier of the exported goods and is not required to be returned to him; and
- (b) for which, if it were returned to him, that supplier would give no credit and would discharge no contingent liability,

shall be treated as forming part of the exported goods.

Reliefs for
shipbuilders
in respect of
certain duties.

2.—(1) The provisions of this section shall have effect for the purpose of affording relief in respect of duties of customs and excise chargeable on hydrocarbon oils, vehicle excise duty (including such duty chargeable in Northern Ireland) and purchase tax incurred in connection with the construction and fitting out of certain vessels and other floating structures.

(2) If, on an application made in accordance with directions from time to time given by the Commissioners for the purposes of this section, it is shown to the satisfaction of the Commissioners that a vessel or other structure to which this section applies, having been constructed in the United Kingdom by the applicant pursuant to a contract (whenever made) under which it was to become the property of some other person, was delivered by him pursuant to that contract after the coming into force of this section, the applicant shall, subject to subsections (7) to (9) below, be entitled to receive from the Commissioners a payment of an amount determined in accordance with the two next following subsections.

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(3) Subject to the next following subsection, the said amount shall be such percentage as the Treasury may by order prescribe of the price payable under the contract in question for the said vessel or structure and all fittings and other equipment supplied by the applicant therewith, or, if that price appears to the Commissioners to be greater than the open market value of the vessel or structure and its said fittings and equipment as determined in accordance with Part I of Schedule 1 to this Act and the Commissioners so decide, the prescribed percentage of that value; and an order under this subsection may prescribe different percentages in relation to different descriptions of vessels or structures.

Any price which is expressed in a foreign currency shall be treated for the purposes of this subsection as equivalent to a sum calculated in such manner as the Commissioners may direct.

(4) The price or value referred to in the last foregoing subsection shall, in the circumstances specified in Part II of the said Schedule 1, be treated for the purposes of that subsection as reduced as mentioned in that Part.

(5) The vessels and other structures to which this section applies are as follows—

- (a) any ship, within the meaning of the Merchant Shipping Acts 1894 to 1965, the gross tonnage of which, ascertained in accordance with those Acts, is not less than eighty tons; and
- (b) any other vessel, or other structure capable of floating on the sea, which is of a description specified in that behalf by an order of the Treasury, and in respect of which any conditions so specified are satisfied:

Provided that the Treasury may by order exclude from the operation of this section any ship, or any ship of a specified description, in the case of which less than a specified percentage of the cost of its construction, calculated in accordance with the order, was attributable to United Kingdom expenditure as defined in the order.

(6) References in this section to the construction of vessels and other structures do not include references to their reconstruction, refitting or repair.

(7) If, within one month of the coming into force of this section, any person shows to the satisfaction of the Commissioners—

- (a) that a vessel or other structure has been, or is to be, delivered to him pursuant to a contract made before 23rd June 1966, and has been, or is to be, exported by him pursuant to another such contract, and

G

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1964 c. 92.

(b) that, by reason of its exportation pursuant to the last-mentioned contract, he is or may become entitled to payment of a rebate under section 7 of the Finance (No. 2) Act 1964 (export rebates),

no payment shall be made under this section in respect of the said vessel or structure unless that person either by notice in writing to the Commissioners waives any right to the rebate in question or fails for any reason to become entitled thereto.

(8) No person shall be entitled to a rebate under the said section 7 in respect of any vessel or other structure in respect of which a payment under this section is, or could if applied for have been, made to any other person; and a person who, but for this subsection, would be entitled as respects any vessel or other structure to both such a rebate and such a payment may receive either, as he elects, but not both.

(9) Where in the case of any vessel or structure the whole or any part of the price payable as mentioned in subsection (3) above is not received in accordance with the contract in question by the applicant for a payment under this section, the Commissioners if they think fit may require the applicant to repay the whole or any part of any payment made to him on the application or, as the case may be, may withhold from him the whole or any part of any payment which would otherwise fall to be so made.

(10) It shall be the duty of any person to or by whom a payment under this section has been made or applied for to inform the Commissioners of any event which would entitle them to exercise the powers conferred by the last foregoing subsection, and any person who fails to comply with this subsection shall be liable to a penalty of one hundred pounds.

(11) The provisions of Part III of Schedule 1 to this Act shall have effect for the purposes of this section.

1961 c. 36.

(12) For the avoidance of doubt it is hereby declared that the allowances referred to in section 9 of the Finance Act 1961 do not include payments under this section.

1962 c. 13.

(13) Payments by the Commissioners under this section shall be made out of the sums received by them on account of duties of customs and excise and purchase tax; and—

(a) notwithstanding anything in section 5(4) of the Vehicles (Excise) Act 1962 (which requires duties levied under that Act to be paid into the Exchequer) or in any Order in Council under that section, the Treasury may give directions for the payment to the Commissioners, at such times and in such manner as the Treasury may determine, out of the duties levied under that Act of such sums as the Treasury think fit having

regard to the extent to which payments under this section are designed to afford relief in respect of such duties ;

- (b) any sums so paid shall be treated for the purposes of section 11 of the Act of 1952 (disposal of duties of customs and excise) as money received by the Commissioners on account of duties of customs and excise.

(14) Any order under the foregoing provisions of this section may be varied or revoked by a subsequent order, and shall be made by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.

(15) This section shall come into force on such day as may be appointed by the Treasury by an order under this subsection made by statutory instrument and laid before Parliament after being made, but shall, in its application to any vessel or other structure by virtue of an order under subsection (5) above, have effect as if it had not come into force until such later day, if any, as may be specified in that order.

3. Section 183(1) of the Act of 1952 (drawback on tobacco) shall be amended as follows:— Drawback on tobacco.

- (a) in paragraph (a) (drawback on tobacco other than tobacco stalks and tobacco refuse), there shall be added at the end of subparagraph (ii) “ or for sale at a place approved by the Commissioners for the purpose to persons leaving the United Kingdom by air for destinations outside the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man ” ; and
- (b) for all the words after paragraph (d) there shall be substituted “ but, in the case of tobacco stalks or tobacco refuse, only if the deposit, warehousing or exportation was by a tobacco manufacturer ”.

4. As from 1st September 1966, goods of Convention area origin within the meaning of the European Free Trade Association Act 1960 shall be exempted from any duty of customs under section 3(1)(b) or (c) of the Finance Act 1957 (which relate to duties of customs on hop oil or, as the case may be, on any extract, essence or other similar preparation made from hops, except hop oil). Exemption of E.F.T.A. goods from duties on hop oil and hop extracts.
1960 c. 19.
1957 c. 49.

5. As from 1st September 1966, section 109(1) of the Act of 1952 (which provides that no spirits shall be delivered for home use unless they have been warehoused for a period of at least three years) shall not apply to imported vodka consisting of spirits which have had a flavour communicated thereto or an ingredient or material mixed therewith. Removal of restriction on delivery of imported vodka for home use.

PART I

Rebate of
duty on heavy
oils.

6. For heavy oils delivered for home use after six o'clock in the evening of 31st August 1966, the rate at which rebate of the customs or excise duty on hydrocarbon oils is allowed under section 199 of the Act of 1952 shall in all cases be a rate twopence a gallon less than the rate at which the duty in question is for the time being chargeable.

Eligibility of
imported
goods for
rates of
revenue duties
applicable to
goods of
Republic of
Ireland.
1958 c. 6.

7.—(1) Subsections (1) to (3) of section 12 of the Import Duties Act 1958 (which relate to the determination for the purposes of that Act of the country of origin of imported goods) shall have effect as if references therein to that Act included references to any enactment passed, or instrument made, after the passing of this Act which specifies a rate at which any revenue duty is to be charged in respect of goods of the Republic of Ireland consigned to the United Kingdom from that country.

1957 c. 18.
1964 c. 92.

(2) In the foregoing subsection "revenue duty" means any customs duty other than one chargeable under the said Act of 1958, the Customs Duties (Dumping and Subsidies) Act 1957 or section 3 of the Finance (No. 2) Act 1964.

Vehicles excise duty

Unladen
weight of
vehicles:
special
bodies.
1962 c. 13.

8.—(1) This section has effect as respects the application of Schedule 6 to the Vehicles (Excise) Act 1962 (computation of the unladen weight of vehicles) to a vehicle having a body constructed or adapted for the purpose of being lifted on or off the vehicle with goods or burden contained therein which is from time to time actually used for that purpose in the ordinary course of business.

(2) The unladen weight of the vehicle shall, for the purposes of the said Act, be taken exclusive of the weight of any such body and, where alternative bodies are used, any such body shall be disregarded for the purposes of the said Schedule 6.

(3) If any question arises whether a body is from time to time actually used for the purpose mentioned in subsection (1) above in the ordinary course of business, the body shall be deemed not to be so used until the contrary is shown.

(4) This section shall come into force on 1st September 1966.

(5) The holder in respect of any vehicle to which this section applies of a licence under the said Act of 1962 issued before the coming into force of this section shall, on an application made within twelve months of that time to the council with which the vehicle is for the time being registered, be entitled to a refund of duty, in respect of any period after that time during which the licence has been or (on the assumption that it is not surrendered) will be current, of an amount equal to one-twelfth for each complete month in that period of the difference between—

(a) the annual rate of duty chargeable in respect of the vehicle at the time the licence was taken out, and

(b) the annual rate appropriate to the vehicle after the coming into force of this section.

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(6) On the surrender after the coming into force of this section of a licence issued before that time in respect of any such vehicle, the rebate of duty payable under section 9 of the said Act of 1962 shall be computed as if the rate of duty on the licence had been the rate appropriate to the vehicle after the coming into force of this section.

Export rebates

9.—(1) No person shall be entitled to rebate under section 7 of the Finance (No. 2) Act 1964 (export rebates) in respect of goods exported from the United Kingdom if a Convention rate of duty (as defined in the European Free Trade Association Act 1960) is applied to those goods after being so exported, and the Commissioners may require an applicant for rebate under that section in respect of any goods to satisfy them that a Convention rate of duty has not been, and will not be, applied to the goods at any time after the exportation.

Restriction on export rebates for goods consigned to Convention area.
1964 c. 92.
1960 c. 19.

(2) A person who has received a rebate for which he is or becomes disentitled in consequence of this section shall be liable to repay the amount of that rebate to the Commissioners, and shall be under a duty to inform the Commissioners of any event giving rise to such a liability.

A person failing to give the Commissioners any information which it is his duty to give under this subsection shall be liable to a penalty of one hundred pounds (but without prejudice to any other penalty which may be imposed for making an untrue declaration or otherwise).

(3) The Commissioners may under subsection (1) above require an applicant for rebate to give them a declaration in writing made to the best of his knowledge and belief and in such form and manner as the Commissioners may direct that a Convention rate of duty has not been, and will not be, applied to the goods at any time after the exportation, and may if they think fit accept that declaration without further proof or verification, but without prejudice to enforcement of the liability under subsection (2) above.

(4) Section 9(1) of the Finance (No. 2) Act 1964 (powers of obtaining information to determine whether a rebate is repayable under section 8 of that Act) shall apply as if references to section 8 of that Act included references to subsection (2) of this section.

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(5) References in this section to the application of a Convention rate of duty are references to the application in any part of the Convention area (other than the United Kingdom) of a Convention rate of duty where that results in the payment of less duty than would be payable if the goods were not of Convention area origin.

1960 c. 19.

(6) Sections 10 and 11 of the European Free Trade Association Act 1960 as for the time being in force shall apply for the interpretation of this section.

(7) Subsection (1) of this section shall not apply to rebate payable by reference to the exportation of goods before 1st January 1967.

Hover vehicles and pipe-lines

Customs
procedures:
hover vehicles
and related
matters.

10.—(1) Parts II, X, XI and XII of the Act of 1952 (general and supplemental provisions) shall apply as if references to ships or vessels included references to hover vehicles, and all other provisions of the customs and excise Acts shall apply as if references (however expressed) to goods or passengers carried in or moved by ships or vessels included references to goods or passengers carried in or moved by hover vehicles; and in all the provisions of the customs and excise Acts “landed”, “loaded”, “shipped”, “shipped as stores”, “transhipment”, “voyage”, “waterborne”, “master” and cognate expressions shall be construed accordingly.

(2) The provisions of Schedule 2 to this Act shall also have effect with respect to the application of the Act of 1952 to hover vehicles.

(3) The Commissioners may by regulations impose conditions and restrictions as respects the movement of hover vehicles and the carriage of goods by hover vehicles, and in particular—

- (a) may prescribe the procedure to be followed by hover vehicles proceeding to or from a port or any customs airport or customs station, and authorise the proper officer to give directions as to their routes, and
- (b) may make provision for cases where by reason of accident, or in any other circumstance, it is impracticable to comply with any conditions or restrictions imposed or directions given as respects hover vehicles,

and if any person contravenes or fails to comply with any regulations made under this subsection, or with any direction given by the Commissioners or the proper officer in pursuance of any such regulations, he shall be liable to a penalty of one hundred pounds and any goods in respect of which the offence was committed shall be liable to forfeiture.

(4) Sections 14(1) and 17(1) of the Act of 1952 (power to approve wharves and transit sheds in any port) may be applied to places not in a port and—

- (a) Part II of the said Act shall apply in relation to any place approved under the said section 14 or 17 which is not in a port as if it were in a port, and
- (b) section 298 of the said Act (power to search persons) shall apply to any person in, entering or leaving any such place, and
- (c) subsection (3)(a) above shall apply to hover vehicles proceeding to or from any such place as if it were a port.

(5) References in the customs and excise Acts to goods imported or exported by land, or conveyed into or out of Northern Ireland by land, include references to goods imported, exported or conveyed across any part of the boundary of Northern Ireland, and it is hereby declared that in those Acts references to vehicles include references to hover vehicles proceeding over land or water or partly over land and partly over water.

(6) Any power of making regulations or other instruments relating to the importation or exportation of goods conferred by the customs and excise Acts may be exercised so as to make provision for the importation or exportation of goods by hover vehicles which is different from the provision made for the importation or exportation of goods by other means.

(7) Goods to which section 47 of the said Act applies (draw-back goods, etc., and goods subject to restrictions or controls on export) shall only be exported in a hover vehicle if it is of a class or description for the time being approved by the Commissioners and subject to such conditions and restrictions as they may impose, and—

- (a) a person contravening or failing to comply with this subsection, or any condition or restriction imposed under this subsection, shall be liable to a penalty of three times the value of the goods or one hundred pounds, whichever is the greater,
- (b) any goods shipped or entered contrary to this subsection shall be liable to forfeiture.

(8) In section 29(1) of the said Act (entry by bill of sight of goods imported by sea or air) the words “by sea or air” shall cease to have effect, and in section 284(2) of that Act (justices’ jurisdiction to try offences committed on the water or in the air outside their area) the words “on the water or in the air” shall cease to have effect.

(9) In this section and its Schedule “hover vehicle” means a vehicle designed to be supported on a cushion of air.

PART I
Pipe-lines.

11.—(1) Goods shall not be imported or exported by means of a pipe-line that is not for the time being approved by the Commissioners for the purposes of this section, and uncleared goods shall not be moved by means of a pipe-line that is not for the time being so approved.

(2) All goods imported by means of a pipe-line and chargeable with a duty of customs shall be entered for warehousing, and in the customs and excise Acts the expression “the importer” in relation to goods imported by means of a pipe-line shall include the owner of the pipe-line.

(3) For the purposes of the customs and excise Acts—

(a) goods imported by means of a pipe-line shall be treated as imported at the time when they are brought within the limits of a port or brought across the boundary into Northern Ireland, and

(b) goods exported by means of a pipe-line shall be treated as exported at the time when they are charged into that pipe-line for exportation.

(4) In the customs and excise Acts the expressions “shipping” and “loading” and cognate expressions, where used in relation to importation or exportation shall include, in relation to importation or exportation by means of a pipe-line, the conveyance of goods by means of the pipe-line and the charging and discharging of goods into and from the pipe-line, but subject to any necessary modifications; and any power of making regulations or other instruments relating to the importation or exportation of goods conferred by those Acts may be exercised so as to make provision for the importation or exportation of goods by those means which is different from the provision made for the importation or exportation of goods by other means.

(5) For goods exported by means of a pipe-line the period for delivery of a specification of the goods under section 49 of the Act of 1952 shall be six days from the time when the goods are charged into the pipe-line for exportation or such longer period as the Commissioners may direct.

(6) The Commissioners may give their approval under subsection (1) above for such period and subject to such conditions as they think fit and may at any time for reasonable cause—

(a) vary the terms of their approval, and

(b) (provided that they have given to the owner of the pipe-line not less than three months’ written notice of their intention so to do) revoke their approval.

1962 c. 58.

Section 49 of the Pipe-lines Act 1962 shall apply to a notice required by this subsection to be served on the owner of a

pipe-line as it applies to a document required by that Act to be so served.

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(7) A person who—

- (a) contravenes subsection (1) above, or contravenes or fails to comply with a condition imposed by the Commissioners under the last foregoing subsection, or
- (b) except with the authority of the proper officer or for just and sufficient cause, obtains access to goods which are in, or in course of conveyance by, an approved pipe-line,

shall be liable to a penalty of five hundred pounds or to imprisonment for a term not exceeding two years or to both and may be detained; and any goods in relation to which the offence was committed may be forfeited.

(8) Where goods of any of the following descriptions—

- (a) goods which are chargeable with a duty which has not been paid,
- (b) goods on which duty has been repaid or remitted in whole or in part, and
- (c) goods on which drawback has been paid,

are moved by pipe-line, or notified to the proper officer as being goods to be moved by pipe-line, and are at any time thereafter found to be missing or deficient, then, unless it is shown to their satisfaction that the absence or deficiency can be accounted for by natural waste or other legitimate cause, the Commissioners may require the owner of the pipe-line or the proprietor of the goods to pay immediately in respect of the missing goods, or in respect of the whole or any part of the deficiency as they see fit, the amount of the duty unpaid or repaid thereon or, as the case may be, an amount equal to the drawback paid thereon; and any person who, on the written demand of an officer, refuses to pay any sum which he is required to pay under this subsection shall in addition be liable to a penalty of double that sum.

For the purposes of this subsection any absence or deficiency in the case of goods moved by a pipe-line used for the importation or exportation of goods shall be deemed to have taken place within the United Kingdom unless the contrary is shown; and the provisions of this subsection shall have effect without prejudice to any penalty or forfeiture incurred under any other provision of this section or elsewhere in the customs and excise Acts.

(9) Section 82(3) of the Act of 1952 (protection for Commissioners and their officers from claims for loss or damage to goods in a warehouse, or for unlawful removal from a warehouse) shall have effect so as to protect the Commissioners and their officers, save in corresponding circumstances, from claims for loss or

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PART I

damage to goods in a pipe-line or for unlawful removal of goods from a pipe-line, references to a pipe-line, to goods in a pipe-line and to the owner of the pipe-line being substituted for references respectively to a warehouse, the warehoused goods and to the occupier of the warehouse.

(10) In this section—

1962 c. 58.

“ pipe-line ” has the meaning assigned thereto by section 65 of the Pipe-lines Act 1962,

“ owner ”, in relation to a pipe-line, means (except in the case of a pipe-line vested in the Crown which in pursuance of arrangements in that behalf is operated by another) the person in whom the line is vested and, in the said excepted case, means the person operating the line, and

“ uncleared goods ” means imported goods, whether or not chargeable with a duty of customs, which have not been cleared from customs charge, and in particular goods which are or are to be moved under section 22 of the Act of 1952, and dutiable goods moved from warehouse without payment of duty.

(11) In the application of this section to Northern Ireland references to the Pipe-lines Act 1962 shall have effect as if that Act extended to Northern Ireland.

Duties relating to betting and gaming

General
betting duty.

12.—(1) Subject to the provisions of this section, on any bet made on or after 24th October 1966 which—

(a) is made with a bookmaker in Great Britain otherwise than by way of pool betting or coupon betting ; or

(b) is made by way of sponsored pool betting or is otherwise made by means of facilities provided by the Horserace Totalisator Board ; or

(c) is made on any event on a track by means of a totalisator on that track and on the day on which that event takes place, being a track which is, or which the Commissioners see fit to treat for the purposes of this paragraph as if it were, a licensed track,

there shall be charged a duty of excise to be known as the general betting duty.

(2) The general betting duty in respect of any bet—

(a) without prejudice to any regulations made under paragraph 1 of Schedule 3 to this Act, shall be due on the making of the bet ;

(b) shall be of an amount equal to two and a half per cent. of the amount staked ; and

(c) shall be paid—

(i) in the case of a bet with a bookmaker, and without prejudice to subsection (3) of this section, by the bookmaker ;

(ii) in the case of a bet made as mentioned in subsection (1)(b) of this section, by the Horserace Totalisator Board or other person providing the facilities by means of which the bet is made ;

(iii) in the case of such a bet made by means of a totalisator as is mentioned in subsection (1)(c) of this section, by the operator, that is to say, the person who, as principal, operates the totalisator.

(3) The general betting duty chargeable on any bet made with a bookmaker shall be recoverable jointly and severally from all or any of the following persons, namely—

(a) that bookmaker ;

(b) the holder of the bookmaker's permit or betting office licence relating to the business in the course of which, or the premises at which, the bet was made ;

(c) any person responsible for the management of that business or those premises ;

(d) where the bookmaker is a company, any director of that company.

(4) For the purposes of the general betting duty, where a person bets on more than one contingency on the terms that, in the event of his bet being successful in respect of one contingency, his stake on the bet, or his winnings in respect of that contingency, or both, are to provide the stake in respect of another contingency, then, unless he makes his bet on both or all of those contingencies at the same time and on the terms that both his original stake and the whole of his winnings in respect of any of those contingencies are to be the stake in respect of any other contingency on which the bet is made—

(a) he shall be treated as making a separate bet on each respectively of those contingencies and as staking on each of those separate bets the amount respectively provided for by the terms of the original bet ;

(b) any of those separate bets which depends on the outcome of another or others of them shall be treated as made if and when the conditions on which it depends are satisfied.

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(5) The aggregate amount paid by or debited to the account of the bettor for or on account of or in connection with any bet chargeable with the general betting duty shall be treated for the purposes of that duty as his stake on the bet, notwithstanding that his winnings (if any) are to be computed on part only of that amount, or that part of it is not to be returned to him in the event of his winning, and no deduction shall be made for other benefits secured by the bettor in paying that amount, or for the expenses of any person on account of the duty or otherwise, or for any other matter.

(6) The pool betting duty shall not be chargeable on any bet made as mentioned in subsection (1)(c) of this section on or after 24th October 1966, and accordingly as from that date—

- 1963 c. 3. (a) except in relation to a bet made before that date, section 1(1) of the Betting Duties Act 1963 (which charges the pool betting duty) shall have effect as if for the words “other than sponsored pool betting” there were substituted the words “which are not chargeable with the general betting duty”; and
- 1963 c. 2. (b) paragraph 4(a)(i) of Schedule 5 to the Betting, Gaming and Lotteries Act 1963 (which relates to the disposal of amounts staked by means of a totalisator on a dog racecourse) for the words “pool betting duty” there shall be substituted the words “general betting duty”;

and as from that date bookmakers' licence duty shall cease to be charged.

Gaming
licence duty.

13.—(1) There shall be charged a duty of excise on a licence (to be known as a gaming licence) authorising the use of premises specified in the licence for the purpose of gaming—

- (a) by way of bingo only; or
- (b) by way of bingo or any other game to which this section for the time being applies;

and, subject to subsection (4) of this section, on and after 1st October 1966 no premises situated in Great Britain or within the limits of the territorial waters of the United Kingdom adjacent to Great Britain shall be used for the purpose of gaming by way of any game to which this section for the time being applies unless a provider of the premises is the holder of the appropriate gaming licence in respect of those premises which is for the time being in force.

(2) Subject to paragraph 8 of Schedule 3 to this Act, the amount of the duty under this section on a gaming licence in

respect of any premises shall be determined in accordance with the following Table:—

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TABLE

Description of premises	Amount of duty	
	On licence for bingo only	On licence for all games
1. Premises other than— (a) premises which for rating purposes constitute or are comprised in a hereditament of a rateable value exceeding £1,000; (b) premises consisting of or comprised in a vessel.	£ 100	£ 500
2. Premises— (a) which for rating purposes constitute or are comprised in a hereditament of a rateable value exceeding £1,000 but not exceeding £3,000; or (b) which consist of or are comprised in a vessel.	1,000	5,000
3. Premises which for rating purposes constitute or are comprised in a hereditament of a rateable value exceeding £3,000.	1,000	50,000

(3) Subject to paragraphs 12 and 13 of Schedule 3 to this Act, a gaming licence shall expire at the end of 30th September next after the date when it is granted.

(4) A gaming licence shall not be required—

- (a) for any gaming carried on both in a private dwelling and on a domestic occasion ;
- (b) for any gaming carried on in such circumstances that, by virtue of section 48 or 49 of the Betting, Gaming and Lotteries Act 1963, section 32 of that Act does not 1963 c. 2. apply thereto ;
- (c) for gaming by way of bingo in such circumstances that section 37 of that Act applies thereto ;
- (d) for gaming by way of bingo carried on as an activity of a club where—
 - (i) the subscription for membership of the club does not exceed one pound a year ; and
 - (ii) not more than one payment by way of a charge for admission to any premises constituting

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PART I

or including the place at which the gaming is carried on falls to be made in order to enable a person to take part in the gaming, and that payment does not exceed sixpence; and

(iii) no other payment is required to be or have been made, and no obligation to make any other payment is required to be incurred, in order to enable a person to take part in the gaming.

(5) Without prejudice to subsections (6) and (7) of this section, the games in addition to bingo to which this section applies are baccarat, big six, blackjack, boule, chemin de fer, chuck-a-luck, craps, crown and anchor, faro, faro bank, hazard, poker dice, pontoon, roulette, trente et quarante, vingt-et-un, and wheel of fortune.

(6) The Treasury may by order made by statutory instrument add to the games mentioned in subsection (5) of this section any game not for the time being mentioned therein if it appears to the Treasury proper so to do for the protection of the revenue, having regard to the character of the game and the circumstances in which it is played; but a statutory instrument containing an order under this subsection shall be laid before the Commons House of Parliament after being made, and the order shall cease to have effect at the end of twenty-eight days after the day on which it is made (but without prejudice to anything previously done under the order or to the making of a new order) unless at some time before the end of those twenty-eight days the order is approved by resolution of that House; and, in reckoning for the purposes of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(7) Any reference in this section or in any order under subsection (6) thereof to a particular game shall be taken to include a reference to any game (by whatever name called) which is essentially similar to that game; and in proceedings relating to the gaming licence duty under the excise Acts an averment in any process that a particular game is essentially similar to another particular game shall, until the contrary is proved, be sufficient evidence that it is so.

Gaming
machine
licence duty.

14.—(1) There shall be charged a duty of excise on a licence (to be known as a gaming machine licence) authorising the person to whom it is granted to cause or permit a gaming machine of the type appropriate to the rate of duty charged to be made available for play on premises specified in the licence; and, subject to subsection (2) of this section, on and after 1st October 1966 no gaming machine shall be brought onto or kept on any premises

on which gaming by means of such a machine takes place, being premises situated in Great Britain or within the limits of the territorial waters of the United Kingdom adjacent to Great Britain, unless for each such machine on the premises (whether or not in a condition to be made available for play) there is in force and on those premises a gaming machine licence in respect of those premises which is, in accordance with subsection (3) of this section, applicable to that machine.

(2) A gaming machine licence shall not be required in respect of any premises where—

- (a) any gaming machine on those premises is there in such circumstances that, by virtue of section 49 or 50 of the Betting, Gaming and Lotteries Act 1963, section 33 of that Act does not apply to gaming by means thereof ; or
- (b) any gaming machine on those premises is there for the purposes only of an entertainment to which section 43 of that Act applies and the requirements set out in section 49(3)(a) to (d) and (4) of that Act are complied with while it is on those premises.

(3) A gaming machine licence in respect of any premises shall be regarded as applicable to a particular gaming machine on those premises only if—

- (a) it was charged with duty under this section of the amount which, in accordance with subsection (4) of this section, is appropriate to that machine ; and
- (b) it was granted—
 - (i) in the case of a machine owned by a person who controls the use of such machines while on those premises, to that person ;
 - (ii) in any other case, to the supplier of the machine.

(4) The amount of the duty under this section—

- (a) on a licence relating to a gaming machine in the case of which the game played by means thereof is made playable by the insertion into the machine of a coin or coins lawfully current in the United Kingdom of a denomination or aggregate denomination not exceeding threepence, shall be £37 10s. ;
- (b) in any other case, shall be £75.

(5) Subject to paragraph 13 of Schedule 3 to this Act, a gaming machine licence shall expire at the end of 30th September falling between three and fifteen months after the date when it is granted.

PART I
Additional or
supplementary
provisions as
to duties on
betting or
gaming.

15.—(1) Where particulars of an intended bet on which the general betting duty or pool betting duty would be chargeable and the stake on that bet are collected for transmission to the person by whom that duty would fall to be paid by some other person, whether or not a bookmaker, who holds himself out as available for so collecting and transmitting them, but are in fact not so transmitted, the bet shall be deemed to have been made but the duty in respect thereof shall be paid by that other person.

(2) Subject to subsection (3) of this section—

1963 c 3.

(a) section 2 of the Betting Duties Act 1963 (which prohibits certain activities with a view to protecting the revenue derived from the pool betting duty) shall have effect for the purposes of the general betting duty as well as the pool betting duty and, in addition to the bets to which it already applies, shall apply to all bets made on or after 24th October 1966 with a bookmaker outside Great Britain, whether or not made by way of pool betting or coupon betting; and

(b) any bookmaker in Great Britain who on or after 24th October 1966 makes or offers to make with a bookmaker outside Great Britain any bet to which the said section 2 applies shall be guilty of an offence under that section.

(3) The said section 2 shall not apply—

(a) to any bet—

(i) made by way of pool betting or coupon betting and otherwise than by means of a totalisator; or

(ii) made with a bookmaker otherwise than by way of pool betting or coupon betting,

where the promoter of the pool betting or coupon betting or, as the case may be, the bookmaker is in Northern Ireland or the Isle of Man and the bet is such as to be chargeable with a duty imposed by or under an Act of the Parliament of Northern Ireland or, as the case may be, of Tynwald which corresponds to, and is chargeable on the bet at a rate not less than the appropriate rate of, pool betting duty or, as the case may be, general betting duty; or

(b) to any bet made by means of a totalisator situated in a country outside Great Britain on a horse race taking place in that country; or

(c) to any bet in respect of an event taking place outside Great Britain made by a bookmaker in Great Britain—

(i) by means of a totalisator situated outside Great Britain, or

(ii) with a bookmaker outside Great Britain,

if it is shown that bets in respect of that event have been made in Great Britain with the first-mentioned bookmaker by other persons.

(4) For the avoidance of doubt, it is hereby declared that nothing contained in or done under the provisions of the Betting Duties Act 1963, sections 12 to 14 of this Act or subsection (1) of this section shall make lawful anything which would be unlawful apart from those provisions. 1963 c. 3.

(5) The supplemental provisions set out in Schedule 3 to this Act shall have effect with respect to the duties relating to betting and gaming.

(6) In this section and in the said sections 12 to 14 and Schedule 3, the following expressions have the following meanings respectively, that is to say—

- “betting agency permit”, “betting office licence”, “bookmaker”, “bookmaker’s permit”, “gaming”, “licensed betting office”, “licensed track”, “sponsored pool betting”, “totalisator” and “track” have the same meanings respectively as for the purposes of the Betting, Gaming and Lotteries Act 1963 ; 1963 c. 2.
- “coupon betting” has the same meaning as for the purposes of section 7(3) of the Finance Act 1964 ; 1964 c. 49.
- “gaming machine” has the same meaning as for the purposes of section 33 of the Betting, Gaming and Lotteries Act 1963 ;
- “hereditament”, in relation to Scotland, means lands and heritages ;
- “pool betting”, “promoter” and “winnings” have the same meanings respectively as for the purposes of the Betting Duties Act 1963 ;
- “premises” includes any place whatsoever and any means of transport ;
- “provider”, in relation to any premises used for gaming, means any person having a right to control the admission of persons to those premises, whether or not he also has a right to control the admission of persons to the gaming ;
- “rateable value”, in relation to any hereditament, means (without prejudice to paragraph 8 of Schedule 3 to this Act) the rateable value shown in the valuation list as for the time being in force ;
- “supplier”, in relation to a gaming machine on any premises, means—
 - (a) subject to paragraph (b) of this definition, the person by whom the machine was supplied to the

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person who controls its use while on those premises ;
or

(b) if the interest in that machine of the person by whom it was so supplied has subsequently been transferred to some other person, the person for the time being entitled to that interest ;

“ valuation list ”, in relation to Scotland, means valuation roll.

Surcharges and rebates in respect of revenue duties

Continuation of powers under s. 9 of Finance Act 1961.

1961 c. 36.
1965 c. 25.

16. The period after which orders of the Treasury under section 9 of the Finance Act 1961 may not be made or continue in force (which, by section 4 of the Finance Act 1965, was extended until the end of August 1966) shall extend until the end of August 1967 or such later date as Parliament may hereafter determine.

PART II

INCOME TAX

Charge of income tax for 1966-67.

17. Income tax for the year 1966-67 shall be charged at the standard rate of 8s. 3d. in the pound, and in the case of an individual whose total income exceeds £2,000 at such higher rates in respect of the excess as Parliament may hereafter determine.

Surtax rates for 1965-66.

18. Income tax for the year 1965-66 shall be charged, in the case of an individual whose total income exceeded £2,000, in respect of the excess at rates in the pound which respectively exceed the standard rate by the amounts by which the higher rates for the year 1964-65 exceeded the standard rate for that year.

Exemption from tax of social security benefit.

19. Benefit under any Act of the present Session establishing a Ministry of Social Security and providing for benefits eligibility for which is to be determined by a Supplementary Benefits Commission established by the Act, or under any Act of the Parliament of Northern Ireland providing for corresponding benefits, shall not be regarded as income for any income tax purposes.

Exclusion from relief of interest on Post Office investment deposits.

1956 c. 54.
1966 c. 12.

20. In section 9(1) of the Finance Act 1956 (relief from income tax on certain savings bank interest) the reference to deposits with the Post Office savings bank shall not include a reference to investment deposits as defined in section 1(2) of the Post Office Savings Bank Act 1966.

21.—(1) This section has effect as respects the application of the proviso to section 227(2) of the Income Tax Act 1952 (under which certain non-residents are eligible for the personal reliefs from income tax subject to an adjustment made by reference to the amount of income tax payable on certain assumptions) to an individual whose income includes any dividends, interest, royalties or other profits (in this section referred to as income eligible for double taxation relief) which are chargeable to income tax but in respect of which relief (other than credit) is available under an Order in Council under section 347 of the Income Tax Act 1952, or under section 31 of this Act, so as to limit the rate of income tax so chargeable (but not so as to confer an exemption and make it income which is not subject to income tax charged in the United Kingdom).

PART II
Personal reliefs for non-residents.
 1952 c. 10.

(2) Subject to subsection (3) below, for the purposes of the said proviso—

- (a) in computing the amount of the income tax payable by the individual the tax chargeable in respect of the income eligible for double taxation relief shall be disregarded,
- (b) in computing the amount of his income subject to income tax charged in the United Kingdom the income eligible for double taxation relief shall be disregarded, and
- (c) in computing his total income from all sources, including income which is not subject to income tax charged in the United Kingdom, income eligible for double taxation relief shall be included and the income tax which would be chargeable on that total income shall be computed without regard to the double taxation relief available in respect of the income eligible for double taxation relief,

and accordingly where this subsection applies the amount of the tax chargeable in respect of the income eligible for double taxation relief shall not be affected by the said section 227(2).

(3) This section shall not operate so as to make the tax payable by an individual for a year of assessment higher than it would have been if the double taxation relief had not been available.

(4) This section has effect as respects the year 1966-67 and subsequent years of assessment.

22.—(1) Section 40(1)(a) of the Finance Act 1956 (which exempts from income tax a pension paid under the authority of the Pensions (India, Pakistan and Burma) Act 1955 if it is the income of a person not resident in the United Kingdom, but

India, Pakistan and Burma pensions.
 1956 c. 54.
 1955 c. 22.

PART II
1962 c. 2.
(11 & 12
Eliz. 2.)

1965 c. 78.

Surtax on
income under
certain
settlements:
exceptions to
s. 415(1) of
Act of 1952.
1965 c. 25.
1952 c. 10.

not the part of the pension paid by virtue of the Pensions (Increase) Act 1962 or earlier Pensions (Increase) Acts) shall have effect subject to the provisions of this section.

(2) The said section 40(1) 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) Act 1965 or of any Act passed after this Act for purposes corresponding to the purposes of the said Act of 1965.

23.—(1) Notwithstanding section 12(1) of the Finance Act 1965 (which extends section 415(1) of the Income Tax Act 1952 so as to treat certain income arising under a settlement as being for surtax purposes the income of the settlor) the said section 415(1) shall not apply to income consisting of annual payments made under a partnership agreement to or for the benefit of a former member, or the widow or dependants of a deceased former member, of the partnership, being payments made under a liability incurred for full consideration.

(2) Notwithstanding the said section 12(1), the said section 415(1) shall not apply to income consisting of annual payments made by an individual, in connection with the acquisition by him of the whole or part of a business—

- (a) to or for the benefit of the individual from whom it is acquired or, if he is dead, to or for the benefit of his widow or dependants, or
- (b) if the acquisition was from a partnership, to or for the benefit of a former member, or the widow or dependants of a deceased former member, of that or any preceding partnership, or to or for the benefit of an individual from whom the business or part was acquired by that or any preceding partnership or, if he is dead, to or for the benefit of the widow or dependants of such an individual,

being payments made under a liability incurred for full consideration.

(3) Payments made in respect of any individual under a liability incurred in connection with an acquisition from a partnership shall only be excluded from the operation of the said section 415(1) by virtue of paragraph (b) of the last foregoing subsection if, and to the extent that, they are made in substitution for, or matched by reductions in, other payments which would themselves be excluded from its operation.

(4) Where the right of a former member of a partnership to payments falling due not more than ten years after he ceased to be a member of that partnership has devolved on his death, subsections (1) and (2) above shall apply to the payments as they would apply if he had not died.

(5) Notwithstanding the said section 12(1), the said section 415(1) shall not apply to income arising under a settlement made by one party to a marriage by way of provision for the other after the dissolution or annulment of the marriage, or while they are separated under an order of a court or under a separation agreement or in such circumstances that the separation is likely to be permanent, being income payable to or applicable for the benefit of that other party.

(6) For the purposes of this section—

- (a) “former member”, in relation to a partnership, means an individual who has ceased to be a member of that partnership on retirement or death,
- (b) a partnership becomes a “preceding partnership” of another if it transfers its business or part of its business to another and one or more individuals are members of both, and any preceding partnership of the transferor by reference to any part of the business transferred shall also become a preceding partnership of the transferee.

(7) This section shall be in substitution for section 12(3) of the Finance Act 1965, and shall have effect for the year 1965-66 1965 c. 25. as well as for later years of assessment.

24.—(1) Relief shall not be given under section 238 of the Income Tax Act 1952 (relief from surtax where income attributable to a period exceeding a year is received in a year) in respect of any dividends which apart from that section fall to be treated as income of the year 1965-66, being dividends paid by a company resident in the United Kingdom and not being preference dividends. Dividend increases etc. in 1965-66: exclusion of surtax relief under s. 238 of Act of 1952. 1952 c. 10.

(2) In this section—

“company” includes any body corporate,

“preference dividends” means dividends paid on shares which do not carry any right to dividends other than dividends at a rate per cent. of the nominal value of the shares which is fixed, or fluctuates only with the standard rate of income tax,

“shares” includes stock.

25.—(1) Where on or after 3rd May 1966 a person realises a gain by the exercise, or by the assignment or release, of a right to acquire shares in a body corporate obtained by that person as a director or employee of that or any other body corporate he shall be chargeable to income tax under Schedule E on an amount equal to the amount of his gain as computed in accordance with this section. Directors and employees of companies granted rights to acquire shares.

PART II

(2) Subject to subsection (8) below—

- (a) the gain realised by the exercise of any such right at any time shall be taken to be the difference between the amount that a person might reasonably expect to obtain from a sale in the open market at that time of the shares acquired and the amount or value of the consideration given whether for them or for the grant of the right, and
- (b) the gain realised by the assignment or release of any such right shall be taken to be the difference between the amount or value of the consideration for the assignment or release and the amount or value of the consideration given for the grant of the right,

(a just apportionment being made of any entire consideration given for the grant of the right to acquire those shares and other shares or otherwise for the grant of the right to acquire those shares and for something besides):

Provided that neither the consideration given for the grant of the right nor any such entire consideration shall be taken to include the performance of any duties in or in connection with the office or employment by reason of which the right was granted, and no part of the amount or value of the consideration given for the grant shall be deducted more than once under this subsection.

(3) Subject to subsection (4) below a person shall, in the case of a right granted by reason of his office or employment, be chargeable to tax under this section in respect of a gain realised by another person—

- (a) if the right was granted to the other person, or
- (b) if the other person acquired the right otherwise than by or under an assignment made by way of a bargain at arm's length, or if the two are connected persons at the time when the gain is realised,

but in a case within paragraph (b) of this subsection the gain realised shall be treated as reduced by the amount of any gain realised by a previous holder on an assignment of the right.

(4) A person shall not be chargeable to tax by virtue of subsection (3)(b) above in respect of any gain realised by another person if the first-mentioned person was divested of the right by operation of law on his bankruptcy or otherwise, but the other person shall be chargeable to tax in respect of the gain under Case VI of Schedule D.

(5) If a right to acquire shares in a body corporate is assigned or released in whole or in part for a consideration which consists of or comprises another right to acquire shares in that or any other body corporate, that right shall not be

treated as consideration for the assignment or release, but this section shall apply in relation to it as it applies in relation to the right assigned or released and as if the consideration for its acquisition did not include the value of the right assigned or released but did include the amount or value of the consideration given for the grant of the right assigned or released so far as that has not been offset by any valuable consideration for the assignment or release other than the consideration consisting of the other right.

(6) If as a result of two or more transactions a person ceases to hold a right to acquire shares in a body corporate and he or a connected person comes to hold another right to acquire shares in that or any other body corporate (whether or not acquired from the person to whom the other right was assigned) and any of those transactions was effected under arrangements to which two or more persons holding rights in respect of which tax may be chargeable under this section were parties, those transactions shall be treated for the purposes of the last foregoing subsection as a single transaction whereby the one right is assigned for a consideration which consists of or comprises the other right.

This subsection applies in relation to two or more transactions whether they involve an assignment preceding, coinciding with, or subsequent to, an acquisition.

(7) This section applies in relation to rights granted at any time in the year 1965-66 or any earlier year of assessment as well as in relation to rights granted in any later year of assessment, but subject to the following subsection.

(8) The amount of the gain realised at any time by the exercise, or by the assignment or release, of a right to acquire shares granted before 3rd May 1966 shall not exceed the difference between the market value of those shares at that time and their market value on 3rd May 1966 (and no gain shall be so realised unless the later value exceeds the earlier value).

(9) For the purposes of this section a right to acquire shares is obtained by a person as a director or employee of a body corporate—

- (a) if it is granted to him by reason of his office or employment as a director or employee of the body corporate who is chargeable to tax in respect of that office or employment under Case I of Schedule E, or
- (b) if the right is assigned to him and was granted by reason of any such office or employment of his to some other person,

and paragraph (a) above shall apply to a right granted by reason of a person's office or employment after he has ceased to hold

PART II it if it would apply to a right so granted in the last year of assessment in which he did hold it.

(10) For the purposes of this section—

- (a) references to the release of a right include references to agreeing to the restriction of the exercise of the right,
- (b) any question whether a person is connected with another shall be determined in accordance with paragraph 20 of Schedule 9 to the Finance Act 1962,
- (c) “director” and “employee” have the meanings given by section 390(1) of the Income Tax Act 1952,
- (d) in so far as the context permits, “shares” includes stock,

1962 c. 44.

1952 c. 10.

1965 c. 25.

and this section shall apply in relation to any securities (as defined in paragraph 7(1) of Schedule 11 to the Finance Act 1965) issued by a body corporate as it applies in relation to shares in the body corporate.

(11) Schedule 4 to this Act shall apply for the purposes of this section and shall be construed as if contained in this section.

PART III

CORPORATION TAX ACTS

Rate of corporation tax for financial years 1964 and 1965, and provisional collection of corporation tax.

1913 c. 3.

26.—(1) For the financial years 1964 and 1965 the rate at which corporation tax is charged shall be 40 per cent.

(2) Section 49(6) of the Finance Act 1965 (provisional collection of corporation tax) shall have effect subject to the following amendments (under which the latest date for a ways and means resolution fixing the rate of corporation tax for the financial year last ended becomes the same as is, under section 2 of the Provisional Collection of Taxes Act 1913, the latest date for such a resolution imposing income tax for the current year of assessment, and which exclude the conditions in that subsection concerning the agreement of the Commons House of Parliament to such resolutions)—

- (a) the words “and the Resolution is agreed to by the House” shall cease to have effect,
- (b) for the words “more than one month” there shall be substituted the words “later than 5th May next”, and
- (c) the words “and agreed to” shall cease to have effect.

Amendments of Corporation Tax Acts.

27. Schedule 5 to this Act, which contains amendments of the Corporation Tax Acts relating to deductions allowable in computing profits, capital gains, annuity business of assurance

companies, close companies, the definition of company distributions and other matters, and Schedule 6 to this Act, which contains administrative provisions for the Corporation Tax Acts, shall have effect.

28.—(1) Subject to this section, in ascertaining under section 85 of the Finance Act 1965 the one year surplus of a company which is a member of a group of companies, there shall be excluded from the dividends taken into account under subsection (3)(a) of that section any dividends paid by another member of the group, and—

Dividends paid out of pre-1966-67 profits.
1965 c. 25.

- (a) references in subsections (5) and (8) of that section to the income tax at the said subsection (3)(a) shall be taken as references to the said subsection (3)(a) as restricted by the foregoing provisions of this section,
- (b) in arriving at the fraction defined at the end of the said subsection (3) (income tax for 1965-66 divided by that plus corporation tax for the financial year 1965) income tax on dividends so excluded shall be excluded from the numerator and denominator, and
- (c) subsection (4) of the said section 85 (which is superseded by this subsection) shall not apply.

(2) If the one year surplus of a company which is a member of a group of companies as determined under subsection (1) above is less than the amount on which the repayments of income tax under the said section 85 by reference to a one year surplus would equal the income tax paid by the company on distributions made by it in the year 1966-67 but before 3rd May 1966, then subsection (1) above shall not apply, but the company's one year surplus shall be determined as if in subsection (2)(a) of the said section 85 the reference to distributions made by the company in the year 1966-67 were restricted to distributions made before 3rd May 1966.

(3) For the purposes of this section a dividend (including a capital dividend) paid on or after 3rd May 1966 shall be regarded as having been paid before that date if—

- (a) it was declared by the company in general meeting before that date, or
- (b) it was declared in general meeting after that date but 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 before that date, or
- (c) it was paid in accordance with a decision of the directors and that decision was, with their authority, publicly announced before that date.

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(4) Part I of Schedule 7 to this Act shall have effect as respects the three year surplus under the said section 85 of a company which is a member of a group of companies and for the purposes of this section and paragraphs 1 to 4 of that Schedule—

(a) two companies shall be deemed to be members of a group of companies if one is the subsidiary of the other or both are subsidiaries of a third company.

1938 c. 46.

(b) “subsidiary” has the meaning assigned to it for certain purposes of the profits tax by section 42 of the Finance Act 1938, and subsections (2) and (3) of that section shall apply as they applied for purposes of that section,

and the provisions of the said section 85 relating to the one year surplus shall have effect subject to the provisions of Part II of Schedule 7 to this Act.

1965 c. 25.

(5) This section and the said Schedule shall have effect as if they had been enacted when the Finance Act 1965 was enacted.

Registered friendly societies carrying on life or endowment business.

1952 c. 10.

29.—(1) Section 440(1) of the Income Tax Act 1952 (which, as applied, and extended to tax on chargeable gains, by the Corporation Tax Acts confers an exemption from tax on friendly societies) shall not apply to profits arising from life or endowment business unless that business satisfies the conditions in Part I of Schedule 8 to this Act, and so far as the said section 440(1) relates to profits arising from life or endowment business it shall not exempt—

(a) a friendly society registered after 31st December 1957 which at any time in the period of three months ending on 3rd May 1966 entered into any transaction in return for a single premium, being a transaction forming part of its life or endowment business, or

(b) subject to subsections (2) and (3) below, a friendly society registered after 3rd May 1966, or a friendly society which was registered in the period of three months ending on 3rd May 1966 but which at no time earlier than 3rd May 1966 carried on any life or endowment business.

(2) Subsection (1)(b) above shall not apply to a friendly society if, by the rules of the society, the only life or endowment business which it may carry on is—

1923 c. 8.

(a) industrial assurance business as defined in section 1(2) of the Industrial Assurance Act 1923,

(b) assurance affording provision for sickness or other infirmity, whether bodily or mental, which is also

assurance for a gross sum independent of sickness or other infirmity, where not less than sixty per cent. of the amount of the premiums is attributable to the provision afforded during sickness or other infirmity, and no bonus or addition may be declared upon the assurance of the gross sum, or

- (c) contracts exclusively for the assurance of a gross sum or annuity payable on death to or for the benefit of the deceased's widow or dependent child,

or business which falls within any two or all three of paragraphs (a), (b) or (c) above taken together.

(3) Subsection (1)(b) above shall not apply to any part of a friendly society's tax exempt life or endowment business which it acquires by way of transfer of engagements or amalgamation from another friendly society, and which consists of business relating to contracts made not later than the time of transfer or amalgamation.

(4) The limits of £500 and £104 in the proviso to section 8(1), and in section 41, of the Friendly Societies Act 1896 1896 c. 25. (which restrict the life assurance and annuity business which a registered friendly society may transact either generally or with any one person) shall be increased in accordance with Part II of Schedule 8 to this Act, and so much of section 440(1) of the Income Tax Act 1952 1952 c. 10. as applies limits of those amounts shall cease to have effect, but the said section 440(1) shall not apply to profits arising from life or endowment business consisting of the assurance of gross sums exceeding £500 or of the granting of annuities of annual amounts exceeding £104.

In applying the said limits of £500 and £104 any bonus or addition declared upon assurance of a gross sum or annuity shall be disregarded.

(5) Subject to the said section 440(1) of the Income Tax Act 1952, the Corporation Tax Acts shall apply to the life or endowment business carried on by registered friendly societies in the same way as they apply to mutual life assurance business carried on by assurance companies, so however that the Treasury may by regulations contained in a statutory instrument subject to annulment in pursuance of a resolution of the Commons House of Parliament provide that those Acts as so applied shall have effect subject to such modifications and exceptions as may be prescribed by the regulations, and those regulations may in particular require any part of any business to be treated as a separate business.

(6) If a friendly society registered not later than 3rd May 1966 begins after that date to carry on tax exempt life or endowment

PART III

business or, in the opinion of the Chief Registrar of Friendly Societies, begins to carry on tax exempt life or endowment business on an enlarged scale, or of a new character, and it appears to the Chief Registrar, having regard to the restrictions placed on friendly societies registered after the said date by subsection (1)(b) of this section, that for the protection of the revenue it is expedient to do so, he may serve a notice on the friendly society referring to the provisions of this subsection and stating that he is considering the question whether, for the protection of the revenue, it is expedient to give a direction that, as from such date as may be specified in the notice, being the date when in the opinion of the Chief Registrar the relevant change in the society's activities took place, the society is to be treated as one within subsection (1)(b) of this section, and—

(a) he shall consider any representations or undertakings made or offered to him by the friendly society within the period of one month from service of the notice, and if the society so requests shall afford it an opportunity of being heard by him not later than three weeks after the end of that period of one month,

(b) if after consideration of any such representations or undertakings, he remains of opinion that it is expedient to do so, direct that the society shall, subject to any further direction given by him cancelling that direction, be treated for the purposes of this section as a friendly society registered after 3rd May 1966, but subject to the like right of appeal as is conferred by section 77(6) of the Friendly Societies Act 1896 on cancellation of registration.

1896 c. 25.

In the application of this subsection to Scotland for references to the Chief Registrar of Friendly Societies there shall be substituted references to the assistant registrar for Scotland.

1952 c. 10.

(7) Nothing in this section shall affect the exemption conferred by section 440(1) of the Income Tax Act 1952 on un-registered friendly societies.

1958 c. 72.

(8) In this section and Schedule 8 to this Act "life or endowment business" means any business within section 8(1)(b) or (d) or (dd) of the Friendly Societies Act 1896 (life insurance and endowments and insurance of money payable on the duration of a life for a specified period) and any other business within the definition of "life assurance business" in section 33(1) of the Insurance Companies Act 1958 but—

(a) shall include business within section 8(1)(a) of the Friendly Societies Act 1896 for the relief or maintenance of any person in old age (meaning any age after fifty),

- (b) shall not include the granting of any such annuities as are referred to in section 26(1) of the Finance Act 1956 (retirement annuities, etc.), PART III
1956 c. 54.
- (c) shall not include the assurance of any annuity the consideration for which consists of sums obtainable on the maturity, or on the surrender, of any other policy of assurance issued by the friendly society, being a policy of assurance forming part of the tax exempt life or endowment business of the friendly society.

(9) In this section and the said Schedule—

“ tax exempt life or endowment business ” means life or endowment business other than business profits arising from which are excluded from section 440(1) of the Income Tax Act 1952 by subsection (4) of this section. 1952 c. 10.

“ policy ”, in relation to life or endowment business, includes an instrument evidencing a contract to pay an annuity upon human life,

and references in this section and the said Schedule to a friendly society include references to any branch of that friendly society.

(10) It is hereby declared that for the purposes of this section and the said Schedule a registered friendly society formed on the amalgamation of two or more friendly societies shall be treated as different from the amalgamated societies:

Provided that—

- (a) the society shall be treated as registered not later than 3rd May 1966 if at the time of the amalgamation all the friendly societies amalgamated were societies which, subject to satisfying the conditions of Part I of Schedule 8 to this Act, were eligible for the exemption conferred by section 440(1) of the Income Tax Act 1952 in respect of life or endowment business and at least one of them was a society not within subsection (1)(b) of this section,
- (b) in determining, as respects a society resulting from an amalgamation and coming within subsection (6) of this section by virtue of proviso (a) above, the questions in that subsection in the period immediately following the amalgamation, the activities of the amalgamated societies in the period immediately preceding the amalgamation shall be treated as if they were the activities then being carried on by the society resulting from the amalgamation.

(11) This section has effect for corporation tax for the financial year 1966 and later financial years and for income tax for the

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 1952 c. 10. year 1966-67 and later years of assessment, but nothing in this section shall withdraw exemption under section 440(1) of the Income Tax Act 1952 for profits arising from any part of a life or endowment business relating to contracts made not later than 3rd May 1966.

(12) In the application of this section and the said Schedule to a friendly society which is for the time being registered or deemed to be registered in Northern Ireland under the enactments relating to friendly societies in Northern Ireland—

- 1923 c. 8. (a) for references to section 1(2) and section 24 of the Industrial Assurance Act 1923 there shall be substituted references to section 1(2) and section 24 respectively of the Industrial Assurance Act (Northern Ireland) 1924,
- 1924 c. 21. (N.I.)
- 1896 c. 25. (b) for references to the Friendly Societies Act 1896 or to any provision of that Act there shall be substituted references to that Act or provision as it applies in Northern Ireland,
- 1929 c. 28. (c) for the reference in paragraph 1(1)(c) of the said Schedule to section 3 of the Industrial Assurance and Friendly Societies Act 1929 there shall be substituted a reference to the Industrial Assurance and Friendly Societies Act (Northern Ireland) 1929,
- 1929 c. 8. (N.I.)
- 1958 c. 72. (d) for the reference to section 33(1) of the Insurance Companies Act 1958 there shall be substituted a reference to section 1(a) of the Assurance Companies Act 1909,
- 1909 c. 49. (e) for references to the Chief Registrar of Friendly Societies there shall be substituted references to the registrar having corresponding functions under the law of Northern Ireland, and so that any power exercisable by the Chief Registrar with the consent of the Treasury shall be exercisable by that registrar with the consent of the Ministry of Commerce of the Government of Northern Ireland,

and nothing in this section or the said Schedule shall restrict the powers of the Parliament of Northern Ireland to make laws with respect to any matter with respect to which that Parliament has power to make laws.

Double taxation relief

Unilateral relief for underlying tax, etc.
 1965 c. 25.

30.—(1) Paragraph 4 of Part I of Schedule 17 to the Income Tax Act 1952 (which as extended by section 64 of the Finance Act 1965 affords unilateral relief from income tax and corporation tax in respect of dividends paid by companies resident in the Commonwealth territories, for overseas taxation on their profits) shall be repealed as respects any dividend paid (in the sense of section 89(4) of the Finance Act 1965) after 5th April

1966, and section 64(2)(b) of the Finance Act 1965 (which provides for the prospective repeal of the said paragraph 4) shall also be repealed. PART III
1965 c. 25.

(2) Relief from income tax for the year 1968-69 or later years of assessment, or from corporation tax for the financial year 1968 or later years, shall not be given by allowing credit under paragraph 1 of Part I of the said Schedule 17 for overseas tax on a dividend paid by a company resident in a territory outside the United Kingdom unless—

- (a) the overseas tax is directly charged on the dividend, whether by charge to tax or deduction of tax at source or otherwise, and the whole of it represents tax which neither the company nor the recipient would have borne if the dividend had not been paid, or
- (b) the dividend is paid to a company within paragraph 3 in the said Part I (that is to say a company resident in the United Kingdom which controls, directly or indirectly, not less than a fraction of the voting power in the company paying the dividend, the fraction being, by virtue of paragraph 4(3) of Schedule 16 to the Finance Act 1965, one-tenth as respects dividends paid by a company resident in the Commonwealth territories and one-quarter in other cases), or
- (c) the dividend is paid to a company to which paragraph 5(1) of the said Schedule 16 (companies carrying on foreign insurance business) applies and is a dividend of the kind described in that sub-paragraph.

31.—(1) This section applies to dividends paid in the period comprising the years 1966-67 and 1967-68 to persons resident in the overseas territories with the Governments of which the double taxation agreements mentioned in Schedule 9 to this Act are made, but the Treasury may by order contained in a statutory instrument, of which a draft has been laid before and approved by the Commons House of Parliament, extend or further extend that period in relation to dividends paid to residents in any of those territories specified in the order (or in relation to dividends paid to residents in all those territories), and the period as so extended or further extended may include part only of a year of assessment. Transitory provisions for company dividends paid to non-residents.

(2) Subject to this section and the said Schedule, the amount of income tax under Schedule F chargeable in respect of a dividend to which this section applies shall be subject to such limitation or exemption, if any, as would apply under the relevant agreement in the converse case (that is in the case of a dividend paid by a company resident in the overseas territory to a person resident in the United Kingdom, and assuming that all the circumstances of that case are the exact converse of those of the

PART III actual case) so as to afford relief from any description of tax in the overseas territory chargeable on the dividend in that converse case.

1952 c. 10. (3) If without this subsection subsection (2) above would attach a condition making the limitation or exemption dependent on the recipient of the dividend being subject to tax where he resides in respect of the dividend, that condition shall not apply if he is not so subject to tax by reason only of a provision in an agreement having effect under section 347 of the Income Tax Act 1952 which in all or any circumstances confers exemption from all tax where he resides in respect of dividends.

(4) Any limitation (as well as any exemption) applied by subsection (2) above to the amount of income tax under Schedule F chargeable in respect of a dividend—

1965 c. 25. (a) shall be included in the references to exemption from income tax in section 65(5) of the Finance Act 1965 (dividend stripping, etc.), and

1959 c. 58. (b) where the recipient of the dividend is not subject to tax where he resides in respect of the dividend, shall for the purposes of section 23 of the Finance Act 1959 (certain transactions involving purchase and sale of securities) be included in the references to exemption from income tax in section 25(1) of that Act.

(5) If any agreement, or any provision in an agreement, ceases to have effect, this section and Schedule 9 to this Act shall cease to have effect in relation to that agreement or that provision as respects dividends paid after the time when that agreement ceases to have effect for the purposes of income tax (other than surtax), or as the case may be as respects dividends paid after the time when that provision ceases to have effect.

(6) If effect is given by an Order in Council to an amending agreement which, as regards dividends paid after a specified time, affords (in any circumstances) relief from income tax at the standard rate under Schedule F (other than relief corresponding to that afforded by section 227(2) of the Income Tax Act 1952) this section and Schedule 9 to this Act shall, as regards dividends paid after that time, cease to have effect in relation to the agreement which is amended.

(7) In determining for the purposes of section 347(4) of the Income Tax Act 1952 (under which effect may be given to double taxation agreements giving retrospective relief) whether retrospective provisions are provisions for relief the relief afforded by this section, and the withdrawal of that relief by virtue of the last foregoing subsection in consequence of the amendment of the relevant agreement, shall be disregarded.

(8) The obligations as to secrecy imposed by the Income Tax Acts and the Corporation Tax Acts upon persons employed in relation to Inland Revenue shall not prevent the disclosure to the authorised officer of the Government of an overseas territory which is a party to any of the double taxation agreements mentioned in Schedule 9 to this Act of such facts as may be necessary to enable the proper relief to be given under this section.

(9) The powers of making regulations conferred by section 351 of the Income Tax Act 1952 shall be exercisable for the purpose of carrying out the provisions of this section, and the provisions of double taxation agreements as applied by this section, as they are exercisable for the purpose of carrying out the provisions of section 347 of that Act, and of arrangements having effect thereunder. 1952 c. 10.

(10) Effect shall be given to the relief afforded by this section on a claim to which section 9 of the Income Tax Management Act 1964 shall apply, but subject to any provisions made pursuant to the last foregoing subsection for the payment of dividends without deduction of all or any tax. 1964 c. 37.

(11) In this section and in Schedule 9 to this Act—

- (a) in relation to a dividend paid to a person resident in an overseas territory “the overseas territory” means that territory and “the relevant agreement” means the double taxation agreement in the Order in Council mentioned in Schedule 9 to this Act which concerns that overseas territory with any amendments to which effect is given by any subsequent Order in Council made before or after the passing of this Act,
- (b) references to residence shall be construed in accordance with the relevant agreement,

and section 89(4) of the Finance Act 1965 shall apply to determine for the purposes of this section and Schedule 9 to this Act the date when any dividend chargeable to income tax under Schedule F is paid. 1965 c. 25.

32.—(1) This section applies to any payments to a person resident in an overseas territory made in the period comprising the financial years 1966 and 1967, but the Treasury may by order contained in a statutory instrument, of which a draft has been laid before and approved by the Commons House of Parliament, extend or further extend that period in relation to residents in an overseas territory specified in the order (or residents in all overseas territories) and the period as so extended or further extended may include part only of a financial year. Transitory provisions for interest and royalties paid to non-residents.

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1965 c. 25.

(2) In Schedule 11 to the Finance Act 1965 (which defines company distributions) neither—

- (a) paragraph 1(1)(d)(iv) (which, as amended by this Act, relates to interest, etc., in respect of securities held by a company which is not resident in the United Kingdom and is in the same group of companies as the paying company), nor
- (b) paragraph 9(1)(c) (royalties paid by a close company to a participator),

shall apply to any such payment if, under an existing double taxation agreement, the recipient is entitled to relief (whether by way of exemption from tax, or by virtue of a limitation on the rate of tax) from income tax (not including surtax) chargeable in the United Kingdom on that payment.

(3) Subsection (2) above shall not apply to any payment to a company more than fifty per cent. of the voting power in which is controlled, directly or indirectly, by a person or persons resident in the United Kingdom.

1952 c. 10.

(4) In this section “existing double taxation agreement” means any arrangements having effect by virtue of section 347 of the Income Tax Act 1952, being arrangements specified in an Order in Council under that section of which the draft was approved by the Commons House of Parliament before 1st January 1966, together with any other such arrangements, whenever made, providing for their modification in any respect; but any arrangements taking effect under the said section 347 after the passing of this Act and modifying an existing double taxation agreement in any respect may exclude the provisions of this section as they apply in relation to that agreement, and the exclusion shall be as respects payments, or a specified description of payments, made after the date specified in the arrangements, which may be a date before or after the making of the arrangements.

(5) In this section “overseas territory”, in relation to an existing double taxation agreement, means the territory (other than the United Kingdom) to which the agreement applies.

Transitory provisions for double taxation agreements having retrospective effect.

33.—(1) Any arrangements to which effect is given under section 347 of the Income Tax Act 1952 by virtue of an Order in Council made in pursuance of an Address presented to Her Majesty by the Commons House of Parliament before 1st January 1968 may include a provision which withdraws relief from corporation tax afforded by provisions of an existing double taxation agreement concerning interest or royalties notwithstanding that the relief so withdrawn is for periods which include periods before the making of the arrangements.

PART III

(2) In this section "existing double taxation agreement" means any arrangements to which effect has been given under the said section 347 by virtue of an Order in Council made before the passing of this Act.

(3) This section applies in relation to corporation tax for the financial years 1964 and 1965 or for any later financial year.

34.—(1) In section 351(1)(c) of the Income Tax Act 1952 (which authorises the making of the necessary adjustments in respect of income tax deductible from any periodical payment where the tax has not been, but ought to have been, deducted) the word "periodical" (in the expression "periodical payment") shall cease to have effect. Regulations relating to double taxation relief. 1952 c. 10.

(2) The giving of relief under Part XIII of the Income Tax Act 1952 (double taxation relief), or under this Act, in respect of income tax under Schedule F by authorising, pursuant to regulations under the said section 351, the making of distributions of amounts exceeding what would otherwise be distributed shall not affect the provisions of section 47(2) of the Finance Act 1965 (which determine the amount of income tax under Schedule F chargeable in respect of any distribution), and references in that subsection to that amount of the distribution shall be taken as references to that amount, apart from any increase made in pursuance of such regulations. 1965 c. 25.

PART IV

INCOME TAX AND CORPORATION TAX

35.—(1) Subject to subsection (2) of this section, section 16 of the Finance Act 1954 and section 21(4)(a) of the Finance Act 1959 (which provide for giving investment allowances in respect of capital expenditure on certain new assets) and section 21(2) and (4)(b) of the said Act of 1959 (by virtue of which initial allowances in respect of such expenditure are reduced) shall not apply to expenditure incurred on or after 17th January 1966. Abolition of investment allowances and amendments as to initial allowances. 1954 c. 44. 1959 c. 58.

(2) Without prejudice to subsection (3) of this section, the foregoing subsection shall not affect the application of any of the enactments specified in Part IV of Schedule 13 to this Act to any expenditure in respect of an asset in so far as that expenditure consists (and is stated in the certificate required by subsection (7) of the said section 16 or, as the case may be, by paragraph 1 of Schedule 5 to the said Act of 1959 to consist) of the payment of sums payable under a contract entered into on a date (to be specified in that certificate) not later than 16th January 1966 where that asset is brought into use not later than 16th January 1968.

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1952 c. 10.
1956 c. 54.

(3) No investment allowance under the said section 16 or the said section 21(4)(a) and no initial allowance under section 265(1), 279(1) or 306 of the Income Tax Act 1952 or under section 17(1)(a) of the Finance Act 1956 shall be made in respect of so much of any expenditure as is taken into account for the purposes of any relevant grant made towards that expenditure, or be made by virtue of section 332(3) of the said Act of 1952 in respect of a proportionate part of any contribution towards that expenditure; and, if any such grant is made after the making of any such allowance, that allowance shall to that extent be withdrawn.

In this subsection, the expression "relevant grant" means a grant towards capital expenditure incurred by a person carrying on a business, being—

- (a) a grant made under an Act of the present Session or in pursuance of a scheme under an enactment amended by an Act of the present Session; or
- (b) a grant made under an enactment of the Parliament of Northern Ireland or out of moneys provided by that Parliament which appears to the Treasury to be made towards expenditure and for a purpose corresponding respectively to expenditure towards which and a purpose for which a grant such as is mentioned in paragraph (a) of this definition may be made,

and in either case being a grant declared by the Treasury by order made by statutory instrument to be relevant for the purposes of the withholding or withdrawal of investment and initial allowances.

(4) Where the amount of any relevant grant within the meaning of subsection (3) of this section towards any expenditure is repaid in whole or in part by the grantee to the grantor, then to the extent to which it has been so repaid it shall be deemed never to have been made.

(5) All such assessments or adjustments of assessments to income tax, corporation tax or profits tax shall be made as may be necessary in consequence of the provisions of subsection (3) or (4) of this section and, notwithstanding anything in any other provision, the time within which such an assessment or adjustment may be made shall not expire before the expiration of three years from the end of the chargeable period in which the grant referred to in the said subsection (3) or, as the case may be, the repayment referred to in the said subsection (4) was made.

(6) This section shall be construed as if it were contained in Part X of the Income Tax Act 1952.

36.—(1) Any district which, immediately before 17th January 1966, was a development district for the purposes of sections 38 and 39 of the Finance Act 1963 (which relate to the computation of writing down allowances for new machinery and plant, or, as the case may be, for new mining expenditure, in certain districts in Great Britain and in districts within Northern Ireland) shall be deemed to have ceased to be such a development district on that date and, save by virtue of subsection (7) of the said section 38, no district shall be treated as such a development district as respects any period falling on or after that date.

PART IV
Termination
of free
depreciation
in development
districts.
1963 c. 25.

(2) Subject to subsection (3) of this section, the said subsection (7) (which makes provision for the application of the said section 38 to a district in Great Britain which ceases to be a development district and, as applied by subsection (3) of the said section 39, makes the like provision in relation to the said section 39) shall have effect as if the words "in Great Britain" were omitted.

(3) Notwithstanding anything in the said subsection (7), the said section 38 or 39 shall not apply in relation to a writing down allowance in respect of, or of any contribution towards, any expenditure if a relevant grant within the meaning of section 35(3) of this Act is made in respect of that expenditure and that grant—

- (a) by reason of that expenditure being incurred in connection with an area in relation to which the powers conferred by Part I of the Local Employment Act 1960 are for the time being exercisable, is (or, but for any reduction by reference to a grant under section 1 of the Local Employment Act 1963, would be) payable at a higher rate than that at which it would otherwise have been payable; or
- (b) is payable under an enactment of the Parliament of Northern Ireland and is declared by the Treasury by order made by statutory instrument to be comparable to a grant falling within paragraph (a) of this subsection.

(4) Subsection (5) of section 35 of this Act shall have effect for the purposes of this section as if the references in that subsection to subsection (3) of that section included references to subsection (3) of this section.

37.—(1) Vehicles of a construction primarily suited for the conveyance of goods or burden of any description shall be excluded from section 13(1) of the Finance Act 1965 (which makes certain cars ineligible for initial allowances).

Vehicles which
are to be eligible
for initial
allowances.
1965 c. 25.

(2) This section has effect as respects expenditure incurred on the provision of vehicles after 16th January 1966, and all

PART IV such adjustments shall be made, whether by repayment or discharge of tax or otherwise, as are required to give effect to the provisions of this section.

1952 c. 10.

(3) Expenditure shall not be treated for the purposes of this section as having been incurred after 16th January 1966 by reason only of section 279(2) of the Income Tax Act 1952 (which relates to expenditure incurred by a person for the purposes of a trade before he begins to carry it on).

**Statutory
redundancy
payments.**

38.—(1) Any redundancy payment, and the corresponding amount of any other employer's payment, shall be exempt from income tax under Schedule E.

(2) Where a redundancy payment or other employer's payment is made in respect of employment wholly in a trade, profession or vocation carried on by the employer, and within the charge to income tax or corporation tax, the amount of the redundancy payment or the corresponding amount of the other employer's payment shall (if not otherwise so allowable) be allowable as a deduction in computing for the purposes of Schedule D the profits or gains or losses of the trade, profession or vocation, but if it is so allowed by virtue of this section the amount of the rebate recoverable shall (if it is not otherwise to be so treated) be treated as a receipt to be brought into account in computing those profits or gains; and if the employer's payment was made after the discontinuance of the trade, profession or vocation the net amount so deductible shall be treated as if it were a payment made on the last day on which the trade, profession or vocation was carried on.

1965 c. 25.

(3) Where a redundancy payment or other employer's payment is made in respect of employment wholly in a business carried on by the employer, and expenses of management of the business are eligible for relief under section 57 of the Finance Act 1965 as extended by section 67(1)(b) of that Act (investment companies and unit trusts) the amount by which the redundancy payment, or the corresponding amount of the other employer's payment, exceeds the recoverable rebate shall (if not otherwise so allowable) be allowable as expenses of management eligible for relief under that section; and if the employer's payment was made after the discontinuance of the business the net amount so allowable shall be treated as if it were expenses of management incurred on the last day on which the business was carried on.

1963 c. 25.

(4) Where a redundancy payment or other employer's payment is made in respect of employment wholly in maintaining or managing property the expenses of maintaining or managing which were eligible for relief under paragraph 1 or paragraph 13 of Schedule 4 to the Finance Act 1963 (allowable deductions

for tax under Case VIII and certain other tax), the amount by which the redundancy payment or the corresponding amount of the other employer's payment exceeds the recoverable rebate shall (if not otherwise allowable under that Schedule) be treated for the purposes of the said Schedule as a payment made by the employer in respect of the maintenance or management of the property, or of such part of it as he may elect; and if the employer's payment was made after the latest time when it could be taken into account for the purposes of relief under the said Schedule 4 as a payment in respect of the maintenance or management of the property or any part of it, it shall be treated as having been made at that time.

(5) Relief shall not be given under subsections (2), (3) and (4) of this section, or otherwise, more than once in respect of any employer's payment, and if the employee was being employed by the employer in such a way that different parts of the employee's remuneration fell for income tax or corporation tax purposes to be treated in different ways, the amount by which the redundancy payment, or the corresponding amount of the other employer's payment, exceeds the recoverable rebate shall be apportioned to the different capacities in which the employee was employed, and subsections (2), (3) and (4) above shall apply separately to the employment in those capacities, and by reference to the apportioned part of the said amount, instead of by reference to the full amount of the employer's payment, and the full amount of the rebate.

(6) Where the Minister pays a sum under section 32 of the Redundancy Payments Act 1965 or section 42 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 in respect of an employer's payment this section shall apply as if that sum had been paid on account of that redundancy or other employer's payment and, so far as the employer has reimbursed the Minister, as if it had been so paid by the employer.

(7) In this section "redundancy payment", "employer's payment" and "rebate" have the same meaning as in Part II of the Redundancy Payments Act 1965 or Part III of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965, and—

- (a) references to the corresponding amount of an employer's payment (other than a redundancy payment) are references to the amount of that employer's payment so far as not in excess of the amount of the relevant redundancy payment (and so that where in consequence of section 30(2) of the Redundancy Payments Act 1965 or section 40(2) of the said Act of Northern Ireland, there is no relevant redundancy payment, the corresponding amount of the employer's payment is nil,

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1965 c. 62.

(b) “relevant redundancy payment” shall be construed in accordance with paragraph 8 of Schedule 5 to the Redundancy Payments Act 1965 or paragraph 8 of Schedule 6 to the said Act of Northern Ireland,

and a source of income is “within the charge to” income tax or corporation tax if that tax is chargeable on the income arising from it, or would be so chargeable if there were any such income.

1960 c. 44.

(8) In subsection (1) above the reference to tax under Schedule E does not include a reference to tax under section 37 of the Finance Act 1960 (which relates only to sums exceeding a limit of £5,000 or more) and accordingly payments exempted by subsection (1) above may be taken into account under that section.

1965 c. 25.

1952 c. 10.

(9) This section shall apply as respects payments made on or after 6th December 1965 (which is the appointed day under the Redundancy Payments Act 1965 and the said Act of Northern Ireland), and as respects tax for past years of assessment and profits tax chargeable accounting periods, and the reference in subsection (3) of this section to section 57 of the Finance Act 1965 includes a reference to section 425 of the Income Tax Act 1952 as extended by section 438 of that Act and section 69 of the Finance Act 1960 (all of which are repealed by the Finance Act 1965).

Cancellation
of tax
advantages
from certain
transactions
in securities.

39.—(1) For the purposes of the definition of tax advantage in section 43(4)(g) of the Finance Act 1960 it shall be assumed that a person who might have received from a company any dividend or other distribution (as defined for the purposes of the Corporation Tax Acts) would have borne the income tax chargeable under Schedule F which the company would have had to account for under section 47(3) of the Finance Act 1965 in respect of the distribution, and an assessment under section 28(3) of the Finance Act 1960 to counteract a tax advantage consisting of the avoidance or reduction of an assessment to income tax which would be payable by a company under the said section 47(3) in respect of a distribution may be made under Case VI of Schedule D on a person other than the company, and may be so made in addition to any assessment to counteract a tax advantage in respect of surtax.

(2) An assessment so made on a person other than the company may be of an amount arrived at without regard to any set off to which the company would have been entitled under Schedule 12 to the Finance Act 1965.

(3) After paragraph (2)(d) in the said section 28 there shall be added the following paragraph—

“(e) in connection with the transfer directly or indirectly of assets of a company to which paragraph (d) above

applies to another such company, or in connection with any transaction in securities in which two or more companies to which paragraph (d) above applies are concerned, the person in question receives non-taxable consideration which is or represents the value of assets available for distribution by such a company, and which consists of any share capital or any security (as defined by paragraph 7(1) of Schedule 11 to the 1965 c. 25. Finance Act 1965) issued by such a company."

(4) So far as the paragraph (e) added to the said section 28(2) by subsection (3) above relates to share capital other than redeemable share capital, it shall not apply unless and except to the extent that the share capital is repaid (in a winding-up or otherwise), and where the said section 28 applies to a person by virtue of the said paragraph (e) on the repayment of any share capital any assessment to tax under subsection (3) of the said section 28 shall be an assessment to tax for the year in which the share capital is repaid.

(5) Any notice or notification under subsection (3) or (4) of the said section 28, or under section 29(b) of the Finance Act 1960, concerning the application of the said section 28 to a person who has died may be given or issued to his personal representatives, and the provisions of the said section 28 relating to the making of a statutory declaration, to rights of appeal and to the giving of information shall be construed accordingly.

(6) In this section—

“assets available for distribution” means assets which are, or apart from anything done by the company in question would have been, available for distribution by way of dividend, or trading stock of the company,

“non-taxable”, in relation to a person receiving consideration, means that the recipient does not pay or bear tax on it as income (apart from the provisions of section 28 of the Finance Act 1960),

“share” includes stock and any other interest of a member in a company,

and the references in subsection (4) above to the repayment of share capital include references to any distribution made in respect of any shares in a winding up or dissolution of the company.

(7) The amendments made by this section in sections 28 and 29 of the Finance Act 1960, and in the definition of tax advantage as it applies for the purposes of that section, shall not apply to a person in respect of any transaction or transactions in securities if they were carried out before 3rd May 1966, and if

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any change in the nature of any activities carried on by any person, being a change necessary in order that the tax advantage should be obtainable in consequence of the transaction or transactions, was also effected before that day, but nothing in this section shall be taken to prejudice the operation of the said section 28, without this section, in any such case.

PART V

ESTATE DUTY AND CAPITAL GAINS

Estate duty:
interests
limited to
cease on
death.
1894 c. 30.

40.—(1) In the case of a death after 3rd May 1966 the provisions of this section shall apply in determining for the purposes of section 2(1)(b) of the Finance Act 1894 whether an interest in property ceased on the death of the deceased and the extent to which a benefit accrued or arose by the cesser of that interest.

(2) If the deceased had immediately before his death an interest in the property limited to cease on his death, then in determining the questions in subsection (1) above as regards that interest, any other interest in that property belonging to the deceased at his death shall be treated as if it belonged to someone other than the deceased.

(3) If immediately before the death of the deceased a number of persons were, as beneficiaries under a discretionary trust, together entitled to an interest in the property limited to cease on the death and the deceased was then one of those persons, or at some earlier time had been a beneficiary under that discretionary trust, then, in determining the questions in subsection (1) above as regards that interest, any other interest in the property which, whether as arising from the same trusts or otherwise, belongs to those who immediately before the death were the beneficiaries under the discretionary trust shall be treated as being held by persons other than those beneficiaries, and other than the deceased.

(4) For the purposes—

(a) of this section, and

(b) so far as they relate to estate duty leviable on a death after 3rd May 1966, of section 43 of the Finance Act 1940 and section 28 of the Finance Act 1958 (disposition or determination of interest limited to cease on death, and purchase of interest in expectancy in property subject to an interest limited to cease on death),

1940 c. 29.
1958 c. 56.

an interest including an interest limited to cease on death shall be treated as two separate interests one of which is the interest limited to cease on death, and for the purposes of this subsection the following interests shall be deemed to include an interest limited to cease on a death—

(i) an interest enjoyed under two or more titles one of which confers an interest limited to cease on a death,

- (ii) an interest so related to a death that it cannot terminate before the death, and
- (iii) an interest so related to a death that, except in contingencies not related to the death, it cannot terminate before the death:

Provided that where an interest belongs to persons as beneficiaries under a discretionary trust which throughout the subsistence of that trust was such that it could not terminate before the death of the survivor of two or more persons, estate duty shall only be payable by virtue of this section in respect of the cesser of the interest on the death of that survivor.

(5) It is hereby declared that this section has effect for the purposes of estate duty not only as respects the question whether property is deemed to pass on a death but also as respects the questions—

- (a) whether, in any circumstances specified in section 43 of the Finance Act 1940, property would have passed on a death or would have been deemed to be included to a particular extent in property passing on a death, and 1940 c. 29.
- (b) whether (as under section 28(12) of the Finance Act 1958 which relates to the purchases of interests in expectancy) in specified circumstances estate duty would have been chargeable by reason of the coming to an end of an interest in property. 1958 c. 56.

(6) In this section “discretionary trust” includes a trust under which the disposition of any of the trust income is at the discretion of the trustees or of any other person.

41.—(1) This section has effect as respects securities which the Treasury issue or have issued before or after the passing of this Act subject to any condition authorised by section 47 of the Finance (No. 2) Act 1915 or section 22 of the Finance (No. 2) Act 1931 for an exemption from taxation so long as the securities are in the beneficial ownership of persons neither domiciled nor ordinarily resident in the United Kingdom, and this section is enacted for the purpose of preventing that exemption from enuring for the benefit of, or of the estate of, a person domiciled or ordinarily resident in the United Kingdom. Restriction of exemption from estate duty for certain government securities. 1915 c. 89. 1931 c. 49.

(2) Where in respect of any government securities any such exemption applies apart from this section to estate duty leviable on the death after 3rd May 1966 of a person who immediately before the death was domiciled or ordinarily resident in the United Kingdom, then, subject to the exceptions provided by the following provisions of this section,—

- (a) if the exemption is subject to a condition relating to any law directed to preventing avoidance of taxation

PART V

by persons domiciled, resident or ordinarily resident in the United Kingdom, the said exemption shall not apply to that estate duty, and

- (b) if the exemption is not subject to any such condition, there shall be deemed for purposes of estate duty on the death to be included in the property passing at the death a sum equal to the value upon which, but for the exemption, estate duty would have been payable, and any sum so deemed to pass shall for the purposes of aggregation and of determining the persons accountable for duty be treated as having been property to which the deceased was absolutely entitled at his death,

but so far as the duty imposed by paragraph (b) above has not been paid by the deceased's personal representatives accountability for the duty shall be imposed on any person who, if the exemption had not applied to the duty, would have been accountable for it under the enactments relating to estate duty; and any payment made by the personal representatives shall for the purposes of this subsection be regarded as a payment of the duty imposed by paragraph (b) above only so far as there is no other estate duty leviable on the death for which they are accountable and which has not been paid.

1894 c. 30.

(3) Subsection (2) above shall not apply where it is shown to the satisfaction of the Commissioners of Inland Revenue, or on an appeal under section 10 of the Finance Act 1894 of the court entertaining the appeal, that the circumstances in which, apart from this section, the exemption applies in respect of any government securities were not brought about for the purpose, or for purposes which include the purpose, of obtaining the benefit of the exemption directly or indirectly for, or for the estate of, a person domiciled or ordinarily resident in the United Kingdom, or for a company to which section 56 of the Finance Act 1940 (closely controlled companies) applies and in which a person domiciled or ordinarily resident in the United Kingdom has an interest; and where the circumstances in which the exemption so applies in respect of any government securities were not brought about by the deceased subsection (2) above shall not apply so as by virtue of paragraph (b) of that subsection to make the personal representatives accountable for duty or to increase the amount of duty beyond what would have been due had there been no exemption.

1940 c. 29.

(4) Subsection (2) above shall not apply in respect of any government securities if no person who would be accountable for estate duty leviable on the death on the government securities on the assumption that the exemption did not apply in respect of those government securities is a person domiciled or ordinarily resident in the United Kingdom or a company to which the said section 56 of the Finance Act 1940 applies.

(5) If a donee or other person being, on the assumption in subsection (4) above, contingently accountable for estate duty pre-deceases the deceased, that subsection shall apply, so far as it relates to that donee or other person, by reference to him and not by reference to his personal representatives or successors in title, and according to where he was domiciled or ordinarily resident at his death.

(6) If the persons who would, on the assumption in subsection (4) above, be so accountable consist of or include trustees under a settlement created before the death, whether or not subsisting at the death, subsection (4) above shall not have effect but subsection (2) above shall not apply in respect of the government securities if and to the extent that it is shown to the satisfaction of the Commissioners of Inland Revenue, or on an appeal under section 10 of the Finance Act 1894 of the court entertaining the appeal, that the burden of the duty, having regard to interests subsisting immediately after the death, would be borne by any person who is neither domiciled nor ordinarily resident in the United Kingdom, and for the purposes of this subsection interests in income, interests in capital, interests in possession and interests in reversion shall all be taken into account. 1894 c. 30.

(7) If interests under a trust subsisting at the death fall to be taken into account under subsection (6) above, and all interests in the trust other than reversionary interests are interests contingent on the exercise of the discretion of any of the trustees or of any other person, subsection (2) above shall not be displaced by subsection (6) if any of the persons interested in the trust is domiciled or ordinarily resident in the United Kingdom.

(8) Subsection (6), and not subsection (4), above shall apply if the persons who would, on the assumption in subsection (4) above be so accountable consist of or include a company to which the said section 56 of the Finance Act 1940 applies, 1940 c. 29. and the assumptions made in the said section 56(1) as to the company holding its assets in trust shall be made for the purposes of subsection (6) above, taking the interests in the company as they subsisted immediately before the death; and similarly where under subsection (6), with or without this subsection, the burden falling on any person who is a company to which the said section 56 applies is in question, the same assumptions shall be made as respects the company.

(9) Nothing in subsections (4) to (8) above shall prevent subsection (2) above from applying in respect of any government securities settled under a settlement revocable in whole or in part at any time after the death of the deceased person at the instance of any person.

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1894 c. 30.

(10) Section 8(4) of the Finance Act 1894 (which, where an executor is not accountable for estate duty, renders the beneficiaries and others accountable therefor) shall apply as if the words referring to the executor not being accountable were omitted both for the purposes of accountability for estate duty leviable by virtue of this section and also for the purposes of this section as it relates to the persons who would be accountable for estate duty on the assumptions in subsections (2), (4) and (6) of this section.

(11) For the purposes of this section—

1940 c. 29.

- (a) the reference in subsection (3) of this section to a company to which section 56 of the Finance Act 1940 applies, and in which a person domiciled or ordinarily resident in the United Kingdom has an interest, shall be determined on the assumptions made in the said section 56(1) as to the company holding its assets in trust,
- (b) the reference in subsection (7) of this section to interests contingent on the exercise of a discretion include references to interests, whether in capital or income, which are affected by the exercise of a discretion in favour of some person other than the person entitled to the interest.

Gifts inter vivos, etc.: relief from estate duty and other tax.

42.—(1) If any property comprised in a gift inter vivos, and not settled by the gift, is deemed for the purposes of estate duty to pass on a death and capital gains tax or corporation tax is chargeable on a chargeable gain accruing on a disposal by the donee or his personal representatives of an asset which is for the time being comprised in the gift, and which has not been settled by the donee, being a disposal—

- (a) effected before the death, and
- (b) if the principal value of the property is to be ascertained at an earlier time, effected at or before that earlier time,

1960 c. 44.

the principal value of the property for the purposes of estate duty on the death shall be reduced by the amount of that tax, and that reduction shall be made before any reduction of that value under section 64 of the Finance Act 1960 (graduation of charge by reference to period between gift and death).

1957 c. 49.

(2) If any property ceasing to be settled property is by virtue of subsection (8) proviso or subsection (12) proviso of section 38 of the Finance Act 1957 to be treated as comprised in a gift inter vivos deemed for purposes of estate duty to pass on a death, or as the case may be as comprised in property in which an interest within section 43 of the Finance Act 1940 subsisted, and capital gains tax is chargeable on a chargeable gain accruing

on the disposal under section 25(3) of the Finance Act 1965 deemed to be effected by the trustee of the settlement on the occasion of the property ceasing to be settled property, the principal value of the property for the purposes of estate duty on the death shall be reduced by the amount of that tax, and that reduction shall be made before any reduction of that value under section 64 of the Finance Act 1960.

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1965 c. 25.

1960 c. 44.

(3) Where—

- (a) an asset comprised in a gift inter vivos is deemed for purposes of estate duty (including estate duty in Northern Ireland) to pass on a death, and at the time of the death the asset is owned by the donee or is property settled by the gift, or property which by virtue of section 38(9) of the Finance Act 1957 is treated for the purposes of that section as property settled by the gift, and 1957 c. 49.
- (b) the principal value of the asset for the purposes of estate duty on the death (without any reduction under subsection (1) above and without any reduction under section 64 of the Finance Act 1960) exceeds the sums within paragraphs (a) and (b) of paragraph 4(1) of Schedule 6 to the Finance Act 1965 which, if the donee had disposed of the asset at the time of the death, would have been allowable in computing the amount accruing on that disposal,

a part of any estate duty payable in respect of that asset on the death shall be treated for the purposes of Part III of the Finance Act 1965 as if it were an amount of expenditure incurred by the donee on the asset and falling within the said paragraph 4(1)(b); and that part shall be the proportion of the duty which the said excess bears to the said principal value.

(4) References in this section to any amount of capital gains tax or corporation tax are references to the amount which would not have been payable if the relevant asset had not been disposed of, and, if any part of the chargeable gain accruing on a disposal within subsection (1) or subsection (2) of this section is not chargeable to capital gains tax or corporation tax in the year of assessment or accounting period in which it accrues because of relief for losses accruing in that or any earlier year or accounting period, the amount of tax in respect of that part of the chargeable gain shall be the tax which would have been charged on that part of the gain if it had been the only gain accruing in the year or accounting period and had all been chargeable.

(5) This section has effect as respects capital gains tax for the year 1965-66 and later years of assessment and applies in

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PART V relation to deaths and disposals at any time before or after the passing of this Act.

Capital gains. 43. Schedule 10 to this Act (Part I of which contains amendments of the enactments relating to chargeable gains, including amendments relating to life interests in settled property, the transfer of a business on retirement, compulsory acquisitions of parts of holdings of land and insolvents' assets, and Part II of which contains a corresponding provision for insolvents' assets subject to tax on short-term capital gains) shall have effect.

PART VI

SELECTIVE EMPLOYMENT TAX

**Selective
employment
tax.**

44.—(1) Subject to subsection (2) of this section, in respect of each contribution week beginning on or after 5th September 1966, an employer shall be liable, in respect of each person in respect of whom the employer is liable to pay an employer's insurance contribution for that week, to pay a tax (to be known as the selective employment tax and hereafter in this section and in Schedule 11 to this Act referred to as "the tax") of the following amount, namely—

- (a) if that person is a man over the age of eighteen, twenty-five shillings ; or
- (b) if that person is a woman over the age of eighteen, twelve shillings and sixpence ; or
- (c) if that person is a boy under the age of eighteen, twelve shillings and sixpence ; or
- (d) if that person is a girl under the age of eighteen, eight shillings.

(2) Where an employer's insurance contribution in respect of any person for any contribution week is reduced by virtue of regulations made or having effect as if made—

1965 c. 51.

- (a) under section 99 of the National Insurance Act 1965 (which relates to Her Majesty's forces) or under that section as applied for the purposes of Northern Ireland legislation by regulations made by the Joint Authority under section 104(6) of that Act ; or

1966 c. 6 (N.I.).

- (b) under section 100 of that Act or section 95 of the National Insurance Act (Northern Ireland) 1966 (which relate to mariners and airmen),

the tax shall not be payable in respect of that person for that week.

(3) Any amount payable by way of the tax shall be collected together with employer's insurance contributions and—

(a) in so far as collected in Great Britain, shall be paid by the Minister of Pensions and National Insurance into the Exchequer at such times as the Treasury may direct;

(b) in so far as collected in Northern Ireland, shall be paid by the Ministry of Health and Social Services for Northern Ireland into the Exchequer of Northern Ireland at such times as the Ministry of Finance for Northern Ireland may direct.

(4) The expenses of the Minister of Pensions and National Insurance and of any other department of Her Majesty's Government in the United Kingdom (except the Postmaster General) incurred for the purposes of this section shall be defrayed out of moneys provided by Parliament:

Provided that so much of the sums payable into the Exchequer under subsection (3)(a) of this section as the Treasury may determine to be equal to the aggregate of the said expenses and any such amounts as are mentioned in section 85(5) of the National Insurance Act 1965 (which relates to liabilities for pensions and other payments and to the use of Crown premises), in so far as those amounts are determined by the Treasury to be attributable to the execution of this section, may be treated as if they were receipts falling within section 2 of the Public Accounts and Charges Act 1891 and may be directed to be appropriated in aid accordingly. 1965 c. 51. 1891 c. 24.

(5) For the purposes of payments by the Minister of Pensions and National Insurance to the Postmaster General under section 85(2) of the National Insurance Act 1965, work done by the Postmaster General in the execution of this section shall be treated as done in the execution of the said Act of 1965; and in estimating the expenses referred to in subsection (4) of this section there shall be included in the expenses of that Minister the amounts of any such payments in so far as those amounts are determined by the Treasury to be attributable to the execution of this section.

(6) The provisions of Schedule 11 to this Act shall have effect for the purposes of this section.

(7) Subject to subsection (2) of this section, this section and the said Schedule 11 shall apply in the case of persons employed by or under the Crown in like manner as if the employer were a private person.

(8) For the purposes of section 6 of the Government of Ireland Act 1920, this section and the said Schedule 11 shall be deemed to be contained in an Act passed before the appointed day. 1920 c. 67.

PART VI

(9) In this section and the said Schedule 11, the following expressions have the following meanings respectively, that is to say—

“employer’s insurance contribution” means a contribution, other than a graduated contribution or a contribution as an insured person, payable by an employer under the Insurance Acts ;

“the Insurance Acts” means—

1965 c. 51.

(a) in relation to Great Britain, the National Insurance Act 1965 and any enactment (whether passed before or after the passing of this Act) included therewith in any citation which uses the phrase “the National Insurance Acts” ;

1966 c. 6 (N.I.).

(b) in relation to Northern Ireland, means the National Insurance Act (Northern Ireland) 1966 and any enactment (whether passed before or after the passing of this Act) included therewith in any citation which uses the phrase “the National Insurance Acts (Northern Ireland)” ;

and, save where the context otherwise requires, any other expressions used in this section or the said Schedule 11 have the same meanings, in their application to Great Britain, as in the said Act of 1965 or, in their application to Northern Ireland, as in the said Act of 1966.

PART VII

MISCELLANEOUS

Harbour reorganisation schemes: corporation tax and stamp duty.

45.—(1) Where, after the passing of this Act, the trade of any body corporate other than a limited liability company is transferred to a harbour authority by or under a certified harbour reorganisation scheme which provides also for the dissolution of the transferor—

(a) for the purposes of the Corporation Tax Acts, the trade shall not be treated as permanently discontinued, nor shall a new trade be treated as set up and commenced ;

(b) the transferee shall be entitled to relief from corporation tax under section 58(1) of the Finance Act 1965, as for a loss sustained by it in carrying on the transferred trade or any trade of which it comes to form part, for any amount which, if the transferor had continued to carry it on, would have been available to the transferor for carry forward against chargeable profits of succeeding accounting periods, but subject to any claim made by the transferor under section 58(2) of that Act ; and

1965 c. 25.

(c) Schedule 12 to this Act (which contains further provisions as to the application of the Corporation Tax Acts) shall also have effect.

(2) Where, after the passing of this Act, a part only of such a trade is transferred to a harbour authority by or under a certified harbour reorganisation scheme, and the transferor continues to carry on the remainder of the trade, or any such trade is, by or under a certified harbour reorganisation scheme which provides also for the dissolution of the transferor, transferred in parts to two or more harbour authorities, the provisions of paragraphs (a) and (b) of the foregoing subsection and of Schedule 12 to this Act shall apply as if the transferred part, or each of the transferred parts, had been at all times a separate trade.

(3) Where a part of any trade is to be treated by virtue of subsection (2) above as having been a separate trade over any period there shall be made any necessary adjustments of accounting periods, and such apportionments as may be just of receipts, expenses, allowances or charges.

(4) Where the trade carried on by any body corporate was, by or under a certified harbour reorganisation scheme, transferred to a harbour authority in the year 1965-66—

(a) the change effected by the transfer shall be treated as one in respect of which the conditions specified in section 17(1) of the Finance Act 1954 (company reconstructions etc. without change of ownership) were satisfied, and Schedule 3 to that Act shall apply accordingly; 1954 c. 44.

(b) for all purposes of corporation tax the transferee and all other persons affected shall be treated as if the transferee had carried on the trade from the end of the basis period for that year of the trade as carried on by the transferor, and as if anything done to or by the transferor in carrying on the trade since the end of that period had been done to or by the transferee; and

(c) subsection (1)(b) above, and paragraph 4 of Schedule 12 to this Act, shall apply.

(5) Where a certified harbour reorganisation scheme contains provision for the transfer of an undertaking, or of any other description of property, to a harbour authority, then, in considering whether any and if so what duty is payable under section 12 of the Finance Act 1895 (which relates to the stamp duty payable in connection with certain statutory conveyances), the consideration for the transfer shall be left out of account; and no stamp duty shall be payable on any contract or agreement for any such transfer if the contract or agreement is conditional on the making and certification of a harbour reorganisation scheme. 1895 c. 16.

PART VII

(6) In this section—

“harbour authority” has the same meaning as in the Harbours Act 1964 ;

“harbour reorganisation scheme” means any statutory provision providing for the management by a harbour authority of any harbour or group of harbours in the United Kingdom, and “certified”, in relation to any harbour reorganisation scheme, means certified by a Minister of the Crown or Government department as so providing with a view to securing, in the public interest, the efficient and economical development of the harbour or harbours in question ;

“limited liability company” means a company having a limit on the liability of its members ;

“statutory provision” means any enactment, or any scheme, order or other instrument having effect under an enactment, and includes an enactment confirming a provisional order ;

and in this section and in Schedule 12 to this Act “transferor”, in relation to any trade, means the body from whom the trade is transferred, whether or not the transfer is effected by that body.

(7) This section, except so far as it relates to stamp duties, shall be construed as one with the Corporation Tax Acts.

Stamping of
contract
notes etc.
1910 c. 8.

46.—(1) The Commissioners may enter into an agreement with any person by whom instruments chargeable with stamp duty by virtue of section 77 or 79 of the Finance (1909-10) Act 1910 are made and executed in the course of that person's business whereby—

(a) that person pays a sum to the Commissioners on account of the amounts of stamp duty which will become chargeable on such instruments thereafter made and executed by or on behalf of that person without the duty thereon being denoted in accordance with section 78(4) of that Act ; and

(b) in substitution for the requirements of the said section 78(4), but subject to—

(i) compliance with such terms and conditions as the Commissioners may think proper to cause to be contained in the agreement ; and

(ii) the aggregate of those amounts not exceeding the sum so paid on account,

any such instrument thereafter so made and executed may be marked by or on behalf of that person with

such indication of the payment of stamp duty and the amount thereof as the Commissioners may require.

(2) Any such instrument marked in accordance with any such agreement as aforesaid shall be treated as duly stamped for the purposes of subsection (2) of section 78 of the said Act of 1910; and the reference in subsection (3) of that section to the provisions of that section shall be construed as a reference to those provisions as modified by any such agreement.

(3) Where, under any such agreement as aforesaid, a sum has been paid to the Commissioners in accordance with subsection (1)(a) of this section by the other party to the agreement, the Commissioners may, on a claim made not later than two years after that sum was so paid, repay so much of that sum as they are satisfied can no longer be required for discharging any future liability of that other party to pay amounts of stamp duty.

(4) Except in so far as the context otherwise requires, any reference in sections 9 and 10 of the Stamp Duties Management Act 1891 (which relate to allowances for spoiled stamps) to a stamp shall include a reference to any such indication of the payment and amount of stamp duty as is referred to in subsection (1)(b) of this section. 1891 c. 38.

47.—(1) The maximum amount chargeable by way of stamp duty on any policy of life insurance made on or after 1st August 1966 for a period not exceeding two years shall be sixpence. Stamp duty on life policies not exceeding two years.

(2) For the purposes of this section, a policy shall be treated as made for a period exceeding two years if it contains any provision whereby it may become available for a period exceeding two years in all.

(3) Where, at any time after the making of a policy on which the duty chargeable would, but for subsection (1) above, have exceeded sixpence, the policy is varied so that it becomes or may become available for a period exceeding two years in all, the policy shall become chargeable with the same duty as would have been chargeable if it had been made on the date of the variation for a period exceeding two years, and may be stamped accordingly, without penalty, at any time within thirty days after that date.

48.—(1) A licence under section 3 of the Stamp Duties Management Act 1891 shall not be required by any person to deal in postage stamps, and accordingly in that Act— Licence not required to deal in postage stamps.

(a) any reference in section 3, 4 or 6 to stamps shall be construed as a reference to stamps other than postage stamps;

PART VII

(b) in relation to postage stamps, any reference in section 12, 17(2) or 17(3) to a person duly licensed to deal in stamps shall be construed as a reference to a person lawfully dealing in postage stamps;

(c) in relation to postage stamps, section 18(1) shall have effect as if the words "or being or having been licensed to deal in stamps" were omitted.

(2) In this section, the expression "postage stamp" means a stamp within the meaning of the said Act of 1891 for denoting an amount of postage, whether or not it can also be used for revenue purposes.

(3) This section shall come into force at the expiration of the period of three months beginning with the date of the passing of this Act.

Power to inspect books of agents concerned with foreign dividends etc.
1952 c. 10.

49.—(1) Subject to subsection (3) of this section, the Commissioners of Inland Revenue may by notice in writing served on any chargeable person within the meaning of Part III of Schedule 8 to the Income Tax Act 1952 (persons entrusted with or obtaining, payment of foreign dividends etc., or concerned in certain dealings in coupons) require him, within such time as may be specified in the notice, to make available at his premises for inspection by an officer authorised by the Commissioners all such books and other documents in the possession or control of that person as the officer may reasonably require for the purpose of determining whether any accounts delivered to the Commissioners by that person under that Schedule are correct and complete.

1960 c. 44.

(2) Part III of the Finance Act 1960 (penalties) shall have effect as if subsection (1) above were among the provisions specified in column 2 of Schedule 6 to that Act.

(3) The Commissioners may grant a certificate exempting any chargeable person from the foregoing provisions of this section, and while the certificate is in force the powers conferred by those provisions shall not be exercisable in relation to that person; and any such certificate may be revoked at any time by the Commissioners, and may contain such terms and conditions as they think proper.

Information relating to stock jobbers' transactions.

50.—(1) The Board may exercise the powers conferred by this section as respects, and in connection with, any business which is, or has been, carried on by a jobber or dealing broker whose liability to tax in respect of the business is determined on the footing that any excess of his payments in respect of interest on securities over his receipts in respect thereof, being payments made or receipts accrued in pursuance of a contract for

the sale or purchase of the securities, is to be treated for all the purposes of the Income Tax Acts or the Corporation Tax Acts as an annual payment made by him.

(2) With a view to obtaining information about transactions in the course of a business within subsection (1) above, the Board may serve on the jobber or dealing broker by whom the business is or has been carried on a notice requiring him to make available within a time specified in the notice, for inspection by an inspector or other officer of the Board, all such books, accounts and other documents in his possession or power as may be specified or described in the notice, being books, accounts or other documents which in the opinion of the Board contain or may contain information directly or indirectly relating to any such transactions.

(3) The Board may serve on any broker a notice requiring him to make available within a time specified in the notice, for inspection by an inspector or other officer of the Board, all such books, accounts or other documents in his possession or power as may be specified or described in the notice, being books, accounts or other documents which in the opinion of the Board contain or may contain information relating directly or indirectly to transactions in the course of a business within subsection (1) above.

(4) The Board may by notice in writing require—

- (a) a person, other than a broker, who has directly or indirectly received from a jobber or dealing broker any payment made by the jobber or dealing broker in the course of a business within subsection (1) above, being a payment treated by the jobber or dealing broker as made in respect of interest on securities, to state within a time specified in the notice whether the amount received is in whole or in part received on behalf of, or for payment on to, any other person and, if so, to furnish the name and address of that other person, or
- (b) a person who has directly or indirectly paid to a jobber or dealing broker any sum constituting a receipt by him in the course of a business within subsection (1) above, being a receipt treated by the jobber or dealing broker as accruing in respect of interest on securities, to state within a time specified in the notice whether the amount paid is in whole or in part received from, or paid on account of, any other person and, if so, to furnish the name and address of that other person.

(5) Section 250(4) of the Income Tax Act 1952 (power to obtain information from nominee shareholders) shall apply for

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the purpose of obtaining (from any persons to whom that section applies, whether brokers or jobbers or not) information directly or indirectly relating to any transactions in the course of a business within subsection (1) above, and shall so apply as if for references to shares in a company there were substituted references to securities.

(6) The Board may not exercise their powers under the foregoing provisions of this section for the purpose of obtaining information relating to transactions in any income tax year of assessment ending more than six years before the service of the notice, but, subject to the foregoing provisions of this subsection, the transactions in respect of which they may exercise those powers shall include transactions before the passing of this Act.

1960 c. 44.

(7) Part III of the Finance Act 1960 (penalties) shall have effect as if subsections (2), (3) and (4) of this section were included in the second column of Schedule 6 to that Act.

(8) In this section—

“the Board” means the Commissioners of Inland Revenue,

“broker” means a member of a stock exchange in the United Kingdom other than a jobber,

“dealing broker”, in relation to any sale of securities, means a member of a stock exchange in the United Kingdom, other than the London Stock Exchange, who is recognised by the committee of his exchange as carrying on the business of a dealer and authorised by them to deal in those securities,

“jobber” means a member of the London Stock Exchange who is recognised by the committee thereof as carrying on the business of a jobber.

“securities” includes shares, and “shares”, except where the context otherwise requires, includes stock, and references to interest include references to dividends.

Members of
Parliament of
Northern
Ireland:
Pension Fund
and annuity
premiums.
1965 c. 18
(N.I.).
1952 c. 10.

51.—(1) Subsections (2) and (3) below shall have effect with respect to the Members' Contributory Pension (Northern Ireland) Fund constituted under section 3 of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965, and sums payable thereout under section 12(1) of that Act (transfer to other pension schemes of sums representing value of accrued pension rights).

(2) Section 385(2) of the Income Tax Act 1952 (exemption from tax in respect of income of the House of Commons Members' Fund) shall apply in relation to the Fund, and accordingly the Fund shall be included among those referred to in

section 36(2) of the Finance Act 1965 (by virtue of which, PART VII
in the case of funds the income of which is exempt from tax 1965 c. 25.
under enactments which include the said section 385, gains
accruing from the acquisition and disposal of assets are not
chargeable gains).

This subsection shall have effect for the year 1965-66 as well
as subsequent years of assessment.

(3) Any sum payable out of the Fund as mentioned in sub-
section (1) above shall be treated for the purposes of the Income
Tax Acts as having been paid in commutation of an annuity
payable by a superannuation fund within the meaning of section
379 of the Income Tax Act 1952 (approved superannuation
funds), and the Fund shall be treated as such a superannuation
fund for the purposes of any regulations under that section.

(4) For the purposes of Part III of the Finance Act 1956 1956 c. 54.
(retirement and other annuities), so much of the salary of the
holder of any office to which this subsection applies who is also
a Member of the House of Commons of Northern Ireland as
is equal to the salary to which, pursuant to any Resolution of
that House relating to the remuneration of Members, he would
be entitled if he did not hold that office shall be treated as
remuneration from the office of Member, and not from the office
to which this subsection applies, and shall accordingly be treated
for the purposes of Part I of Schedule 3 to that Act as pension-
able emoluments from the office of Member.

The offices to which this subsection applies are those of Chair-
man of Ways and Means of the House of Commons of Northern
Ireland and Attorney General for Northern Ireland.

52.—(1) No surcharge, surcharge repayment, distribution pay- Amendments
ment or distribution repayment shall be payable under the Sugar of Sugar Act
Act 1956 in respect of sugar or invert sugar used in the manu- 1956.
facture of concentrated cane juice, partly inverted, of the kind 1956 c. 48.
known as high test, invert, or fancy molasses.

(2) Section 8 of that Act (which, as amended by Schedule 5 1962 c. 44.
to the Finance Act 1962, provides for surcharge repayments by
reference to the circumstances in which drawback of sugar duty
was allowable immediately before 10th April 1962) shall have
effect as if, immediately before that day, section 218(1)(c) of the
Customs and Excise Act 1952 (which provided for drawback 1952 c. 44.
on sugar, etc., used in the brewing of beer warehoused for ex-
portation or for use as stores) had been amended by substituting,
for the words from "used" to the end, the words "used in
the manufacture of beer exported, shipped as stores, or ware-
housed for exportation or for use as stores".

PART VII

53.—(1) This Act may be cited as the Finance Act 1966.

Short title,
construction,
extent and
repeals.

1952 c. 44.

(2) In this Act Part I shall be construed as one with the Customs and Excise Act 1952, and in that Part “the Act of 1952” is that Act; Part II shall be construed as one with the Income Tax Acts; Part III shall be construed as one with the Corporation Tax Acts; Part IV, so far as it relates to the Corporation Tax Acts, shall be construed as one with those Acts, so far as it otherwise relates to income tax, shall be construed as one with the Income Tax Acts and so far as it relates to the profits tax shall be construed as one with the enactments relating to the profits tax; Part V so far as it relates to estate duty shall be construed as one with the Finance Act 1894; and so much of Part VII as relates to stamp duties shall be construed as one with the Stamp Act 1891.

1894 c. 30.

1891 c. 39.

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

(4) Except as otherwise expressly provided, such of the provisions of this Act as relate to matters in respect of which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

1956 c. 48.

(5) This Act, in so far as it affects the operation of the Sugar Act 1956, shall extend to the Isle of Man.

(6) This Act, in so far as it amends the enactments relating to friendly societies, shall extend to the Channel Islands and the Isle of Man.

(7) The enactments mentioned in Schedule 13 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, but subject to any provision in relation thereto made at the end of any Part of that Schedule.

SCHEDULES

SCHEDULE 1

Section 2.

RELIEFS FOR SHIPBUILDERS

PART I

DETERMINATION OF OPEN MARKET VALUE

1.—(1) The open market value of any vessel or other structure and its fittings and equipment shall be taken for the purposes of section 2 of this Act to be the price which they would fetch at the time of their delivery pursuant to the contract in question on a sale in the open market between buyer and seller independent of each other.

(2) The said price shall be determined on the assumption that the buyer will bear freight, insurance and all other costs, charges and expenses incurred in respect of the vessel or structure and other items in question after their delivery as aforesaid or, where delivery is to be effected outside the United Kingdom, after their departure from the United Kingdom for the purpose.

(3) For the purposes of this paragraph, a sale in the open market between a buyer and seller independent of each other presupposes—

- (a) that the vessel or structure and other items in question are the sole consideration for the price paid, and
- (b) that the price is not influenced by any commercial, financial or other relationship, whether by contract or otherwise, between the seller or any person associated in business with him and the buyer or any person associated in business with him (other than the relationship created by the sale of the said vessel or structure and other items), and
- (c) that neither the seller nor any person associated in business with him has provided any part of the price, and that no part of the price will be returned to the buyer or any person associated in business with him.

(4) For the purposes of the last foregoing sub-paragraph, two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

PART II

REDUCTIONS IN PURCHASE PRICE OR OPEN MARKET VALUE

2.—(1) Where the amount payable in respect of any vessel or other structure under the said section 2 is, by virtue of subsection (3) thereof, to be determined by reference to the price payable as mentioned in that subsection, then—

- (a) if the terms of the contract in question are such that the applicant for the payment will bear any of the following, that is, any freight, insurance or other costs, charges or

SCH. 1

expenses incurred in respect of the vessel or structure or its fittings or equipment after their delivery pursuant thereto or, where delivery is to be effected outside the United Kingdom, after their departure from the United Kingdom for the purpose, the price shall be treated for the purposes of that subsection as reduced by an amount reflecting the burden thus assumed by the applicant ;

- (b) if the whole or any part of the price is payable twelve months or more after the time when the property in the vessel or structure passes or, if later, the time of delivery of the vessel or structure or of its departure from the United Kingdom for the purpose of delivery, the price shall be treated for those purposes as reduced by an amount representing the discount which would be chargeable for obtaining payment at that earlier time at a rate of interest equal to the bank rate then prevailing.

(2) In the foregoing sub-paragraph "bank rate" means the minimum rate at which the Bank of England will lend to a discount house having access to the Discount Office of the Bank.

3. If, after consultation with the Board of Trade, it appears to the Commissioners that the fittings and other equipment supplied with any vessel or other structure include any items the supply of which would not in the ordinary course of events be undertaken by a person building such a vessel or structure for delivery to another as that other's property, the price or, as the case may be, open market value referred to in the said subsection (3) shall be treated for the purposes of that subsection as reduced by an amount equal to the open market value of the items in question ; and the provisions of paragraph 1 of this Schedule shall apply for the purpose of determining that value, subject to any necessary modifications.

PART III

SUPPLEMENTAL

4. The following provisions of the Act of 1952 shall apply in relation to payments under the said section 2 as they apply in relation to drawbacks, allowances or repayments under that Act, that is to say, section 270 (time limit on payment), section 271(1) (offences in connection with claims) and section 301(2) (recovery of overpayments).

5.—(1) Any officer or person authorised by the Commissioners may require any person who has been concerned at any stage with a vessel or other structure in respect of which an application has been made under the said section 2, or with any fittings or other equipment supplied therewith, or with any payment in respect of the vessel or structure or any fittings or other equipment so supplied—

- (a) to furnish, within such time as that officer or person may require, such information as may be reasonably necessary to enable the Commissioners to determine whether the applicant is entitled to a payment under that section, or liable

to make any repayment thereunder, or to determine the amount of any payment to which the applicant is so entitled, and

- (b) to produce for inspection by that officer or person, at such time and place as he may require, any books or accounts or other document of whatever nature relating to, or to any payment in respect of, the said vessel, structure, fittings or equipment.

(2) Any such officer or person shall be entitled to take extracts from or make copies of any document produced to him under the foregoing sub-paragraph.

(3) If any person fails to comply with any requirement under sub-paragraph (1) above, he shall be liable to a penalty of one hundred pounds, together with a further penalty of ten pounds for each day during which failure to comply with the requirement continues.

6.—(1) Any dispute as to the determination for the purposes of an application under the said section 2 of the price or value referred to in subsection (3) of that section, or of any amount by which that price or value is to be treated as reduced by virtue of subsection (4) thereof, shall be referred to a referee appointed in accordance with the next following sub-paragraph.

(2) A reference under the foregoing sub-paragraph shall be to a person (not being an official of any government department) appointed by the Lord Chancellor or, if the application for the purposes of which the determination is made relates to a vessel or structure constructed in Scotland or Northern Ireland, or was by a company incorporated in Scotland or Northern Ireland, and the applicant in either case so requires, appointed by the Lord President of the Court of Session or as the case may be, the Lord Chief Justice of Northern Ireland.

(3) The procedure on any such reference shall be such as the referee may determine.

(4) Sub-paragraph (1) above shall not have effect, and any price, value or amount falling to be determined for the purposes of the said subsection (3) or (4) shall be that fixed by the Commissioners, unless, within three months from the time when the Commissioners' final determination thereof is communicated to him, or such longer time as the Commissioners may allow, a notice requiring a reference under that sub-paragraph has been served on the Commissioners by the person for the purposes of whose application the determination was made.

7. The making by the Commissioners of a payment under the said section 2 determined by reference to the price or value referred to in subsection (3) of that section, or that price or value as reduced by virtue of subsection (4) thereof, shall not be taken as constituting the making by the Commissioners of a final decision under the said subsection (3).

Section 10.
1952 c. 44.

SCHEDULE 2

APPLICATION OF CUSTOMS AND EXCISE ACT 1952 TO HOVER VEHICLES

Tonnage limits

1. The tonnage of a hover vehicle shall be regarded for the purposes of the Customs and Excise Act 1952 as below the tonnage limits in that Act in—
 section 50(2) (stores),
 section 68(1) (regulations to prevent smuggling),
 section 107(1) (importation and exportation of spirits),
 section 173(1)(b) (importation of tobacco),
 sections 277(3), 278(1) and 279(1) (forfeiture of ships),
 and section 48(1) of that Act (goods which may not be exported in small ships) shall not apply to hover vehicles.

Forfeiture of vessels

2. Sections 107(4) and 173(3) of the said Act (enforcement of duties on spirits and tobacco) shall apply as if any reference to a ship included a reference to a hover vehicle.

Passenger vessel licences

3. Section 153 of the said Act (excise licences) shall apply as if any reference to a vessel included a reference to a hover vehicle.

Oils used in boats and vessels

4.—(1) Paragraphs (b) and (c) of section 205 of the said Act (relief for oils etc., used in lifeboats) shall apply to hover vehicles as if they were boats or vessels.

(2) This Act shall not be taken as applying section 204 of the said Act (relief from duty of oils used as fuel for ships in home waters) to hover vehicles.

Section 15.

SCHEDULE 3

SUPPLEMENTARY PROVISIONS AS TO DUTIES RELATING TO BETTING AND GAMING

PART I

DUTIES RELATING TO BETTING

1.—(1) The general betting duty shall be under the care and management of the Commissioners and shall be accounted for by such persons, and accounted for and paid at such times and in such manner, as may be required by or under regulations of the Commissioners.

(2) Any such regulations may in particular—

(a) provide for payments on account of the duty which may become chargeable to be made in advance by means of stamps or otherwise, and for that purpose apply, with any necessary adaptations, any of the provisions of the Stamp Duties Management Act 1891 (including the penal provisions repealed save as to Scotland by the Forgery Act 1913);

1891 c. 38.
1913 c. 27.

SCH. 3

- (b) provide for such payments to be made through the persons providing, at the place where any event is or is to be held, facilities for persons engaging or proposing to engage at that place in an activity by reason of which they are or may be or become liable for the duty ;
- (c) require persons providing such facilities as aforesaid at any place to perform other functions in connection with the payment of or accounting for the duty by persons engaging or proposing to engage as aforesaid at that place, including the refusal to any of the last-mentioned persons of access to that place unless the requirements of any regulations made by virtue of paragraph (a) or (b) of this sub-paragraph have been complied with ;
- (d) otherwise provide for the giving of security by means of a deposit or otherwise for duty due or to become due.

2.—(1) Subject to sub-paragraph (2) of this paragraph, and without prejudice to paragraph 18 of this Schedule, paragraphs 2 and 3 of Schedule 1 to the Betting Duties Act 1963 shall have effect for the purposes of section 12 of this Act as if any reference in those paragraphs to the pool betting duty included a reference to the general betting duty. 1963 c. 3.

(2) The said paragraphs 2 and 3 in their application to the general betting duty shall have effect subject to the following modifications, that is to say :—

- (a) the said paragraph 2 (which requires notice to the Commissioners of a business involving liability to duty) shall not require a person to make entry of premises used for the purposes of the business in connection only with such betting operations (in this sub-paragraph referred to as “general betting operations”) as do not involve liability to the pool betting duty, but shall require him not later than the date when he first uses any premises for the purposes of the business in connection with general betting operations to notify the Commissioners of those premises being so used (whether or not he is also required by the said paragraph 2 to make entry of them) : and in relation to books, records, accounts and other documents relating to general betting operations the reference in the said paragraph 3 to premises of which entry has been made under the said paragraph 2 shall have effect as a reference to such of the premises used for the purposes of the business as the Commissioners may direct ;
- (b) the said paragraph 2 shall also require a bookmaker to notify the Commissioners of the name of any person acting as his agent for receiving or negotiating bets made otherwise than by way of pool betting or coupon betting or for otherwise conducting general betting operations, and the address of any such person (including any address at which he so acts), but nothing in this provision shall prejudice the separate application of the said paragraphs 2 and 3 to any such person as aforesaid carrying on activities which may involve sums becoming payable by him by way of the general betting duty ;

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- (c) in the case of a person who at the date when this Act is passed is carrying on or intending to carry on a business which may involve sums becoming payable by him by way of the general betting duty, the said paragraph 2 shall have effect so as to require him to notify the Commissioners of his doing so or intending to do so and of the matters referred to in the foregoing provisions of this subparagraph not later than one week after that date, unless apart from this provision he would be required by the said paragraph 2 to notify them only by a later time.

(3) The power of the Commissioners under sub-paragraph (b) of the said paragraph 3 to give directions as to the period for which a person carrying on such a business as is mentioned in the said paragraph 2 is to preserve any books, records, accounts or documents relating to the business shall be exercisable in relation to any particular class of such books, records, accounts or documents as well as in any particular case.

3. Where in the case of any track or other premises an officer has reason to believe that bookmaking on events taking place thereon is being or is to be carried on, or that facilities for sponsored pool betting on those events are being or are to be provided, or that a totalisator is being or is to be operated in connection with those events, at a place on those premises or on any ground or premises adjacent thereto, he shall be entitled for the purpose of exercising the powers conferred by this paragraph to be admitted without payment to that place, and he may require—

- (a) any person who appears to him to be or intend carrying on bookmaking, providing such facilities or operating a totalisator there to give such information as he may demand, and to produce to him any accounts, records or other documents which appear to him to be connected with the business of bookmaking or with the provision of those facilities or the operation of that totalisator or which it appears to him will establish the identity of that person; and
- (b) any person who appears to him to have made a bet there with any bookmaker, or through the persons providing any such facilities, or by means of a totalisator, to give such information with respect to the bet as he may demand and to produce to him any document in connection with the bet supplied to that person by the bookmaker, the persons providing those facilities, or the operator of that totalisator, as the case may be,

and any such person as aforesaid shall comply with any such requirement.

4. Where an officer—

- (a) has reason to believe that any person who is not a bookmaker is holding himself out as mentioned in section 15(1) of this Act at any place, and
- (b) has reason to suspect that person to have become liable by virtue of the said section 15(1) to pay an amount by way of the general betting duty or pool betting duty,

the officer shall have the like powers with respect to that place as if the person so holding himself out were a bookmaker and that place were such a place as is mentioned in paragraph 3 of this Schedule.

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5. Where an amount is due on account of the general betting duty from any person, but by reason of his failure to keep or to produce or furnish to the proper officer the accounts, records or other documents required under or by virtue of this Schedule, or to take or permit to be taken any other step which he is so required to take or permit to be taken, or by reason of the accounts, records or other documents kept, produced or furnished being materially incomplete or inaccurate, the Commissioners are unable to ascertain the amount of duty properly due from him, the Commissioners may estimate the amount due; and (without prejudice to the recovery of the full amount due or to the making of a further estimate in that behalf) the amount estimated shall be recoverable as duty properly due unless in any action relating thereto the person liable proves the amount properly due, and that amount is less than the amount estimated.

6. In Schedule 1 to the Betting, Gaming and Lotteries Act 1963 (which relates to the grant, renewal and cancellation of bookmaker's permits, betting agency permits and betting office licences)— 1963 c. 2.

(a) any reference to the appropriate officer of police—

(i) in paragraph 5, 7(b), 21(3), 25 or 27(1) shall include a reference to the Collector of Customs and Excise for the area in which the relevant premises within the meaning of that Schedule are, or are to be, situated;

(ii) in paragraph 11 or 27(2) shall include a reference to the Commissioners;

(b) in paragraph 34 (which relates to the right to inspect registers of bookmaker's permits and betting agency permits), the reference to any constable shall include a reference to any officer;

and in considering for the purposes of paragraph 16(1), 17(b) or 27(4)(a) of that Schedule whether a person is or is not a fit and proper person to hold a bookmaker's permit or, as the case may be, whether the applicant for the grant or renewal of a betting agency permit is or is not a fit and proper person to hold a betting office licence, the appropriate authority shall have regard to any failure of that person or applicant to pay any amount due from him by way of the general betting duty or the pool betting duty.

PART II

DUTIES RELATING TO GAMING

Gaming and gaming machine licences

7. An application for a gaming licence or a gaming machine licence in respect of any premises shall be made to the Commissioners not later than fourteen days before—

(a) 1st October 1966; or

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- (b) in the case of a gaming licence, the first day after 1st October 1966 on which the premises are to be used for gaming by way of bingo or of any other game to which section 13 of this Act for the time being applies ; or
- (c) in the case of a gaming machine licence, the first day after 1st October 1966 on which a gaming machine to which the licence is applicable is to be brought onto those premises.

8. The Commissioners may by regulations provide for the adjustment (by way of repayment or of a further charge of duty) of the duty charged on a gaming licence in respect of any premises where that duty is determined by reference to the rateable value of a hereditament consisting of or comprising those premises and an alteration of the valuation list affecting that hereditament or that rateable value comes into effect as respects the whole of the period of validity of that licence.

1952 c. 44.

9. Section 234 of the Customs and Excise Act 1952 (which relates to payment for excise licences by cheque) shall apply to the duty on a gaming licence or a gaming machine licence as if for the reference to a penalty of fifty pounds there were substituted a reference to a penalty of five hundred pounds.

10. The proper officer may, in such manner as the Commissioners may direct, and without any additional payment—

- (a) transfer a gaming licence in respect of any premises to a successor in title to the interest in those premises of the person to whom the licence was granted ;
- (b) amend a gaming machine licence by substituting different premises for those in respect of which it is for the time being in force.

11. If while a gaming licence or gaming machine licence is in force in respect of any premises, and not later than the end of June immediately preceding the date when the licence is due to expire, the holder of the licence surrenders the licence to the proper officer and satisfies the proper officer—

- (a) in the case of a gaming licence, that those premises will not be used on or after the date of surrender of the licence for the purpose of gaming by way of bingo or, as the case may be, by way of any game to which section 13 of this Act for the time being applies ; or
- (b) in the case of a gaming machine licence, that no gaming machine to which in accordance with section 14(3) of this Act the licence could be applicable will be kept on those premises on or after the date of the surrender of the licence,

he shall be entitled in respect of the period of validity of the licence unexpired at that date to repayment of the following proportion of the full amount of the duty chargeable on such a licence in respect of those premises, that is to say—

- (i) if the licence is surrendered before 1st January, three-quarters :

- (ii) if the licence is surrendered on or after 1st January but before 1st April, one-half ;
- (iii) if the licence is surrendered on or after 1st April, one-quarter.

12. Where a gaming licence is granted after 30th June and before 1st October in any year—

- (a) to a person who has not within the two years ending with 30th September last preceding the grant of the licence held a gaming licence of any description ; and
- (b) in respect of premises in respect of which no such licence has been in force at any time during those two years,

the licence may be granted so as to expire at the end of 30th September falling between three and fifteen months after the date of the grant.

13. Where the holder of a gaming licence or gaming machine licence in respect of any premises applies before the date of the expiration of that licence for an identical licence in continuation thereof, the new licence may be granted before that date so as to take effect on the day after that date, and section 13(3) or, as the case may be, 14(5) of this Act shall apply as if the licence had been granted on that day.

Provision of information, etc.

14. Where at or at any time after the passing of this Act any premises are, or are to be, used for such a purpose and in such circumstances that their use for that purpose and in those circumstances on or after 1st October 1966 requires a gaming licence or a gaming machine licence to be in force in respect of those premises, the person so using or proposing so to use those premises shall inform the Commissioners of that use or proposed use of those premises not later than ten days after the date of the passing of this Act or the first day thereafter on which the premises are so used.

15. Any person who engages in Great Britain by way of business in importing, manufacturing, selling, hiring or otherwise supplying gaming machines shall—

- (a) keep such records with respect to the gaming machines imported, manufactured, sold, hired or otherwise supplied by him as the Commissioners may direct and preserve those records for such period as the Commissioners may direct on such premises used for the purposes of his business as the Commissioners may approve ;
- (b) permit any officer to enter on any premises used for the purposes of his business, and to inspect any gaming machines on those premises and inspect and take copies of any such records as aforesaid ;

and any such person, and any other person employed in, or having functions in connection with, his business shall, if required so to do by the Commissioners or an officer, produce, at a time and place to be specified by the Commissioners or officer, any such records as aforesaid and give such other information relating to the gaming machines imported, manufactured, sold, hired or otherwise supplied by him as the Commissioners or officer may require.

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16. Any officer may enter on any premises in respect of which a gaming machine licence is in force, and on any other premises on which he has reason to suspect that gaming by means of gaming machines is carried on, and inspect those premises and any gaming machine thereon and require the production of any gaming machine licence for the time being in force in respect of those premises ; and any person concerned in the management of those premises shall comply or secure compliance with any such requirement and give such other information with respect to the use or keeping of gaming machines on those premises as the officer may require.

Modification of agreements

17.—(1) Where a person who is granted a gaming licence or gaming machine licence in respect of any premises has before 1st October 1966 entered into an agreement with any other person whereby that other person is entitled to use those premises after that date for the purpose of gaming or, as the case may be, whereby the first-mentioned person provides a gaming machine to be made available by that other person for play on those premises after that date, and the consideration from that other person under that agreement does not take account of the duty on that licence, the first-mentioned person shall be entitled to recover from that other person such amount, if any, not exceeding the amount of the duty, in such manner, as may be agreed between them (or, in default of such agreement, as may be determined by the appropriate court) to be fair in all the circumstances, having regard in particular to the extent, if any, to which, while the licence is in force, the premises will be or are likely to be used otherwise than by that person for the purpose of gaming or, as the case may be, to the period for which, under the agreement, the first-mentioned person is to provide a gaming machine as aforesaid on those premises.

(2) In the foregoing sub-paragraph, the expression “ the appropriate court ” means—

- (a) where the premises in question are situated in England or Wales and the amount of the duty on the licence in question exceeds £5,000, the High Court ;
- (b) in any other case, the county court or, if the premises in question are situated in Scotland, the sheriff.

PART III

ENFORCEMENT AND GENERAL

18.—(1) Without prejudice to any other provision of this Schedule, the Commissioners may make regulations providing for any matter for which provision appears to them to be necessary for the administration or enforcement of the general betting duty or the duty on gaming licences or on gaming machine licences, or for the protection of the revenue from any of those duties.

(2) Regulations under this paragraph may in particular include provision—

- (a) for the furnishing to such persons or displaying in such manner of such information or records as the regulations

may require by persons engaging or proposing to engage in any activity by reason of which they are or may be or become liable for duty, and by persons providing facilities for another to engage in such an activity or entering into any transaction with another in the course of any such activity of his ;

SCH. 3

- (b) for the keeping, preservation and production of accounts, records or other documents by persons engaging in any such activity ;
- (c) for the inspection of the accounts, records and other documents of persons engaging or suspected of engaging in any such activity, and of premises or equipment used or suspected of being used by such persons for or in connection with any such activity and of any other premises where any such activity is carried on.

19. Paragraphs 4, 5 and 6 of Schedule 1 to the Betting Duties Act 1963 c. 3. 1963 (which relate to offences and penalties) shall have effect as if—

- (a) in the said paragraph 4 for the words “at the election of the Commissioners” there were substituted the words “whichever is the greater” ;
- (b) any reference in the said paragraph 4 to the pool betting duty included a reference to the general betting duty ;
- (c) the references in sub-paragraph (b) of the said paragraph 4 and in the said paragraph 5 to the provisions of paragraph 2 or 3 of that Schedule included a reference to the provisions of, or of any regulations made under, any of the following paragraphs of this Schedule, namely, paragraph 1, paragraph 3 (including that paragraph as applied by paragraph 4), and paragraphs 14, 15, 16 and 18 ;
- (d) the references in sub-paragraphs (c) and (d) of paragraph 4 of that Schedule to the pool betting duty included references to the provisions of this Act relating to gaming or gaming machines ;

and, without prejudice to section 7(2) of that Act (which provides for that Act to be construed as one with the Customs and Excise Act 1952), paragraphs 7 and 8 of that Schedule shall cease to have effect. 1952 c. 44.

20.—(1) Where, on the conviction by virtue of paragraph 19 of this Schedule of any person of an offence under paragraph 4 of Schedule 1 to the Betting Duties Act 1963 in connection with the general betting duty, the Commissioners—

- (a) certify to the court by or before whom that person is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by that or some other person) in the course of the operation of the same premises as a licensed betting office and while the same person has been the holder of a betting office licence in respect thereof ; and
- (b) make application to that court for effect to be given to this sub-paragraph,

SCH. 3 that court shall order that the betting office licence in respect of those premises shall be forfeited and cancelled.

(2) A licence shall not be forfeited or cancelled under such an order made by a court in England or Wales—

- (a) until the date of expiration of the period within which notice of appeal against the conviction which gave rise to the order may be given ; or
- (b) if notice of appeal against that conviction is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal ; or
- (c) if on any such appeal the appeal is allowed.

(3) A licence shall not be forfeited or cancelled under such an order made by a court in Scotland—

- (a) until the expiration of the period of fourteen days commencing with the date on which the order was made ; or
- (b) if an appeal against the conviction which gave rise to the order is begun within the said period, until the date when that appeal is determined or abandoned or deemed to have been abandoned ; or
- (c) if on any such appeal the appeal is allowed.

(4) Where a betting office licence held by any person in respect of any premises is forfeited and cancelled in pursuance of an order under sub-paragraph (1) of this paragraph, the clerk of the court by whom the order was made shall, unless he is also clerk to the appropriate authority within the meaning of Schedule 1 to the Betting, Gaming and Lotteries Act 1963 who last either granted or renewed the licence, send a copy of the order to the clerk to that authority ; and, without prejudice to the renewal by that authority of any other betting office licence held by that person, that authority shall, notwithstanding anything in paragraph 20(1) of the said Schedule 1, refuse any application by that person for the grant of a new betting office licence in respect of those or any other premises made less than twelve months after that forfeiture and cancellation.

1963 c. 2.

21.—(1) If any premises are used for the purposes of gaming in contravention of section 13(1) of this Act—

- (a) any provider of the premises and any person concerned in the organisation or management of the gaming shall each be liable—
 - (i) on summary conviction to a penalty of treble the amount of the duty on the appropriate gaming licence, or to imprisonment for a term not exceeding twelve months, or to both ;
 - (ii) on conviction on indictment, to the like penalty, or to imprisonment for a term not exceeding two years, or to both ; and
- (b) in addition and without prejudice to any liability under paragraph (a) of this sub-paragraph, unless and until the appropriate gaming licence in respect of those premises

is taken out during the period of twelve months beginning with 1st October during which the contravention occurred, an amount equal to the duty on the appropriate gaming licence, together with interest thereon from the date of the contravention, shall become due and be recoverable as a debt due to the Crown jointly and severally from all or any of the persons liable under the said paragraph (a).

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(2) The court by or before whom a person is convicted under sub-paragraph (1)(a) of this paragraph may order anything produced to the court and shown to the satisfaction of the court to relate to the contravention to be forfeited and either destroyed or dealt with in such other manner as the court may order.

22.—(1) If any gaming machine is brought onto or kept on any premises in contravention of section 14(1) of this Act, each of the following persons, namely—

- (a) any person who controls the use of such machines while on those premises ;
- (b) any other person responsible for the management of those premises ;
- (c) in the case of such a contravention by reason of the absence of a gaming machine licence which would fall to be granted to the supplier of such a machine on the premises, that supplier,

shall be liable to a penalty of five hundred pounds.

(2) In the case of any such contravention of the said section 14(1) as is referred to in sub-paragraph (1) of this paragraph, if any of the persons so referred to was knowingly or recklessly concerned in that contravention, or if any other person was knowingly concerned in, or in the taking of steps with a view to, that contravention, he shall be liable—

- (a) on summary conviction, to a penalty of one thousand pounds, or to imprisonment for a term not exceeding twelve months, or to both ;
- (b) on conviction on indictment, to the like penalty, or to imprisonment for a term not exceeding two years, or to both.

(3) If any gaming machine licence which is or ought to be in force in respect of any premises is not produced on those premises to an officer on demand by him—

- (a) the officer may detain all gaming machines found on those premises pending the production of that licence ; and
- (b) if the appropriate licence valid at the date of the demand for its production is not produced to the officer within seven days, all those machines shall be liable to forfeiture ;

and section 10 of the Customs and Excise Act 1952 (which relates to the obstruction of officers and interference with things liable to forfeiture) shall apply in relation to any gaming machine while it is detained by virtue of paragraph (a) of this sub-paragraph as it applies in relation to any thing liable to forfeiture.

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23.—(1) If a justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence in connection with the general betting duty or a contravention of section 13(1) or 14(1) of this Act is being, has been, or is about to be committed on any premises, he may issue a warrant in writing authorising any officer to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant and search them; and any officer who enters the premises under the authority of the warrant may—

- (a) seize and remove any records, accounts or other documents, money or valuable thing, instrument, gaming machine or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of such an offence or contravention; and
- (b) search any person found on the premises whom he has reasonable cause to believe to be carrying on bookmaking, or, as the case may be, concerned in the organisation or management of gaming on the premises.

(2) In the application of this paragraph to Scotland, any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

24.—(1) If a person, on written demand by the proper officer, refuses or neglects to pay any amount recoverable from him by way of the general betting duty or by virtue of section 15(1) of this Act or paragraph 8 or 21(1)(b) of this Schedule, the amount recoverable may be levied by distress on his goods and chattels, and the proper officer may for that purpose by warrant signed by him authorise any person to distrain accordingly and to sell anything so distrained by public auction after giving six days' notice of the sale.

(2) Where an amount recoverable by virtue of the said paragraph 8 or 21(1)(b) is determined by reference to the duty on a gaming licence in respect of premises on which gaming is carried on as an activity of a club, the goods and chattels on which distress may be levied under sub-paragraph (1) of this paragraph shall include any goods and chattels used for the purposes of the club and found on those premises:

Provided that distress shall not be levied on any goods or chattels by virtue of this sub-paragraph unless a copy of the demand for the amount recoverable has been served on the secretary of the club (or person performing the functions of secretary) by leaving it or sending it by post addressed to him at an address to which communications about the affairs of the club are ordinarily sent.

(3) The proceeds of sale of anything distrained under this paragraph shall be applied in or towards payment of the costs and expenses of the distress and sale and the payment of the amount recoverable, and the surplus, if any, shall be paid, where distress was levied on any goods or chattels by virtue of sub-paragraph (2) of this paragraph to the secretary (or person performing the functions of secretary) of the club, and in any other case to the person on whom the distress was levied.

(4) Where under this paragraph distress is levied for any duty in accordance with an estimate made under paragraph 5 of this Schedule, and it is afterwards proved that the amount properly due was less than the amount estimated, that shall not affect the legality of the distress or anything done under this paragraph in connection therewith, but the proceeds of sale shall be applied under sub-paragraph (3) thereof in accordance with the amount properly due and not in accordance with the amount estimated.

(5) In the application of this paragraph to Scotland, any reference to distress shall be construed as a reference to diligence, any reference to distraining or to the levying of distress shall be construed as a reference to the doing of diligence, and the expression "chattels" means corporeal moveables.

25.—(1) There shall be included among the debts which—

- (a) under section 33 of the Bankruptcy Act 1914 are to be paid 1914 c. 59. in priority to all other debts in the distribution of the property of a bankrupt or deceased debtor ; or
- (b) under section 118 of the Bankruptcy (Scotland) Act 1913 1913 c. 20. are to be paid in priority to all other debts in the division of a bankrupt's estate ; or
- (c) under section 319 of the Companies Act 1948 are to be 1948 c. 38. paid in priority to all other debts in the winding up of a company, or under section 94 of that Act are on an appointment of a receiver on behalf of debenture holders or taking of possession by or on behalf of debenture holders to be paid in priority to any claim for principal or interest in respect of the debentures,

any amount which is due by way of the general betting duty or by virtue of section 15(1) of this Act or paragraph 8 or 21(1)(b) of this Schedule from the bankrupt, deceased debtor or company at the relevant date and which became due within twelve months next before that date.

(2) In the foregoing sub-paragraph, the expression "the relevant date"—

- (a) in relation to section 33 of the Bankruptcy Act 1914 means the date of the receiving order or of the death, as the case may be ;
- (b) in relation to section 118 of the Bankruptcy (Scotland) Act 1913 means the date mentioned in subsection (4) of that section ;
- (c) in relation to section 319 of the Companies Act 1948 has the meaning assigned to it by that section, and in relation to section 94 of that Act means the date of the appointment of the receiver or taking of possession.

26. Any regulations of the Commissioners under this Schedule shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

Section 25.

SCHEDULE 4

DIRECTORS AND EMPLOYEES OF COMPANIES GRANTED RIGHTS TO ACQUIRE SHARES

Exclusion and modification of other charges to tax

1.—(1) Where tax may by virtue of section 25 of this Act (in this Schedule referred to as “the principal section”) become chargeable in respect of any gain which may be realised by the exercise of a right, tax shall not be chargeable under any other provision of the Income Tax Acts in respect of the receipt of the right.

(2) Sub-paragraph (1) above shall not affect tax chargeable under Case I of Schedule E in respect of the receipt of a right granted before 3rd May 1966, but the amount, if any, on which tax is so chargeable shall be taken into account under paragraph (a) and paragraph (b) of subsection (2) of the principal section in relation to the gain realised by the exercise, or by the assignment or release, of the right as if that amount formed part (in addition to any other amount) of the consideration for the grant of the right.

1965 c. 25.

2.—(1) If a gain chargeable to tax under subsection (1) or subsection (3) of the principal section is realised by the exercise of a right to acquire shares, paragraph 4(1)(a) of Schedule 6 to the Finance Act 1965 (computation of chargeable gains: allowable expenditure) shall apply as if a sum equal to the amount of the gain so chargeable to tax formed part of the consideration given by the person acquiring the shares for their acquisition by him.

1962 c. 44.

(2) Without prejudice to section 12(4) of the Finance Act 1962 (Case VII of Schedule D: acquisition of assets taken into account as receipts for tax purposes), if a gain chargeable to tax under subsection (1) or subsection (3) of the principal section is realised by the exercise of a right to acquire shares, the amount of the gain or loss accruing to that person on the acquisition and disposal of any of the shares shall be computed for the purposes of the said Case VII as if the acquisition of the shares were for a consideration equal to their market value at the time when the right is exercised.

Power to acquire information from body corporate

3.—(1) Where in the year 1966-67 or any subsequent year of assessment a body corporate grants a right in respect of which tax may become chargeable by virtue of the principal section, or allots or transfers any shares in pursuance of such a right, or gives any consideration for the assignment or for the release in whole or in part of such a right, or receives written notice of the assignment of such a right, it shall deliver particulars thereof in writing to the inspector not later than thirty days after the end of that year.

1960 c. 44.

(2) Part III of the Finance Act 1960 (penalties) shall have effect as if this paragraph were included in the third column of Schedule 6 to that Act.

SCHEDULE 5

Section 27.

AMENDMENTS OF CORPORATION TAX ACTS

Payments without deduction of income tax : trading companies owned through a holding company

1.—(1) Section 48(3)(b) of the Finance Act 1965 (under which, 1965 c. 25. as extended by subsection (7) of that section, dividends or payments which are charges on income may, subject to Schedule 12 to that Act, be paid by a trading company owned by a consortium without deduction of income tax) shall apply where the business of the company paying the dividends (that is the company owned by the consortium) consists wholly or mainly in the holding of shares or securities of companies which are its ninety per cent. subsidiaries, and which are companies whose business consists wholly or mainly of the carrying on of a trade or trade, as it applies where the business of the company paying the dividends consists wholly or mainly for the carrying on of a trade or trades.

(2) For the purposes of this paragraph a body corporate shall be deemed to be a ninety per cent. subsidiary of another body corporate if and so long as not less than ninety per cent. of its ordinary share capital is directly owned by that other body corporate, and Part II of Schedule 12 to the Finance Act 1965 shall apply for the purposes of this paragraph as it applies for purposes of section 48 of that Act.

Payments by parent company to subsidiary

2. In the said section 48(7) of the Finance Act 1965 (which applies the conditions in subsection (3) of that section to payments which are charges on income)—

- (a) before the words “the conditions” there shall be added the word “either”, and
- (b) after the word “dividends” there shall be added the words “or the company receiving the payments is a subsidiary (as defined for the purposes of subsection (3) above) of the other company”.

Exemptions in respect of income tax under Schedule F

3.—(1) For the purposes of section 48(4) of the Finance Act 1965 (which excludes from franked investment income distributions which fall within any exemption from income tax having effect at the passing of that Act) the exemptions conferred by sections 439, 440, 447(1)(b) and 449 of the Income Tax Act 1952 (savings banks, friendly societies, trade unions, charities and certain scientific research associations), and the exemption conferred by section 6(2) of the Atomic Energy Authority Act 1954, shall be deemed to be exemptions which at the passing of the Finance Act 1965 extended to dividends on shares of companies resident in the United Kingdom. 1952 c. 10. 1954 c. 32.

(2) The said section 447(1)(b) of the Income Tax Act 1952 (which includes an exemption for charities which are not companies) shall apply to income tax accounted for under Schedule 12 to the Finance Act 1965 in respect of distributions charged under Schedule F as it applies to tax chargeable under Schedule D in respect of any yearly interest or other payment, and section 451 of the Income Tax Act 1952 (which extends that exemption to certain museums) shall have effect accordingly.

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Covenanted donations to charity

1965 c. 25.

4. A covenanted donation to charity as defined in section 52(4) of the Finance Act 1965 shall not be regarded for the purposes of the definition of "charges on income" in subsection (2) of that section, or for any of the other purposes of the Corporation Tax Acts, as being (by reason of paragraph 9(1)(b) of Schedule 11 to that Act (meaning of "distribution") or of any other provision of that Schedule) a distribution of the company.

Cases IV and V : interest and other annual payments before 1966-67 to be allowed as a deduction

5. The amount of any income assessed under Case IV or V of Schedule D as applied by sections 53 and 54 of the Finance Act 1965 to corporation tax shall be treated as reduced by any yearly interest, annuity or other annual payment payable out of the income to a person not resident in the United Kingdom and paid before the year 1966-67.

Interest payable overseas before 1966-67 to be allowed as a deduction

1952 c. 10

6. At the end of section 54(3) of the Finance Act 1965 (which prevents interest payable overseas being allowed under section 138 of the Income Tax Act 1952 as a deduction in computing income from a trade) there shall be added the words "in respect of payments made after the year 1965-66".

*Chargeable gains : assets vested in company liquidator*1948 c. 38.
1960 c. 22
(N.I.).

7. Where assets of a company are vested in a liquidator under section 244 of the Companies Act 1948, or section 226 of the Companies Act (Northern Ireland) 1960, or otherwise, sections 55 and 82 of the Finance Act 1965 and the enactments applied by those sections (computation of capital gains accruing to companies) shall apply as if the assets were vested in, and the acts of the liquidator in relation to the assets were the acts of, the company (acquisitions from or disposals to him by the company being disregarded accordingly).

Chargeable gains attributable to investments in life assurance business held for policy holders

8.—(1) The limit on the rate of corporation tax imposed by section 69(6) of the Finance Act 1965 as it applies to chargeable gains shall be (instead of seven shillings and sixpence in the pound which is equivalent to $37\frac{1}{2}$ per cent.) $37\frac{1}{2}$ per cent. or the rate at which capital gains tax is for the time being chargeable under section 20(3) of that Act, whichever is the lower rate.

(2) In relation to that corporation tax for any accounting period the relevant rate of capital gains tax under the said section 20(3) shall be that for the year of assessment in which that accounting period ends.

(3) Without prejudice to any other provision of this Act relating to the construction of this Schedule, section 82(6) of the Finance Act 1965 (computation of capital gains tax on companies) shall apply as if its reference to Part IV of that Act included a reference to this paragraph.

Annuity business of assurance companies

SCH. 5

9.—(1) Paragraph (b) of section 69(7) of the Finance Act 1965 (repayment of income tax on franked investment income referable to general annuity business of an assurance company and not brought in as income in treating annuities as charges on income) shall not have effect. 1965 c. 25.

(2) In computing under section 24 of the Finance Act 1956 as applied to corporation tax by section 69(5) of the Finance Act 1965 the profits arising to an assurance company from general annuity business— 1956 c. 54.

- (a) income chargeable to corporation tax (that is to say charged otherwise than under the said section 24) and franked investment income and group income shall not be taken into account as part of those profits, and
- (b) of the annuities paid by the company and referable to general annuity business, those which under the said section 69(3)(b) are treated as charges on income shall not be deductible and those which are not so treated shall (notwithstanding section 53(5) of the Finance Act 1965) be deductible,

and the reference in the said section 69(3)(b) to income charged to corporation tax shall not be taken as including a reference to income charged under the said section 24 of the Finance Act 1956.

(3) Any franked investment income which is taken into account under the said section 69(3)(b) to enable annuities referable to general annuity business to be treated as charges on income shall be left out of account under section 48 of the Finance Act 1965, except that for the purposes of this sub-paragraph there shall be deducted from the amount of the franked investment income of the company arising in any accounting period and taken into account under the said section 69(3)(b)—

- (a) the amount of any profit arising in that accounting period to the assurance company from general annuity business and computed under the said section 24 of the Finance Act 1956, and
 - (b) the amount of any group income arising in that accounting period to the company and referable in accordance with the said section 24 to its general annuity business.
- (4) Subject to sub-paragraph (5) below—
- (a) the exclusion by section 47(1) of the Finance Act 1965 from the charge to corporation tax of franked investment income shall not prevent such income being taken into account as part of the profits in computing under section 24 of the Finance Act 1956 the profits arising to an assurance company from pension annuity business,
 - (b) notwithstanding anything in section 48 of the Finance Act 1965 a company resident in the United Kingdom and carrying on life assurance business shall be entitled to repayment of income tax in respect of franked investment income

SCH. 5

of the company's annuity fund in so far as it is referable in accordance with the said section 24 to pension annuity business, and

- (c) any franked investment income on which income tax is so repayable shall be left out of account under the said section 48.

(5) If for any accounting period there is, apart from this sub-paragraph, a profit arising to an assurance company from pension annuity business and computed under the said section 24, and the company so elects as respects all or any part of its franked investment income arising in that period, being an amount of franked investment income not exceeding the amount of the said profit, sub-paragraph (4) above shall not apply to the franked investment income to which the election relates.

If an accounting period falls partly in one income tax year of assessment, and partly in another such year, the power of making elections under this sub-paragraph may be exercised separately for the respective parts of the accounting period as if they were separate accounting periods, and an election under this sub-paragraph shall be made by notice in writing given to the inspector not later than two years after the end of the accounting period, or part of an accounting period, to which the election relates, or within such longer period as the Board may by notice in writing allow.

1956 c. 54.

(6) In computing under the said section 24 of the Finance Act 1956 the profits arising to an assurance company from pension annuity business—

- (a) group income shall not be taken into account as part of those profits,

1965 c. 25.

- (b) section 53(5) of the Finance Act 1965 shall not prevent annuities paid by the company being deductible.

(7) In section 69 of the Finance Act 1965, in subsection (5) the words from "and the exclusion" to the end, and in subsection (7) the words from "but notwithstanding" to the end (which are superseded by this paragraph) shall cease to have effect.

Apportionment for surtax of close company's income

10.—(1) In section 78(4) of the Finance Act 1965 (which relates the amount of a close company's income apportioned for surtax to the amount of the assessment in respect of the shortfall in its distributions) for the words

"and the amount apportioned shall be the amount of that assessment"

there shall be substituted the words

"and the amount apportioned shall be the amount of the shortfall taken into account in making that assessment."

(2) The set off of a surplus of franked investment income against a shortfall under section 77(5) of the Finance Act 1965 shall, so far as it reduces the shortfall, be effected by discharge of the tax

assessed under subsection (1) of the said section 77 by reference to the shortfall and accordingly shall not be taken as reducing the amount of the shortfall for the purposes of the said section 78(4).

SCH. 5

11.—(1) For the purposes of section 78(5) of the Finance Act 1965 (apportionments and sub-apportionments for surtax according to interests of participators) a loan creditor shall be deemed to have an interest in any company which is an investment company to the extent that the income to be apportioned or assets representing it has or have been expended or applied, or is or are available to be expended or applied, in redemption or repayment or discharge of the loan capital or debt (including any premium thereon) in respect of which he is a loan creditor. 1965 c. 25.

(2) In this paragraph “investment company” means a company whose income consists wholly or mainly of investment income, construing “investment income” in accordance with paragraph 8(1) of Schedule 18 to the Finance Act 1965.

Termination of capital gains tax on companies

12.—(1) Section 82(1) of the Finance Act 1965 (which relates to companies which have not come within the charge to corporation tax in respect of any source of income or part of a source) shall not apply to any chargeable gain or allowable loss accruing after the end of the year 1965-66 and for the purposes of that subsection a company is within the charge to corporation tax mentioned in that subsection at any time after the end of that year.

(2) If a chargeable gain or allowable loss accrues to a company after the end of the year 1965-66 and at a time not otherwise within an accounting period of the company, an accounting period of the company shall then begin for the purposes of corporation tax, and the gain or loss shall accrue in that accounting period.

Meaning of “distribution”

13.—(1) Schedule 11 to the Finance Act 1965 (which defines the distributions which are to be company distributions for the purposes of Part IV of that Act) shall be amended as follows.

(2) In paragraph 1(1)(c) before the word “security” (in both places) there shall be inserted the word “any” (so that paragraph (c) applies to securities whether redeemable or not).

(3) Paragraph 1(1)(d)(i) (distributions to include interest, etc. on securities within that paragraph (c)) shall not apply in relation to securities issued before 6th April 1965.

(4) In paragraph 1(1)(d)(iv) (distributions to include interest, etc. on securities issued to a non-resident company which is a subsidiary or in the same group of companies) for the words

“issued by the company to a company not resident”

there shall be substituted the words

“issued by the company and held by a company not resident”.

SCN. 5 (5) At the end of the said paragraph 1(1)(d) there shall be added the following paragraph—

“(v) securities which are connected with shares in the company, where ‘connected with’ means that in consequence of the nature of the rights attaching to the securities or shares, and in particular of any terms or conditions attaching to the right to transfer the shares or securities, it is necessary or advantageous for a person who has, or disposes of or acquires, any of the securities also to have, or to dispose of or to acquire, a proportionate holding of the shares”.

Bonus issues following repayment of share capital to be treated as distributions : exclusion of repayment of preference shares

14.—(1) Paragraph 1(3) of the said Schedule 11 (repayment of share capital followed by bonus issue) shall not apply where the repaid share capital consists of fully paid preference shares—

- (a) if those shares existed as issued and fully paid preference shares on 6th April 1965 and throughout the period from that date until the repayment those shares continued to be fully paid preference shares, or
- (b) if those shares were issued after 6th April 1965 as fully paid preference shares wholly for new consideration not derived from ordinary shares and throughout the period from their issue until the repayment those shares continued to be fully paid preference shares.

(2) In this paragraph—

“ordinary shares” means shares other than preference shares ;

“preference shares” means shares—

(a) which do not carry any right to dividends other than dividends at a rate per cent. of the nominal value of the shares which is fixed, or fluctuates only with the standard rate of income tax, and

(b) which carry rights in respect of dividends and capital which are comparable with those general for fixed-dividend shares quoted on stock exchanges in the United Kingdom,

“new consideration not derived from ordinary shares” means new consideration (that is, as defined in Part I of the said Schedule 11) other than consideration consisting of the surrender, transfer or cancellation of ordinary shares of the company or any other company or consisting of the variation of rights in ordinary shares of the company or any other company, and other than consideration derived from a repayment of share capital paid in respect of ordinary shares of the company or of any other company.

(3) This paragraph shall be construed as if contained in the said Schedule 11.

Chargeable gains of groups of companies

SCH. 5

15.—(1) In Part I of Schedule 13 to the Finance Act 1965 references to a company shall include references to any company resident in the United Kingdom which is constituted under any Act, Royal Charter or Letters Patent or is formed under the law of a country or territory outside the United Kingdom. 1965 c. 25.

(2) This paragraph, so far as it affects capital gains tax under section 82 of the Finance Act 1965, has effect from the beginning of the year 1965-66.

Transitory provisions as to right to set capital allowances against general income

16.—(1) Section 20 of the Finance Act 1954 (under which, as amended by section 18 of the Finance Act 1962, capital allowances for a year of assessment may be included in a claim for a loss sustained in the year of assessment which is the basis year) shall, notwithstanding the words "but not after the year 1964-65" in paragraph 20(1) of Schedule 15 to the Finance Act 1965, apply in relation to claims by a company for losses sustained in the year 1965-66, and sub-paragraph (2) of the said paragraph 20 (under which relief for a loss in the year 1965-66 may, so far as it cannot be given against income tax, be given against corporation tax) shall apply accordingly. 1954 c. 44. 1962 c. 44.

(2) For the purpose of the said section 20 as applied by sub-paragraph (1) above the company shall be treated, in a case where the year 1965-66 is not the basis year for the year itself, on the footing that—

- (a) section 46(2) of the Finance Act 1965 (which excludes companies from the charge to income tax after the year 1965-66) did not apply in relation to the trade in question, and
- (b) the period on the profits or gains of which income tax for the year 1966-67 would fall to be finally computed were the twelve months starting at the time at which the company came within the charge to corporation tax in respect of the trade,

and relief under the said section 20 may be given accordingly by reference to what, on that footing, would have been the company's capital allowances for the year 1966-67 for income tax purposes.

(3) Relief in respect of the same matter shall not be given both in a manner authorised under this paragraph and in some other manner.

Dividend stripping : transition from Income Tax Acts to Corporation Tax Acts

17.—(1) This paragraph has effect as respects the application by paragraph 7(2)(b) of Schedule 17 to the Finance Act 1965 (computation of profits or losses for periods before 1966-67 in relation to distributions made in or after that year) of paragraph 5 of Schedule 3 to the Finance (No. 2) Act 1955.

1955 c. 17
(4 & 5 Eliz. 2).

SCH. 5

(2) In applying the said paragraph 5 no regard shall be had to any investment allowances, initial allowances or balancing charges, to any scientific research allowance in respect of expenditure incurred after 5th November 1962, or to so much of any writing down allowance made at a rate determined under section 38 or 39 of the Finance Act 1963 (free depreciation in development districts) or under section 14 of the Finance Act 1965 (annual allowances for new ships) as exceeds an allowance at a yearly rate of fifteen per cent. of the relevant amount of expenditure.

1963 c. 25.

1965 c. 25.

Close companies : meaning of " associate "

18.—(1) Paragraph 5(c) of Schedule 18 to the Finance Act 1965 (associate of participator to include, where the participator is interested in shares or obligations of the company subject to any trust, any other person interested) shall not apply so as to make an individual an associate as being entitled or eligible to benefit under the trust—

1952 c. 10.

(a) if the trust relates exclusively to a fund or scheme approved under section 379 or section 388 of the Income Tax Act 1952 (superannuation funds and retirement schemes) or to a scheme the whole of which is an " excepted provident fund or staff assurance scheme or other similar scheme " as defined in section 390 of that Act, or

(b) if the trust is exclusively for the benefit of the employees, or the employees and directors, of the company or their dependants (and not wholly or mainly for the benefit of directors or their relatives), and the individual in question is not in receipt of remuneration from the company of more than £4,000 per annum and is not (and could not as a result of the operation of the trust become) either on his own or with his relatives the beneficial owner of more than 5 per cent. of the ordinary share capital of the company.

(2) In applying sub-paragraph (1)(b) above any charitable trusts which may arise on the failure or determination of other trusts shall be disregarded.

(3) In this paragraph—

" director " has the same meaning as in Schedule 18 to the Finance Act 1965,

" ordinary share capital " has the same meaning as in paragraph 6(2) of the said Schedule 18,

" relative " means husband or wife, parent or remoter forebear, child or remoter issue, or brother or sister, and

" remuneration " shall be construed in accordance with section 71 of the Finance Act 1948 (remuneration for profits tax purposes), references to the individual and to this paragraph being substituted for references to a director, and to paragraph 11 of Schedule 4 to the Finance Act 1937, but applying that definition to any office held by the individual as director of the company, as well as to any employment.

1948 c. 49.

1937 c. 54.

*Transitional relief for company with overseas trading
income which is a member of a group*

SCH. 5

19. In paragraph 3(3) of Schedule 20 to the Finance Act 1965 (which allows to a member of a group of companies as part of the current overspill under section 84(2) of that Act the appropriate part of another member's excess of current overspill over its relief) for the words

“ the amount of the relief (before abatement) falling to be given to the other member ”

there shall be substituted the words

“ the amount of the relief under the principal section (calculated apart only from any reduction under the proviso to subsection (1) of that section) falling to be given to the other member ”.

Commencement

20. This Schedule so far as it affects corporation tax shall have effect for all relevant financial years from the beginning of the year 1964 onwards.

SCHEDULE 6

Section 27.

ADMINISTRATION OF CORPORATION TAX ACTS

Duty to give notice of liability to corporation tax

1.—(1) Every company which is chargeable to corporation tax for any accounting period and which has not made a return of its profits for that accounting period shall not later than one year after the end of that accounting period give notice to the inspector that it is so chargeable:

Provided that this sub-paragraph shall not impose a duty to give any notice before 6th April 1967.

(2) If a company fails to give a notice which it is required to give under this paragraph the company shall be liable to a penalty not exceeding one hundred pounds.

Returns

2.—(1) A company may be required by a notice served on the company by an inspector or other officer of the Board to deliver to the officer within the time limited by the notice a return of the profits of the company computed in accordance with the Corporation Tax Acts—

- (a) specifying the income taken into account in computing those profits, with the amount from each source,
- (b) giving particulars of all disposals giving rise to chargeable gains or allowable losses under Parts III and IV of the Finance Act 1965, and particulars of those chargeable gains or allowable losses, and
- (c) giving particulars of all charges on income to be deducted against those profits for the purpose of the assessment to corporation tax.

SCH. 6

(2) A notice under this paragraph may require a return of profits arising in any period during which the company was within the charge to corporation tax.

(3) Every return under this paragraph shall include a declaration to the effect that the return is correct and complete.

(4) A return under this paragraph which includes profits which are payments on which the company has borne income tax by deduction shall specify the amount of income tax so borne.

(5) A notice under this paragraph may require the inclusion in the return of particulars of management expenses, capital allowances and balancing charges which have been taken into account in arriving at the profits included in the return.

1965 c. 25.

(6) Paragraph 6 of Schedule 10 to the Finance Act 1965 (power to demand information about the acquisition of assets) shall apply in relation to a notice under this paragraph as it applies in relation to a notice under section 7 of the Income Tax Management Act 1964.

1964 c. 37.

1952 c. 10.

(7) Section 31 of the Income Tax Act 1952 (production of books and accounts) shall apply where a company is required to make, or makes, a return under this paragraph relating to profits which consist of or comprise those arising from a trade as it applies where a person is required to make, or makes, a return for the purposes of income tax of the profits or gains arising to him from any trade.

3.—(1) If any company has been required by a notice served under paragraph 2 of this Schedule to deliver a return and the company fails to comply with the notice the company shall be liable, subject to sub-paragraph (3) of this paragraph—

(a) to a penalty not exceeding, except in the case mentioned under sub-paragraph (2) of this paragraph, fifty pounds, and

(b) if the failure continues after it has been declared by the court or Commissioners before whom proceedings for the penalty have been commenced, to a further penalty not exceeding ten pounds for each day on which the failure so continues.

(2) If the failure continues after the end of the period of two years beginning with the date on which the notice was served, the penalty under sub-paragraph (1)(a) above shall be an amount not exceeding the aggregate of fifty pounds and the total amount of the tax with which the said company is charged (whether for one or more accounting periods) in assessments to corporation tax—

(a) based wholly or partly on any profits that ought to have been included in the return required by the notice, and

(b) made after the end of the said period of two years, and in arriving at the amount of corporation tax with which the company is so charged no account shall be taken of any income tax which under section 48(6) or section 50(3) of the Finance Act 1965 (income tax borne by deduction from receipts) may be set off against corporation tax.

(3) Except in the case mentioned in sub-paragraph (2) above, the company shall not be liable to any penalty incurred under this paragraph for failure to comply with a notice, if the failure is remedied before proceedings for the recovery of the penalty are commenced.

(4) If in proceedings under this paragraph it is proved that there were no profits to be included in the return, the penalty under this paragraph shall not exceed five pounds.

(5) The Finance Act 1960 shall have effect as if this and the next following paragraph were contained in Part III of that Act (provisions relating to penalties).

4.—(1) Where a company fraudulently or negligently—

- (a) delivers an incorrect return under paragraph 2 of this Schedule, or
- (b) makes any incorrect return, statement or declaration in connection with any claim for any allowance, deduction or relief in respect of corporation tax, or
- (c) submits to an inspector or any Commissioners any incorrect accounts in connection with the ascertainment of the company's liability to corporation tax,

the company shall be liable to a penalty not exceeding the aggregate of—

- (i) fifty pounds, and
- (ii) the amount or, in the case of fraud, twice the amount of the difference specified in sub-paragraph (2) below.

(2) The difference is that between—

- (a) the amount of corporation tax payable by the said company for the accounting period or accounting periods comprising the period to which the return, statement, declaration or accounts relate, and
- (b) the amount which would have been the amount so payable if the return, statement, declaration or accounts had been correct.

(3) Section 47(3) and section 48(3) of the Finance Act 1960 (failure to correct an error not made fraudulently or negligently and presumption as to accounts submitted by one person on behalf of another) shall apply for the purposes of this paragraph as they apply for the purposes of the said section 47.

5.—(1) Section 66 of the Income Tax Act 1952 (relief in respect of error or mistake in returns) shall apply in relation to corporation tax as it applies in relation to income tax under Schedule D.

(2) Any return under the Corporation Tax Acts shall be in such form as the Board prescribe.

(3) In this paragraph "return" includes any statement, declaration or list.

Assessments to corporation tax

6.—(1) Section 5 of the Income Tax Management Act 1964 (assessments to income tax) shall apply in relation to corporation tax as it applies in relation to income tax chargeable under Schedule

SCH. 6 D at the standard rate and assessable by the inspector, taking "return of income" in the said section 5(1)(b) as a return under paragraph 2 of this Schedule.

(2) An appeal may be brought against an assessment to corporation tax by a notice in writing given to the inspector within thirty days after the date of the notice of assessment.

1965 c. 25.

(3) An appeal against an assessment to corporation tax relating exclusively to the relief to be given under section 57(1) of the Finance Act 1965 (management expenses) shall lie to the Special Commissioners, and, if and so far as the question in dispute on any appeal against an assessment to corporation tax which does not lie to the Special Commissioners relates to that relief, that question shall, instead of being determined on the appeal, be referred to and determined by the Special Commissioners, and the provisions of the Income Tax Acts as applied to appeals under the Corporation Tax Acts shall apply as if that reference were an appeal.

1964 c. 37.

(4) Subject to sub-paragraph (3) above, to section 44 of the Finance Act 1965 (which makes special provision for appeals relating to certain chargeable gains) and to any other express provision, an appeal against an assessment to corporation tax shall lie to the General Commissioners, except that the appellant may elect (in accordance with section 12(2) of the Income Tax Management Act 1964) to bring the appeal before the Special Commissioners instead of the General Commissioners.

1952 c. 10.

(5) Section 63 of the Income Tax Act 1952 (grounds of appeal to be stated and recovery of tax not in dispute) shall apply to any assessment to corporation tax as it applies to an assessment to income tax under Schedule D, and section 13 of the Income Tax Management Act 1964 shall have effect accordingly.

7.—(1) Subject to the two next following paragraphs, and to any other provisions of the Corporation Tax Acts allowing a longer period in any particular class of case, an assessment to corporation tax may be made at any time not later than six years after the end of the accounting period to which the assessment relates.

(2) An objection to the making of any assessment to corporation tax on the grounds that the time limit for making it has expired shall only be made on an appeal against the assessment.

8.—(1) The proviso to section 47(1) of the Income Tax Act 1952 (which allows assessments to be made at any time in cases of fraud or wilful default) shall, as an exception to the last foregoing paragraph as well as to that subsection, apply to corporation tax, and section 6 of the Income Tax Management Act 1964 (leave of General or Special Commissioners) shall apply accordingly.

1960 c. 44.

(2) Section 58 of the Finance Act 1960 (assessment in cases of fraud, wilful default or neglect: payment of interest) shall apply in relation to corporation tax as it applies in relation to income tax, but for the purposes of that section as so applied the date when tax charged for any accounting period ought to have been paid shall be nine months from the end of the accounting period or, where section 80(3) of the Finance Act 1965 applies, at the end of the interval

mentioned in that subsection (without the alternative of one month from the making of the assessment); and subsection (2) of the said section 58 shall not apply.

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9.—(1) Where, for the purpose of making good to the Crown a loss of tax wholly or partly attributable to the fraud, wilful default or neglect of any person, an assessment to corporation tax for any accounting period (in this paragraph referred to as “the normal accounting period”) beginning before or after the passing of this Act has been made on him not later than six years after the end of that accounting period, assessments to corporation tax, income tax and the profits tax for earlier accounting periods, years of assessment and chargeable accounting periods may, to the extent provided by the following provisions of this paragraph, be made on him notwithstanding that, but for this paragraph, they would be out of time.

(2) No assessment under this paragraph shall be made on any person except for the purpose of making good to the Crown a loss of tax attributable to his neglect.

(3) An assessment under this paragraph for any accounting period, year of assessment or chargeable accounting period ending not earlier than six years before the end of the normal accounting period may be made at any time not later than one year after the time when the tax covered by the assessment mentioned in sub-paragraph (1) above is finally determined.

Section 6 of the Income Tax Management Act 1964 (leave of 1964 c. 37. General or Special Commissioners) shall apply to an assessment under this sub-paragraph.

(4) An assessment under this paragraph for any accounting period, year of assessment or chargeable accounting period ending earlier than six years before the end of the normal accounting period may only be made with the leave of the General or Special Commissioners, given under the following provisions of this paragraph.

(5) Where an assessment for any accounting period, year of assessment or chargeable accounting period (in this paragraph referred to as “the earlier period”) has been made on any person more than six years after the end of that period—

(a) under this paragraph, or

(b) in the circumstances mentioned in sub-paragraph (6) below, under section 47(1) proviso of the Income Tax Act 1952, 1952 c. 10.

and it appears to the General or Special Commissioners, on an application made to them not later than one year after the tax covered by the assessment for the earlier period is finally determined, that there are reasonable grounds for believing that tax for an accounting period, year of assessment or chargeable accounting period ending not earlier than six years before the end of the earlier period was or may have been lost to the Crown owing to the neglect of that person, they may give leave for the making on him of an assessment under this paragraph for that accounting period, year of assessment or chargeable accounting period.

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(6) The circumstances referred to in sub-paragraph (5)(b) above are that the assessment for the earlier period was one of a number of assessments made on that person for the purpose mentioned in sub-paragraph (1) above and that of the accounting periods, years of assessment and chargeable accounting periods for which those assessments were made—

- (a) the latest, apart from the normal accounting period, ended not more than six years before the end of the normal accounting period,
- (b) the next, if any, ended not more than six years before the end of the said latest accounting period, year of assessment or chargeable accounting period,

and so on for any earlier accounting periods, years of assessment or chargeable accounting periods.

(7) An application for leave under sub-paragraph (5) above may be made by the inspector or any person nominated for that purpose by the Board, and on any such application the person to be assessed shall be entitled to appear and be heard.

(8) In determining the amount of the tax to be charged for any accounting period, year of assessment or chargeable accounting period in any assessment made under this paragraph effect shall be given, if the person to be assessed so requires, to any relief or allowance to which he would have been entitled for that accounting period, year of assessment or chargeable accounting period on a claim or application made within the time allowed by the Corporation Tax Acts, the Income Tax Acts or the enactments relating to the profits tax, as the case may be.

(9) For the purposes of this paragraph the year 1965-66 and any earlier year of assessment, and any chargeable accounting period, is to be regarded as earlier than any corporation tax accounting period.

1960 c. 44.

(10) The Finance Act 1960 shall have effect as if this paragraph were contained in Part III of that Act (provisions relating to penalties).

10. For the purpose of making assessments to income tax for the year 1965-66 and earlier years of assessment section 52 of the Finance Act 1960 (time limit for recovery from taxpayer of tax lost through his fault: partnerships) shall apply in relation to the last foregoing paragraph as it applies in relation to section 51 of the Finance Act 1960, but as if references in the said section 52 to the normal year were references to the normal accounting period, and with any other necessary modifications.

Claims relating to corporation tax

1964 c. 37.

11.—(1) Section 9 of the Income Tax Management Act 1964 shall apply to any claim for relief from corporation tax (that is where the enactment affording relief directs that it is to be given on the making of a claim).

(2) Except as otherwise expressly provided, no relief from corporation tax shall be allowed unless it is claimed within six years from the end of the accounting period to which it relates.

(3) Claims under section 56(6) and section 58(2) of the Finance Act 1965 (set-off of capital allowances and trading losses falling to be made for, or incurred in, an accounting period against profits of that accounting period or earlier profits) must be made within two years from the end of that accounting period. SCH. 6
1965 c. 25.

(4) A claim under section 58(1) or section 60 of the Finance Act 1965 (carry forward of trading losses and of losses against income chargeable under Schedule D Case VI), shall be made within six years after the end of the accounting period in which the loss is incurred, and shall be so made notwithstanding that relief cannot be given in respect of the loss until after the end of that period of six years.

(5) A claim under section 59 of the Finance Act 1965 (terminal loss) shall be made within six years from the time when the company ceases to carry on the trade.

(6) A claim to which section 9 of the Income Tax Management Act 1964 shall apply shall be required to obtain the relief by way of discharge or repayment of tax which may be given— 1964 c. 37.

(a) under section 61 of the Finance Act 1965 (company reconstructions without change of ownership), or

(b) section 87(8) of that Act (transitional relief for existing companies on cessation of trade),

and after the making of a claim for relief under the said section 87(8) in respect of a trade no notice as regards the trade shall be given or revoked under section 129 of the Income Tax Act 1952 or section 80(6) of the Finance Act 1965 (period of computation of profits for second and third years of trade). 1952 c. 10.

(7) An appeal under section 9 of the Income Tax Management Act 1964 as applied by this Schedule or by any other provision of the Corporation Tax Acts shall lie to the General Commissioners except that the appellant may elect (in accordance with section 12(2) of the Income Tax Management Act 1964) to bring the appeal before the Special Commissioners instead of the General Commissioners.

(8) Nothing in this paragraph shall affect the provisions of any other enactment which determines whether a claim is to be made to an inspector or the Board or whether an appeal on a claim lies to the General Commissioners or the Special Commissioners.

Proceedings before Commissioners, etc.

12.—(1) Sections 11, 12, 14 and 15 of the Income Tax Management Act 1964 (proceedings before General and Special Commissioners) shall apply for the purposes of corporation tax as for the purposes of income tax.

(2) The said sections shall apply in relation to proceedings before the General Commissioners which relate to corporation tax, or where a company resident in the United Kingdom and within the charge to corporation tax is a party to proceedings which relate to income tax, as if sub-paragraph (3) below were substituted for Schedule 3 to the said Act of 1964.

- SCH. 6** (3) Such proceedings shall be brought before the General Commissioners for the division in which the company or other body concerned carries on its trade or business, or in which its head office or principal place of business is situated, or where it resides, but subject to sections 143 and 329 of the Income Tax Act 1952 (which relate to proceedings to which more than one taxpayer may be a party) and to any other express provisions of the Corporation Tax Acts.
- 1952 c. 10.
- (4) Section 510 of the Income Tax Act 1952 (settlement of appeals) shall apply for the purposes of corporation tax as for the purposes of income tax.
- 1964 c. 37. (5) General or Special Commissioners or other persons who made declarations in the form in Part I of Schedule 1 to the Income Tax Management Act 1964, or in the form in Schedule 2 to the Income Tax Act 1952, before the coming into force of paragraph 16 of Schedule 10 to the Finance Act 1965 (which included in the form of declaration a reference to the new taxes imposed by that Act) shall be subject to the same obligations as to secrecy with respect to those taxes as they are subject to with respect to income tax.
- 1965 c. 25.

Application of income tax administrative provisions to corporation tax

13. The provisions of the Income Tax Acts specified in this paragraph shall apply in relation to corporation tax as they apply in relation to income tax.

Chapter IV of Part II of the Income Tax Act 1952, except section 72, and section 8 of the Income Tax Management Act 1964 (collection).

1960 c. 44. Sections 500 to 505 of the Income Tax Act 1952 (penalties), together with section 55 of the Finance Act 1960 so far as it relates to the said section 505.

Sections 513 and 514 of the Income Tax Act 1952 (loss of documents and provisions as to forms).

Section 515(1), (3), (4) and (5) of the Income Tax Act 1952 (service of notices).

Section 520 of the Income Tax Act 1952 (exemption from stamp duty).

1953 c. 34. Section 29 of the Finance Act 1953 (assessments in Scilly Isles).

Section 50 of the Finance Act 1960 (penalty for assisting in making incorrect return etc.).

Section 54 of the Finance Act 1960 (time limit for certain penalty proceedings), with a reference in subsection (3) of that section to paragraph 9 of this Schedule as well as to section 51 of that Act.

Section 56 of the Finance Act 1960 (recovery of fines and penalties).

Section 3 of the Income Tax Management Act 1964 (inspectors and collectors).

Paragraph 7 of Schedule 7 to the Finance Act 1964 (extended SCH. 6
time limit for making assessments consequent on provisions about 1964 c. 49.
leases to traders and others).

Priority of corporation tax and other tax in liquidation

14. In section 319(1)(a)(ii) of the Companies Act 1948 and in 1948 c. 38.
section 287(1)(a)(ii) of the Companies Act (Northern Ireland) 1960 1960 c. 22.
(priority of debts) the reference to assessed taxes shall include a (N.I.).
reference to corporation tax and a reference to capital gains tax
chargeable under the Corporation Tax Acts or otherwise recoverable
from a company, but nothing in this paragraph shall affect the
powers conferred on the Parliament of Northern Ireland by section 16
of the Northern Ireland Act 1962. 1962 c. 30

Procedure for determining certain apportionments

15. Section 329(1) of the Income Tax Act 1952 (which relates 1952 c. 10.
to procedure on apportionments under Part X of that Act) shall
apply to any apportionment under section 61(8) of the Finance Act 1965 c. 25.
1965 (company reconstructions) or under section 45(3) of this Act
as it applies to an apportionment under the said Part X.

Claims for repayment of income tax deducted from receipts

16. Effect shall be given to section 46(2) of the Finance Act 1965,
and to that section as modified by sections 48(6) and 50(3) of that
Act (set-off of income tax deducted from company receipts against
corporation tax assessable on the company) and, so far as the
exemptions from income tax conferred by the Corporation Tax
Acts call for repayment of tax, effect shall be given to those exemp-
tions, by means of a claim to which section 9 of the Income Tax 1964 c. 37.
Management Act 1964 shall apply.

Income tax on company distributions, etc.

17.—(1) In section 5 of the Income Tax Management Act 1964
(assessments to income tax) references to assessments to tax at the
standard rate shall include references to assessments under para-
graph 1(3), and sub-paragraphs (4) and (5) of paragraph 2, of
Schedule 12 to the Finance Act 1965 (tax on company distributions,
etc.).

(2) An appeal against an assessment under the said Schedule 12
shall be to the General Commissioners except that the appellant
may elect (in accordance with section 12(2) of the Income Tax
Management Act 1964) to bring the appeal before the Special Com-
missioners instead of the General Commissioners.

(3) Part III of the Finance Act 1960 (penalties) shall have effect 1960 c. 44.
as if paragraph 2(1) of the said Schedule 12 (returns) were included
in column 3 of Schedule 6 to that Act.

(4) It is hereby declared that section 506 of the Income Tax Act
1952 (refusal to allow deduction of tax) applies in relation to any
deduction of income tax authorised by Part IV of the Finance Act
1965 to be made out of any payment.

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Franked investment income

1964 c. 37.
1965 c. 25.

18.—(1) Section 9 of the Income Tax Management Act 1964 shall apply to any claim for relief under section 62 of the Finance Act 1965 (set-off of losses, etc. against franked investment income).

(2) The time limits for claims under the said section 62 shall be as follows—

- (a) if and so far as the purpose for which the claim is made is the deduction of charges on income under section 52 of the Finance Act 1965 or of expenses of management under section 57 of that Act, six years from the end of the accounting period in which the charges were paid or the expenses of management were incurred,
- (b) if and so far as the purpose for which the claim is made is the setting of capital allowances against total profits under section 56(6) of the said Act, or the setting of trading losses against total profits under section 58(2) of that Act, two years from the end of the year of assessment in which falls the end of the accounting period for which the capital allowances fall to be made or, as the case may be, in which falls the end of the accounting period in which the trading loss is incurred,
- (c) if and so far as the purpose for which the claim is made is the allowance of relief under section 58(1) of the said Act against a trading loss (that is one carried forward from an earlier accounting period), six years from the end of the year of assessment for which the claim under subsection (7) of the said section 62 is made,
- (d) if and so far as the purposes for which the claim is made is the allowance of relief under section 59 of the said Act (terminal losses), six years from the time when the company ceases to carry on the trade.

19.—(1) A claim for relief under section 85 of the Finance Act 1965 (transitional relief for companies paying dividends out of pre-1966-67 profits), and the election provided by this Act for a notional surplus by reference to a three year surplus instead of a one year surplus, must be made not later than the end of the year 1970-71.

(2) Any adjustment, whether by way of repayment of tax, assessment or otherwise, required to be made under Schedule 12 to the Finance Act 1965 or otherwise in consequence of allowing a claim under the said section 85 may be made at any time.

Tax on close companies at standard rate of income tax

20.—(1) Tax assessable under section 75, 76 or 77 of the Finance Act 1965 (in this paragraph referred to as "the tax") shall, subject to any appeal against the assessment, be due within fourteen days after the issue of the notice of assessment.

(2) The provisions of the said sections 75, 76 and 77 directing that the tax be assessed and recoverable as if it were an amount of income tax shall be taken as applying, subject to this and the next following paragraph, and subject to any necessary modifications,

all enactments applying generally to income tax, including those relating to the assessing, collecting and receiving of income tax, those conferring or regulating a right of appeal and those concerning administration, penalties, interest on unpaid tax and priority of tax in cases of insolvency under the law of any part of the United Kingdom.

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(3) Proceedings before the General Commissioners which relate to the tax shall be brought before the General Commissioners for the division in which the company concerned carries on its trade or business, or in which its head office or principal place of business is situated, or where it resides, and the Income Tax Management Act 1964 as applied by sub-paragraph (2) above shall have effect as if the foregoing provisions of this paragraph were substituted for Schedule 3 to that Act. 1964 c. 37.

(4) Sections 62, 63 and 66 of the Income Tax Act 1952 (which make special provision for Schedule D in relation to appeals and to relief in respect of error or mistake) shall apply to any assessment of the tax as if it were an assessment under Schedule D and section 13 of the Income Tax Management Act 1964 shall have effect accordingly. 1952 c. 10

(5) Section 495 of the Income Tax Act 1952 (interest on overdue income tax) shall apply in relation to the tax as it applies to income tax charged by an assessment under Schedule D, except that subsection (2) and paragraph (a) of subsection (3) (remission of interest on tax less than three months overdue and on assessments for less than one thousand pounds) shall not apply.

(6) For the purposes of section 58 of the Finance Act 1960 (interest on tax due from taxpayer in default) as applied by sub-paragraph (2) above, the date when the tax charged ought to have been paid shall be taken to be— 1960 c. 44.

- (a) for tax under sections 75 and 76, the first day of the year of assessment following that in which the loan or advance (for tax under section 75) or the payment or consideration (for tax under section 76) was made or given, and
- (b) for tax under section 77, the first day after the period of twelve months from the end of the accounting period for which there is a shortfall.

(7) The powers of obtaining information under section 250(4) and (5) and section 264 of the Income Tax Act 1952 conferred on the Board in relation to section 78 of the Finance Act 1965 by paragraph 10 of Schedule 18 to that Act shall be exercisable by the inspector in relation to sections 74, 75, 76 and 77 of that Act. 1965 c. 25.

21.—(1) Relief under section 75(2) of the Finance Act 1965 shall be given on a claim, and section 9 of the Income Tax Management Act 1964 shall apply to any claim under section 75(2), 77(5) or 77(6) of the Finance Act 1965.

(2) The time limit for making any such claim shall be—

- (a) for a claim under section 75(2) six years from the end of the year of assessment to which the claim relates,

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(b) for a claim under section 77(5) two years from the end of the year of assessment to which the claim relates,

(c) for a claim under section 77(6) six years from the end of the later accounting period mentioned in that subsection,

1952 c. 10.

and, notwithstanding paragraph 20(2) of this Schedule, section 507 of the Income Tax Act 1952 shall not apply to any such claim.

Apportionment for surtax of close company's income

1965 c. 25.

22.—(1) An assessment under section 77 of the Finance Act 1965 (shortfall in distributions of close company: income tax at standard rate) when it becomes final and conclusive shall also be final and conclusive for the purposes of section 78(4) of that Act (which, subject to certain exceptions, directs that the amount apportioned for surtax under that section shall be the amount of the shortfall taken into account under the said section 77).

(2) Subject to the right of appeal conferred by section 248(3) of the Income Tax Act 1952 as applied by paragraph 10 of Schedule 18 to the Finance Act 1965, an apportionment under section 78 of the Finance Act 1965 shall be final and conclusive.

1960 c. 44.

(3) For surtax assessed under section 249 of the Income Tax Act 1952 as applied by the said section 78 “seven years” shall be substituted for “six years” in sections 47(1) (as applied by section 229(3)) and 66(1) of the Income Tax Act 1952 and in section 51(1) of the Finance Act 1960.

(4) In subsections (3) and (4) of section 249 of the Income Tax Act 1952 for the words “participator of the company” there shall be substituted the word “participator”, and where those subsections apply, in consequence of a sub-apportionment under the said section 78, in relation to a participator of a company other than the company whose income is apportioned, references in those subsections (with the amendments made by the foregoing provisions of this sub-paragraph) to the company shall be taken as references to the company whose income is apportioned.

Transitional relief for existing companies with overseas trading income

23.—(1) If a company fraudulently or negligently—

(a) makes any incorrect return, statement or declaration in connection with any claim for relief under section 84 of the Finance Act 1965 (companies with overseas trading income), or

(b) submits to an inspector or any Commissioners any incorrect accounts in connection with such a claim,

the company shall be liable to a penalty not exceeding the aggregate of fifty pounds and the amount or, in the case of fraud, twice the amount of the difference specified in sub-paragraph (2) below.

(2) The difference is that between—

(a) the amount of the relief obtained on the claim, or which would have been obtainable if the return, statement, declaration or accounts had been correct, and

(b) the amount, if any, of relief which is properly due to the company.

(3) Section 50 of the Finance Act 1960 (penalty for assisting in making incorrect returns etc.) shall apply in relation to any return, account, statement or declaration made for the purposes of obtaining relief under the said section 84 as it applies to any return, account, statement or declaration made for the purposes of income tax. SCH. 6
1960 c. 44.

(4) Sections 47(3) and 48(3) of the Finance Act 1960 shall apply for the purposes of this paragraph as they apply for the purposes of the said section 47.

(5) Section 58 of the Finance Act 1960 (interest on tax recovered to make good loss due to taxpayer's fault) shall apply in relation to proceedings brought for the recovery of relief under the said section 84 which is or has become excessive, where the bringing of the proceedings is wholly or partly attributable to the fraud, wilful default or neglect of the defendant as it applies in relation to an assessment made for the purpose of making good a loss of tax wholly or partly attributable to the fraud, wilful default or neglect of any person, and subject to any necessary modifications.

(6) The exception in section 30(1) proviso of the Limitation Act 1939 for proceedings for the recovery of any tax or duty or interest thereon, and any corresponding exceptions in any other enactment forming part of the law of any part of the United Kingdom and relating to the limitation of actions, shall apply in relation to proceedings for the recovery of relief under the said section 84 which is or has become excessive, or of interest thereon. 1939 c. 21.

(7) Regulations under subsection (7) of the said section 84—

(a) may provide that where any relief given under that section is or becomes excessive, the excess may be recovered by being set off against any income tax, profits tax or corporation tax due to be repaid to the company, or against any relief from any such tax, to which the company is entitled, and

(b) may apply sections 500 to 505 of the Income Tax Act 1952 and any provisions of Part III of the Finance Act 1960 in relation to penalties under this paragraph and the recovery of relief under the said section 84 subject to such modifications and exceptions as may be prescribed by the regulations. 1952 c. 10.

(8) This paragraph applies in relation to claims made before or after the passing of this Act.

Responsibility of company officers

24.—(1) Everything to be done by a company under the Corporation Tax Acts (including the provisions of the Income Tax Acts so far as they apply by virtue of this Schedule or otherwise for the purposes of the provisions of Part IV of the Finance Act 1965 relating to income tax, including surtax) shall be done by the company acting through the proper officer of the company, and service on a company of any document under or in pursuance of those Acts may be effected by serving it on the proper officer. 1965 c. 25.

The provisions of this sub-paragraph are without prejudice to section 50(4) of the Finance Act 1965 (methods of recovering tax due from companies not resident in the United Kingdom).

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1948 c. 38. (2) Corporation tax or other tax chargeable under the Corporation Tax Acts on a company which is not a body corporate, or which is a body corporate not incorporated under the Companies Act 1948 or any other enactment (including an enactment of the Parliament of Northern Ireland) forming part of the law of the United Kingdom, or by Charter, may, at any time after the tax becomes due, and without prejudice to any other method of recovery, be recovered from the proper officer of the company, and that officer may retain out of any money coming into his hands on behalf of the company sufficient sums to pay that tax, and, so far as he is not so reimbursed, shall be entitled to be indemnified by the company in respect of the liability so imposed on him.

(3) For the purposes of this paragraph—

- (a) the proper officer of a company which is a body corporate shall be the secretary or person acting as secretary of the company, except that if a liquidator has been appointed for the company the liquidator shall be the proper officer,
- (b) the proper officer of a company which is not a body corporate or for which there is no proper officer within paragraph (a) above, shall be the treasurer or the person acting as treasurer, of the company.

Alteration of accounting periods

1965 c. 25. 25. So much of section 51(7) of the Finance Act 1965 (which relates to the adjustments required where the true accounting period of a company is established on appeal) as extends the time within which assessments may be made shall apply to assessments to income tax under section 77 of the Finance Act 1965 as well as to assessments to corporation tax.

Service of documents by post

26. Any notice or other document required or authorised to be served on or given to any person by an inspector or other officer of the Board under any provision of the Corporation Tax Acts (including the provisions of the Income Tax Acts so far as they apply by virtue of this Schedule or otherwise for the purposes of the provisions of Part IV of the Finance Act 1965 relating to income tax) may be served by post.

Interpretation

27.—(1) In the provisions of the Income Tax Acts as applied by this Schedule in relation to corporation tax—

- (a) for references to years of assessment there shall be substituted references to accounting periods,
- (b) for references to income (or profits or gains chargeable to income tax) there shall be substituted references to profits,
- (c) for references to the Income Tax Acts there shall be substituted references to the Corporation Tax Acts.

1960 c. 44. (2) It is hereby declared that any reference in this Schedule to a provision of the Income Tax Acts for which a penalty is imposed by some other provision, in Part III of the Finance Act 1960 or elsewhere, includes a reference to that other provision.

(3) In this Schedule "the Board" means the Commissioners of Inland Revenue. SCH. 6

(4) Any reference in this Schedule to the General Commissioners shall, in Northern Ireland, be taken as a reference to the Special Commissioners.

SCHEDULE 7

Section 28.

AMENDMENTS OF S. 85 OF FINANCE ACT 1965

1965 c. 25.

PART I

THREE YEAR SURPLUS OF MEMBERS OF GROUPS OF COMPANIES

Reduction of three year surplus of company paying dividends to fellow member of a group

1. The three year surplus of a company which is a member of a group of companies as calculated in accordance with section 85 of the Finance Act 1965 without this paragraph shall be reduced in the proportion which reduces the amount of the company's dividends taken into account under subsection (2)(b) of the said section to the amount of those dividends paid to persons other than members of the group of companies (and so that if all those dividends are paid to members of the group of companies the three year surplus shall be reduced to nothing).

Increase in certain circumstances of three year surplus of company receiving dividends from fellow member of a group

2.—(1) Where—

- (a) the distributable profits of a company which is a member of a group include dividends paid by one or more other members of the group, and
- (b) one or more of those other members of the group has a notional surplus which is a three year surplus which is reduced under paragraph 1 of this Schedule, and part of the reduction is attributable to the company,

the company's three year surplus shall be increased by (or, if otherwise of a nil amount, shall consist of) the amount, if any, produced by sub-paragraphs (2) and (3) of this paragraph.

(2) The said amount shall not exceed the aggregate of the parts of the reductions within sub-paragraph (1)(b) above which are attributable to the company.

(3) Subject to sub-paragraph (2) above, the said amount shall be the excess of—

- (a) what the company's excess of dividends over distributable profits would be if the dividends paid to the company by each member of the group within sub-paragraph (1)(b) above were reduced by an amount equal to the company's part of that member's excess of dividends over distributable profits, over
- (b) what the company's excess of dividends over distributable profits actually is,

(and so that if there is no actual excess at (b) the said amount is, subject to sub-paragraph (2) above, the amount at (a)).

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SCH. 7

(4) In this paragraph—

- (a) “excess of dividends over distributable profits” in relation to any company, means the excess of the company’s dividends at paragraph (a) of the said section 85(6) over its distributable profits at paragraph (b) of that subsection without any adjustment under paragraph (c) of that subsection (relief in respect of overseas trading income),
- (b) “the company’s part”, in relation to another member, means the proportion of that other member’s dividends at paragraph (a) of the said section 85(6) which the part paid to the company bears to the whole,
- (c) references to the part of a reduction in another member’s three year surplus which is attributable to the company are references to a part of the reduction which bears to the whole the same proportion as the amount of that other member’s dividends at paragraph (a) of the said section 85(6) paid to the company bears to all those dividends except for any paid to persons who are not members of the group of companies.

(5) An addition to a three year surplus under this paragraph shall be made before any reduction to be made in it under paragraph 1 of this Schedule.

Election for three year surplus instead of one year surplus

3. A company having a three year surplus which is reduced under paragraph 1 of this Schedule may elect that its notional surplus under the said section 85 shall be its three year surplus notwithstanding that its one year surplus is greater.

Three year surplus : subsidiary retaining part of distributable profits

4.—(1) Where throughout a period consisting of the whole or a part of the three financial years 1966, 1967 and 1968 a company is a member of a group of companies and is the beneficial owner of part of the ordinary share capital of another member of the group (in this paragraph called “the appropriate part”), and—

- (a) the amount of the dividends on ordinary share capital paid by that member to the company in the period is less than
- (b) the appropriate part of that member’s distributable profits arising in the period, after deducting the amount required to meet dividends which are not on ordinary share capital and which are paid by that member in the period,

the distributable profits of the company to be taken into account as franked investment income or group income under paragraph (b)(i) of the said section 85(6) shall not include the dividends at (a) above but shall include a sum equal to that at (b) above.

(2) For the purpose of arriving under this paragraph at a member’s distributable profits arising in any period—

- (a) the distributable profits of any financial year which falls wholly or partly within the period shall be ascertained on

the principles set out in subsection (6)(b) of the said section 85 for ascertaining the distributable profits for the three financial years, and shall be so ascertained whether or not the member is entitled to relief by reference to a three year surplus,

- (b) if part only of the financial year falls within the period, the distributable profits of that financial year shall be apportioned on a time basis according to the respective lengths of its parts which do and do not fall within the period, and
- (c) where the member itself is the beneficial owner of part of the ordinary share capital of a company which is another member of the group, or which is the member's subsidiary company, account shall be taken under paragraphs (a) and (b) above of the amendment of the said subsection (6)(b) made by sub-paragraph (1) of this paragraph, attributing under paragraph (a) above to the whole of any financial year any amount included by virtue of that amendment in that member's franked investment income or group income as the appropriate part of that other company's distributable profits of that financial year, or of any part of that financial year.

(3) Sub-paragraph (1) above shall not apply if the other member has a notional surplus which is a three year surplus which is reduced under paragraph 1 of this Schedule.

(4) In this paragraph "ordinary share capital" has the same meaning as in section 42(3) of the Finance Act 1938 and if the appropriate part of the other member's ordinary share capital is different in different periods in the three financial years this paragraph shall apply to those periods separately.

(5) For the purposes of this paragraph—

- (a) any dividend paid (in the sense of section 89(4) of the Finance Act 1965) in the first five days of April 1969 shall be regarded as paid on 31st March 1969,
- (b) any dividend paid (in that sense) in the first five days of April 1966 shall be left out of account.

(6) Where a three year surplus falls to be ascertained under subsection (7) of section 85 of the Finance Act 1965 (winding up of company) for references in this paragraph to the three financial years there shall be substituted references to the period mentioned in that subsection.

*Three year surplus : subsidiary paying dividends in
1965-66 in excess of standard amount*

5.—(1) Where dividends received by a company which is a member of a group in the year 1965-66 include dividends from a member of the same group of companies, and that member pays in the year a gross amount of dividends which exceeds its standard amount, then there shall be excluded from the dividends taken into account under

Sec. 7 subsection (6)(d) of the said section 85 (which fixes the amount of the tax ultimately borne by the company) a part of the dividends received from that member which bears to the whole the same proportion as the excess bears to all the dividends paid by that member in the year 1965-66.

(2) Any amount of a dividend paid by a member of a group of companies excluded under sub-paragraph (1) above shall, for the purposes of the said subsection (6)(d) as it applies to that member, be treated as if it had not been paid.

(3) Sub-paragraph (1) above shall not apply unless the gross amount of dividends received by the company in the year 1965-66 from members of the same group of companies exceeds one-third of the gross amount of the dividends received by the company in its standard period from companies then being members of the same group of companies (or, if the standard period is less than three years, an amount bearing to the dividends last-mentioned the same proportion as one year bears to the standard period), and where any dividends would fall to be excluded under sub-paragraph (1) above the company may elect that the exclusion shall be of such part of the dividends received from members of the same group as is equal to the excess referred to in this sub-paragraph:

Provided that this sub-paragraph shall not apply where, because the company commenced to carry on business at a time later than the beginning of December 1964, or for any other reason, the company has no standard period.

(4) Where the company exercises the right of election under sub-paragraph (3) above, sub-paragraph (2) above shall have effect as if the amount out of the dividends paid by any other member of the group of companies excluded under sub-paragraph (1) above were the proportion of the excess referred to in sub-paragraph (3) above which is the same as the proportion which—

(a) the amount of the dividends paid to the company by that member in the year 1965-66 bears

(b) to the aggregate of the amount of the dividends paid to the company in that year by all members of the group.

1965 c. 25. (5) This paragraph shall be construed in accordance with section 83 of the Finance Act 1965.

PART II

THE ONE YEAR SURPLUS

Companies carrying on life assurance businesses

6. The one year surplus of a company carrying on life assurance business shall be computed without regard to any such part of dividends or other income from investments held in connection with its life assurance business as belongs or is allocated to, or is reserved for, or expended on behalf of, policy holders, and without regard to the tax on such part of such income.

Elections as respects double taxation relief

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7.—(1) If a company so elects, its one year surplus shall be computed in accordance with sub-paragraphs (2) and (3) below.

(2) In arriving at the amount of profits tax and income tax to be taken into account under paragraphs (b) and (c) of subsection (3) of the said section 85, it shall be assumed that paragraph 2(2) of Schedule 16 to the Income Tax Act 1952 provides for credit for foreign tax to be first applied in reducing the amount of income tax chargeable in respect of the income and, so far as it cannot be so applied, in reducing the profits tax chargeable in respect of the income (instead of applying the credit first against profits tax and then against income tax). 1952 c. 10.

(3) In arriving at the fraction defined at the end of the said subsection (3) (income tax for 1965-66 divided by that plus corporation tax for the financial year 1965), and in applying subsection (8) of the said section 85 (under which any one year surplus is to be disregarded if that income tax is not greater than that corporation tax)—

(a) so far as any tax at subsection (3)(a) of the said section 85 consists of tax at a net United Kingdom rate (that is to say a rate less than the standard rate of 8s. 3d. for the year 1965-66) that tax shall be increased by applying the ratio —

A
—
B

where "A" is the said standard rate of 8s. 3d. and "B" is the said net United Kingdom rate, and

(b) any credit for foreign tax which is allowable against United Kingdom income tax or corporation tax shall be disregarded.

(4) In this paragraph "credit for foreign tax" means credit allowable by virtue of arrangements made under section 347 of the Income Tax Act 1952, or by way of relief under section 348 of that Act.

SCHEDULE 8

Section 29.

FRIENDLY SOCIETIES

PART I

CONDITIONS FOR FRIENDLY SOCIETIES' TAX EXEMPT BUSINESS

1.—(1) The following conditions shall apply to every policy for the assurance of a gross sum, or of an annuity, which the friendly society issues, or has issued at any time since 3rd May 1966—

(a) the period (in this Schedule called "the term" of the policy) between the payment of the first premium and the time when the gross sum assured is payable (or as the case may be when the first instalment of the annuity is payable) shall be not less than ten years, and must not, on any contingency other than the death, or retirement on grounds of ill health, of the person liable to pay the premiums or whose life is insured, become less than ten years,

(b) the premiums payable under the policy shall be premiums of equal or rateable amounts payable at yearly or shorter

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SCH. 8

intervals over the whole term of the policy of assurance, or over the whole term of the policy of assurance apart from any period after the person liable to pay the premiums or whose life is insured attains a specified age, being an age which he will attain at a time not less than ten years after the beginning of the term of the policy of assurance,

- (c) until the expiration of three-quarters of the term of the policy of assurance, or of ten years from the beginning of the term, whichever is the shorter, the policy may not be surrendered to the friendly society for consideration exceeding the amount of the premiums paid, except that, if a surrender value is prescribed for the surrender by section 24 of the Industrial Assurance Act 1923 or section 3 of the Industrial Assurance and Friendly Societies Act 1929, the limit on the consideration shall be either that value or the amount of the premiums paid, whichever is the greater.

1923 c. 8.
1929 c. 28.

(2) The friendly society shall not be a party to any variation of the terms of a policy which infringes the conditions in the foregoing provisions of this paragraph.

2. Notwithstanding paragraph 1(1)(a) above, the policy—

- (a) may provide for a payment to a person of an age not exceeding 18 years at any time not less than five years from the beginning of the term of the policy if the premium or premiums payable in any period of twelve months in the term of the policy do not exceed £13,
- (b) may provide for a payment at any time not less than five years from the beginning of the term of the policy, if it is one of a series of payments falling due at intervals of not less than five years, and the amount of any payment, other than the final payment, does not exceed four-fifths of the premiums paid in the interval before its payment.

3. Notwithstanding paragraph 1(1)(b) above, the policy—

- (a) may allow a payment at any time after the expiration of one-half of the term of the policy of assurance, or of ten years from the beginning of the term, whichever is the earlier, being a payment in commutation of the liability to pay premiums falling due after that time,
- (b) where the person liable to pay the premiums ceases to reside in the United Kingdom, or gives satisfactory proof of intention to emigrate, may allow him to commute any liability for premiums, and
- (c) may allow any liability for premiums to be discharged in consideration of surrendering a sum which has become payable on the maturity of any other policy of assurance issued by the same friendly society to the person liable to pay the premiums, or to his parent, where that other policy of assurance is issued as part of the friendly society's tax exempt life or endowment business.

4. Nothing in the foregoing provisions of this Schedule applies to life or endowment business which is not tax exempt life or endowment business.

PART II

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AMENDMENTS OF FRIENDLY SOCIETIES ACTS

5.—(1) The following limits shall be substituted for the limits imposed by section 41(1) of the Friendly Societies Act 1896 on the amounts which a member, or person claiming through a member, of a registered society or branch is entitled to receive from any one or more such societies or branches (taking together all such societies or branches throughout the United Kingdom)—

- (a) not more than £500 by way of gross sum under tax exempt life or endowment business,
- (b) not more than £104 a year by way of annuity under tax exempt life or endowment business,
- (c) not more than £2,000 by way of gross sum under life or endowment business which is not tax exempt, but increasing that limit from £2,000 to £3,000 if the entitlement under this head, so far as it exceeds £2,000, is under any mortgage protection policy or policies.
- (d) not more than £208 a year by way of annuity under life or endowment business which is not tax exempt,

and this sub-paragraph shall be construed as if contained in the said section 41.

(2) A friendly society shall not be registered if it contracts with any person for the assurance of an annuity or of a gross sum in excess of the limits imposed by sub-paragraph (1) above.

(3) The Chief Registrar of Friendly Societies may by order made with the consent of the Treasury and contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament from time to time increase or further increase all or any of the limits in paragraphs (1)(c) and (1)(d) of this paragraph, and any such order may contain transitional and other supplemental provisions.

(4) In applying the limits in this paragraph—

- (a) any bonus or addition declared upon assurance of a gross sum or annuity, and
- (b) any such annuities as are referred to in section 26(1) of the Finance Act 1956 (retirement annuities, etc.),

1956 c. 54.

shall be disregarded.

(5) In this paragraph “mortgage protection policy” means a policy of assurance of a gross sum the whole or the major part of which is applicable solely for the purpose of meeting payments due under a mortgage or charge of land.

(6) The proviso to section 8(1), and section 41(1), of the Friendly Societies Act 1896, which are superseded by this paragraph, shall cease to have effect.

6.—(1) Subject to this paragraph, the rules of any registered friendly society or branch may within six months from the time when this Part of this Schedule comes into force be amended by resolution of the committee of management so as to permit the

SCH. 8

society or branch to assure additional amounts within the limits prescribed by paragraph 5 above, or for the purpose of bringing the rules into conformity with the provisions of Part I of this Schedule.

(2) If any amendment of the rules of a friendly society is made after the coming into force of this Part of this Schedule, otherwise than in pursuance of sub-paragraph (1) above, the power of the society's committee of management under sub-paragraph (1) above shall determine on the date on which the amendment is registered.

(3) This paragraph shall apply in relation to any increase of limits effected by an order under paragraph 5(3) above as it applies in relation to the increases made by that paragraph, but substituting the time when the increase so effected comes into force for the time when this Part of this Schedule comes into force.

7. This Part of this Schedule shall extend to Northern Ireland.

Section 31.

SCHEDULE 9

COMPANY DIVIDENDS PAID TO NON-RESIDENTS: RELEVANT DOUBLE TAXATION AGREEMENTS

1. Subject to the following provisions of this Schedule section 31 of this Act (in this Schedule called "the principal section") shall apply to the double taxation agreements to which effect is given by the Orders in Council set out in the following Table

S.R. & O. 1947/806.	The Double Taxation Relief (Taxes on Income) (Australia) Order 1947.
S.I. 1957/598.	The Double Taxation Relief (Taxes on Income) (Austria) Order 1957.
S.I. 1950/1195.	The Double Taxation Relief (Taxes on Income) (Denmark) Order 1950, including that Order as extended by the Double Taxation Relief (Taxes on Income) (Faroe Islands) Order 1961.
S.I. 1961/579.	The Double Taxation Relief (Taxes on Income) (Federal Republic of Germany) Order 1955.
S.I. 1955/1203.	Any Order in Council made in the form of the draft Double Taxation Relief (Taxes on Income) (Federal Republic of Germany) Order in Council laid before the Commons House of Parliament on 11th March 1965.
S.I. 1953/191.	The Double Taxation Relief (Taxes on Income) (Finland) Order 1953.
S.I. 1951/1388.	The Double Taxation Relief (Taxes on Income) (France) Order 1951.
S.I. 1963/887.	The Double Taxation Relief (Taxes on Income) (Japan) Order 1963.
S.I. 1951/1798.	The Double Taxation Relief (Taxes on Income) (Norway) Order 1951.
S.I. 1961/2467.	The Double Taxation Relief (Taxes on Income) (Pakistan) Order 1961.
S.I. 1962/2352. S.I. 1962/2788.	The Double Taxation Relief (Taxes on Income) (South Africa) Order 1962, including that Order as extended by the Double Taxation Relief (Taxes on Income) (South West Africa) Order 1962.

The Double Taxation Relief (Taxes on Income) (Sweden) Order 1961. SCH. 9
S.I. 1961/577.

Australia

2. In applying Article VI(3) in the Double Taxation Relief (Taxes on Income) (Australia) Order 1947 (under which the limiting rate of tax is a fraction of the full rate of the Australian tax) to a dividend paid (by a company resident in the United Kingdom) in any year of assessment it shall be assumed that in the converse case described in subsection (2) of the principal section the dividend (assumed paid by a company resident in Australia) is paid in the Australian year of tax beginning in the same calendar year as that in which the said income tax year of assessment begins. S.R. & O. 1947/806.

Federal Republic of Germany

3. In applying Article VI in any Order in Council made in the form of the draft Double Taxation Relief (Taxes on Income) (Federal Republic of Germany) Order in Council laid before the Commons House of Parliament on 11th March 1965 paragraph (2) of that Article (different rates of German tax on distributed and undistributed profits) shall be disregarded.

France

4.—(1) Article VII of the Double Taxation Relief (Taxes on Income) (France) Order 1951 as applied by the principal section shall be read as having the result in sub-paragraph (2) below. S.I. 1951/1388.

(2) The rate at which income tax under Schedule F is chargeable on a dividend paid to a company which is a resident of France, and which has owned for a year capital representing at least 50 per cent. of the capital of the company paying the dividend, shall not exceed 10 per cent.

Pakistan

5.—(1) Article VI of the Double Taxation Relief (Taxes on Income) (Pakistan) Order 1961 as applied by the principal section shall be read as having the result in sub-paragraph (2) below. S.I. 1961/2467.

(2) The rate at which income tax under Schedule F is chargeable on a dividend paid to a public company which is a resident of Pakistan and which owns more than 50 per cent. of the voting shares of the company paying the dividend shall not exceed 10 per cent.

SCHEDULE 10

Section 43.

CAPITAL GAINS

PART I

CAPITAL GAINS TAX AND CORPORATION TAX

Life interests in settled property

1.—(1) Section 25(4) of the Finance Act 1965 (notional disposal of settled property when a life interest in any part of the settled property terminates) shall not apply on the occasion of the termination of the trusts of the settlement as respects any part of the settled property by the exercise of a power for that purpose contained in the settlement or of a statutory power of advancement or by the surrender of a life interest in such a part for the purpose 1965 c. 25.

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SCR. 10 of advancement, if all the property as respects which the life interest terminates thereby ceases to be settled property under the settlement.

(2) The said section 25(4), and section 26(9)(a) of the said Act (which defines references to capital gains tax chargeable in consequence of a death), shall apply where after 3rd May 1966 the person entitled to a life interest in possession in all or any part of settled property dies (although the life interest does not then terminate) as they apply on the termination of such a life interest.

(3) In subsection (10)(a) of the said section 25 (which defines "life interest" as including certain limited interests) for the words from "for the life of another" to the end of the paragraph there shall be substituted the words "for the life of a person other than the person entitled to the right, or for lives", but not so as to apply the said section 25(4) on any occasion on or before 4th May 1966.

(4) In the said section 25 the expression "life interest" shall, notwithstanding subsection (10)(c) of that section (which excludes annuities) include entitlement to an annuity created by the settlement if—

- (a) some or all of the settled property is appropriated by the trustees as a fund out of which the annuity is payable, and
- (b) there is no right of recourse to settled property not so appropriated, or to the income of settled property not so appropriated,

and, without prejudice to subsection (12) of the said section 25, the settled property so appropriated shall, while the annuity is payable, and on the occasion of the death of the annuitant, be treated for the purposes of subsections (4), (5), (6) and (7) of the said section 25 as being settled property under a separate settlement.

Transfer of business on retirement

1965 c. 25. 2.—(1) Subject to sub-paragraph (2) below, section 34(1)(b) of the Finance Act 1965 (relief from capital gains tax for an individual disposing of shares or securities of his family company on his retirement) shall apply where under paragraph 3 of Schedule 7 to the Finance Act 1965 he is treated as disposing of interests in shares or securities of a company in consideration of a capital distribution from the company in the course of dissolving or winding up the company as it applies where he disposes of shares or securities of a company by way of sale or gift.

(2) Sub-paragraph (1) above shall not apply if the capital distribution consists wholly of chargeable business assets of the company, and if it consists partly of chargeable business assets (and partly of money or money's worth), relief shall only be given under the said section 34 in respect of that proportion of the gains accruing on the disposal which the part of the capital distribution not consisting of chargeable business assets bears to the entire capital distribution.

(3) Paragraphs (a) and (b) of the said section 34(1) (which each impose conditions to be satisfied throughout the period of ten years ending with the disposal) shall apply where throughout part of

the said period of ten years the conditions in either of those paragraphs were fulfilled and throughout the remainder of that period the conditions in the other paragraph were fulfilled.

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Definition of investment trust

3.—(1) Section 37(3)(b) of the Finance Act 1965 (which allows an investment trust as defined in that section to have a holding representing more than the limit of fifteen per cent. of its investments imposed by subsection (2)(b) of that section if the holding was acquired on or after 6th April 1965 and did not exceed that limit when it was acquired) shall also apply to a holding acquired before the said date and accordingly the words “acquired on or after that date” in the said subsection (3)(b) shall cease to have effect.

(2) All such adjustments shall be made, whether by the discharge or repayment of tax or otherwise, as are required to give effect to the provisions of this paragraph.

Part disposal of land to authority with compulsory powers

4.—(1) This paragraph applies to a transfer after 6th April 1965 of land forming part only of a holding of land to an authority exercising or having compulsory powers where—

- (a) the amount or value of the consideration for the transfer, or if the transfer is not for full consideration in money or money's worth, the market value of the land transferred, is small, as compared with the market value of the holding as it subsisted immediately before the transfer, and
- (b) the transferor had not taken any steps by advertising or otherwise to dispose of any part of the holding or to make his willingness to dispose of it known to the authority or others.

(2) If the transferor so claims, the transfer shall not be treated for the purposes of Part III of the Finance Act 1965 as a disposal, but all sums which, if it had been so treated, would have been brought into account as consideration for that disposal in the computation under Schedule 6 to that Act of a gain accruing on the disposal shall be deducted from any expenditure allowable under that Schedule as a deduction in computing a gain on any subsequent disposal of the holding.

(3) For the purposes of this paragraph the holding of land shall comprise only the land in respect of which the expenditure allowable under paragraphs (a) and (b) of paragraph 4(1) of Schedule 6 to the Finance Act 1965 would be apportioned under paragraph 7 of that Schedule if the transfer had been treated as a disposal (that is, as a part disposal of the holding).

(4) In this paragraph references to a holding of land include references to an estate or interest in a holding of land, not being an estate or interest which is a wasting asset, and references to part of a holding shall be construed accordingly.

(5) In this paragraph “authority exercising or having compulsory powers” means, in relation to the land transferred, a person or body of persons acquiring it compulsorily or who has or have been, or

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SCH. 10 could be, authorised to acquire it compulsorily for the purposes for which it is acquired, or for whom another person or body of persons has or have been, or could be, authorised so to acquire it.

Expenses of valuation, &c., incurred by personal representatives

1965 c. 25.

5. In computing under Schedule 6 to the Finance Act 1965 the gain accruing on a disposal of assets deemed to be made by an individual on his death, the sums allowable as a deduction under paragraph 4 of that Schedule shall include any costs incurred by the personal representatives or other persons on whom the assets devolve which would have been incidental costs of making the disposal within sub-paragraph (2) of that paragraph if they had been incurred by the deceased.

Assets held on 6th April 1965 and affected by a company amalgamation

6.—(1) The reference in paragraph 27(1) of Schedule 6 to the Finance Act 1965 to paragraph 6 of Schedule 7 to that Act (company amalgamations) shall include a reference to that paragraph as extended by paragraph 7 of that Schedule.

(2) This paragraph has effect as respects any disposal of shares or securities on or after 17th May 1966.

Apportionment of cost of acquisition of new holding of shares, etc.

7.—(1) This paragraph shall apply to a new holding, as defined in sub-paragraph (1)(b) of paragraph 4 of Schedule 7 to the Finance Act 1965 (which, as extended by section 45(8) of that Act, provides for a new holding resulting from a reorganisation or reduction of the capital of a company or unit trust scheme being treated as the same as the original holding)—

- (a) if it consists of more than one class of shares in or debentures of the company and one or more of those classes is of shares or debentures which, at any time not later than the end of the period of three months beginning with the date on which the reorganisation or reduction of capital took effect, or of such longer period as the Board may by notice in writing allow, had quoted market values on a recognised stock exchange in the United Kingdom or elsewhere, or
- (b) if it consists of more than one class of rights of unit holders and one or more of those classes is of rights the prices of which were published daily by the managers of the scheme at any time not later than the end of that period of three months (or longer if so allowed).

(2) Where for the purpose of computing the gain or loss accruing to a person from the acquisition and disposal of the whole or any part of any class of shares or securities or rights of unit holders forming part of a new holding to which this paragraph applies it is necessary to apportion costs of acquisition between what is disposed

of and what is retained, the cost of acquisition of the new holding shall first be apportioned between the entire classes of shares or debentures or rights of which it consists by reference to market value on the first day (whether that day fell before the reorganisation or reduction of capital took effect or later) on which market value or prices were quoted or published for the shares, debentures or rights as mentioned in sub-paragraph (1)(a) or (1)(b) above (with such adjustment of the market value of any class as may be required to offset any liability attaching thereto but forming part of the cost to be apportioned); and this sub-paragraph shall have effect notwithstanding sub-paragraph (5) of the said paragraph 4 (which requires apportionment by reference to market value at the date of disposal).

(3) The foregoing provisions of this paragraph shall have effect as if contained in the said paragraph 4, and paragraphs 5, 6 and 7 of the said Schedule 7 (which apply the said paragraph 4 subject to modifications) shall have effect accordingly.

(4) For the purposes of this paragraph the day on which a reorganisation of share capital involving the allotment of shares or debentures or unit holders' rights takes effect is the day following the day on which the right to renounce any allotment expires.

(5) This paragraph applies to a disposal of part of a new holding at any time after the end of the year 1965-66 and, if a person so elects by notice in writing given to the inspector not later than the end of the year 1966-67 as respects a new holding, it shall also apply to a disposal by that person of part of that new holding at any time in the year 1965-66; and such adjustments shall be made whether by way of discharge or repayment of tax or assessment to tax or otherwise as are required to give effect to the election.

Disposal of right to acquire shares

8.—(1) Where a person receives or becomes entitled to receive in respect of any shares in a company a provisional allotment of shares in or debentures of the company and he disposes of his rights paragraph 3 of Schedule 7 to the Finance Act 1965 shall apply 1965 c. 25. as if the amount of the consideration for the disposal were a capital distribution received by him from the company in respect of the first-mentioned shares, and as if that person had, instead of disposing of the rights, disposed of an interest in those shares.

(2) If under Part II of Schedule 6 to the Finance Act 1965 it is to be assumed that, at a time after the creation of the rights and before their disposal, the said person sold and immediately re-acquired the shares in respect of which the rights were created, the same assumption shall be made as respects the rights.

(3) This paragraph shall apply in relation to rights obtained in respect of debentures of a company as it applies in relation to rights obtained in respect of shares in a company.

(4) Sub-paragraph (6) of paragraph 4 of the said Schedule 7 (which is superseded by this paragraph) shall cease to have effect.

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Capital receipts not treated as disposals

9.—(1) The following provisions (under which the consideration for a part disposal of an asset, instead of giving rise to a gain (or loss) accruing on the part disposal, goes to reduce the expenditure allowable in computing a gain accruing on a subsequent disposal of the asset), that is—

1965 c. 25.

(a) paragraphs (b) and (c) of paragraph 13(1) of Schedule 6 to the Finance Act 1965,

(b) paragraph 3(2) of Schedule 7 to that Act (as extended by paragraph 8 of this Schedule), and

(c) paragraph 4 of this Schedule,

shall have effect subject to the provisions of this paragraph.

(2) None of those provisions shall apply if immediately before the part disposal there is no expenditure attributable to the asset under paragraphs (a) and (b) of paragraph 4(1) of Schedule 6 to the Finance Act 1965 (deductions allowable in computing a gain), or if the consideration for the part disposal exceeds that expenditure but, if there is any such expenditure and the recipient so elects,—

(a) the amount of the consideration for the part disposal shall be reduced by the amount of that expenditure, and

(b) none of that expenditure shall be allowable as a deduction in computing a gain accruing on the occasion of the part disposal or any subsequent occasion.

Insolvents' assets

10.—(1) In relation to assets held by a person as trustee or assignee in bankruptcy or under a deed of arrangement Part III of the Finance Act 1965 shall apply as if the assets were vested in, and the acts of the trustee or assignee in relation to the assets were the acts of, the bankrupt or debtor (acquisitions from or disposals to him by the bankrupt or debtor being disregarded accordingly), and tax in respect of any chargeable gains which accrue to any such trustee or assignee shall be assessable on and recoverable from him.

(2) Assets held by a trustee or assignee in bankruptcy or under a deed of arrangement at the death of the bankrupt or debtor shall for the purposes of the said Part III be regarded as held by a personal representative of the deceased and—

(a) sub-paragraph (1) above shall not apply after the death, and

(b) section 24(1) of the Finance Act 1965 (under which assets passing on a death are deemed to be disposed of by the deceased) shall apply as if any assets held by a trustee or assignee in bankruptcy or under a deed of arrangement at the death of the bankrupt or debtor were assets of which the deceased was competent to dispose and which then devolved on the trustee or assignee as if he were a personal representative.

(3) Assets vesting in a trustee in bankruptcy after the death of the bankrupt or debtor shall for the purposes of the said Part III be regarded as held by a personal representative of the deceased, and sub-paragraph (1) above shall not apply. SCH. 10

(4) Where in consequence of the foregoing provisions of this paragraph there is more than one person who is or is to be regarded as the personal representative of a deceased person, the amount available for relief under subsection (2) of the said section 24 of the Finance Act 1965 shall be apportioned between them according to the respective values of the property devolving or to be regarded as devolving on them on the death. 1965 c. 25.

(5) The definition of "settled property" in section 45(1) of the Finance Act 1965 shall not include any property as being property held by a trustee or assignee in bankruptcy or under a deed of arrangement.

(6) In this paragraph "deed of arrangement" means a deed of arrangement to which the Deeds of Arrangement Act 1914 or any corresponding enactment forming part of the law of Scotland or Northern Ireland applies. 1914 c. 47.

Policies of insurance

11. In paragraph 10(1) of Schedule 7 to the Finance Act 1965 the words from the beginning to "neither" exclusive in line 5 shall be omitted.

Commencement

12. Except as otherwise expressly provided, this Part of this Schedule, as it relates to capital gains tax chargeable under Part III or Part IV of the Finance Act 1965, shall have effect for the year 1965-66 as well as later years of assessment.

Construction

13. This Part of this Schedule shall be construed as one with Part III of the Finance Act 1965.

PART II

SHORT-TERM CAPITAL GAINS

Insolvents' assets

14.—(1) For the purposes of section 12(5) of the Finance Act 1962 (property held by nominee or trustee for a person absolutely entitled to the property) assets held by a person as trustee or assignee in bankruptcy or under a deed of arrangement shall be regarded as assets to which the bankrupt or debtor is absolutely entitled as against the trustee or assignee and, without prejudice to the general provisions of the Income Tax Acts as to the assessment of any such trustee or assignee, tax in respect of any gain accruing on an acquisition and disposal shall be assessable on and recoverable from any such trustee or assignee not only where the acquisition and

SCH. 10 disposal were effected by him but also where either the acquisition or disposal was effected by him and the other was effected by the bankrupt or debtor.

(2) Assets vesting in a trustee in bankruptcy after the death of the bankrupt, or held by a trustee or assignee in bankruptcy or under a deed of arrangement at the death of the bankrupt or debtor, shall for the purposes of Case VII be regarded as held by a personal representative of the deceased, and sub-paragraph (1) above shall not apply after the death.

(3) In this paragraph "deed of arrangement" has the same meaning as in paragraph 10 above.

1962 c. 44.

(4) Section 15(6) of the Finance Act 1962 (which exempts short-term gains accruing to a person as trustee or assignee in bankruptcy) shall cease to have effect.

(5) This paragraph does not have effect in relation to assets transferred from the bankrupt or debtor before 4th May 1966.

Apportionment of cost of acquisition of new holding of shares, etc.

15.—(1) This paragraph shall apply to a new holding, as defined in sub-paragraph (1)(b) of paragraph 10 of Schedule 9 to the Finance Act 1962 (which, as extended by section 16(4) of that Act, provides for a new holding resulting from a reorganisation or reduction of the capital of a company or unit trust scheme being treated as the same as the original holding)—

- (a) if it consists of more than one class of shares in or debentures of the company and one or more of those classes is of shares or debentures which, at any time not later than the end of the period of three months beginning with the date on which the reorganisation or reduction of capital took effect, or of such longer period as the Board may by notice in writing allow, had quoted market values on a recognised stock exchange in the United Kingdom or elsewhere, or
- (b) if it consists of more than one class of rights of unit holders and one or more of those classes is of rights the prices of which were published daily by the managers of the scheme at any time not later than the end of that period of three months (or longer if so allowed).

(2) Where for the purpose of computing the gain or loss accruing to a person from the acquisition and disposal of the whole or any part of any class of shares or securities or rights of unit holders forming part of a new holding to which this paragraph applies it is necessary to apportion costs of acquisition between what is disposed of and what is retained, the cost of acquisition of the new holding shall first be apportioned between the entire classes of shares or debentures or rights of which it consists by reference to market value on the first day (whether that day fell before the reorganisation or reduction of capital took effect or later) on which market values or prices were quoted or published for the shares, debentures or rights as mentioned in sub-paragraph (1)(a) or (1)(b) above (with such adjustment of the market value of any class as may be required to offset

any liability attaching thereto but forming part of the cost to be apportioned); and this sub-paragraph shall have effect notwithstanding sub-paragraph (5) of the said paragraph 10 (which requires apportionment by reference to market value at the date of disposal).

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(3) The foregoing provisions of this paragraph shall have effect as if contained in the said paragraph 10 and paragraphs 11, 12 and 13 of the said Schedule 9 (which apply the said paragraph 10 subject to modifications) shall have effect accordingly.

(4) For the purposes of this paragraph the day on which a reorganisation of share capital involving the allotment of shares or debentures or unit holders' rights takes effect is the day following the day on which the rights to renounce any allotment expires.

(5) This paragraph applies to a disposal of part of a new holding at any time after the end of the year 1965-66 and, if a person so elects by notice in writing given to the inspector not later than the end of the year 1966-67 as respects a new holding, it shall also apply to a disposal by that person of part of that new holding at any time in the year 1965-66; and such adjustments shall be made whether by way of discharge or repayment of tax or assessment to tax or otherwise as are required to give effect to the election.

SCHEDULE 11

Section 44.

SUPPLEMENTARY PROVISIONS AS TO SELECTIVE EMPLOYMENT TAX

1. Subject to the following provisions of this Schedule, the relevant insurance provisions shall have effect (for the purposes of the Insurance Acts as well as for the purposes of section 44 of this Act and this Schedule) as if—

- (a) the tax which an employer is liable to pay in respect of a person for a contribution week; and
- (b) the employer's insurance contribution for that week in respect of that person,

together constituted one combined contribution payable by him under the Insurance Acts in respect of that person for that week, and as if the whole of the combined contribution in question were payable into the appropriate fund.

2. Nothing in the foregoing paragraph shall be construed—

- (a) as affecting the rate of any employer's insurance contribution; or
- (b) as excepting any person who pays, or is liable to pay, an employer's insurance contribution, or as conferring any power to except any such person, from liability to pay the tax; or
- (c) as conferring any power to modify the rate of the tax in relation to any class of persons; or

SCH. 11
 1965 c. 54.
 1965 c. 62.
 1965 c. 19 (N.I.)
 1966 c. 7 (N.I.)

(d) as prejudicing the operation of section 2 of the National Health Service Contributions Act 1965, section 28 of the Redundancy Payments Act 1965, section 38 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 or section 2 of the Health Service Contributions Act (Northern Ireland) 1966 (which make corresponding provision with respect to payments under those Acts).

3. References in any enactment other than the Insurance Acts to contributions under those Acts or to sums due or payable into either of the appropriate funds shall be construed as including references to the tax.

4. In addition to the definitions contained in section 44(9) of this Act, in this Schedule the following expressions have the following meanings respectively, that is to say—

“ appropriate fund ” means—

(a) in relation to Great Britain, the National Insurance Fund ;

(b) in relation to Northern Ireland, the Northern Ireland National Insurance Fund ;

“ enactment ” includes an enactment of the Parliament of Northern Ireland ;

“ relevant insurance provisions ” means the Insurance Acts other than—

1965 c. 51.

(a) sections 7, 58 and 83(1) of the National Insurance Act 1965 ; and

1966 c. 6 (N.I.)

(b) sections 7, 57 and 81(1) of the National Insurance Act (Northern Ireland) 1966,

and, except in so far as may be provided by any Order in Council or regulations made under the Insurance Acts after the passing of this Act, all Orders in Council and regulations made or having effect as if made under those Acts, whether made before or after the passing of this Act.

Section 45.

SCHEDULE 12

TRANSFERS OF HARBOUR UNDERTAKINGS

Capital allowances

1965 c. 25.

1.—(1) There shall be made to or on the transferee in accordance with section 56 of the Finance Act 1965 (capital allowances) all such allowances and charges as would, if the transferor had continued to carry on the trade, have fallen to be made to or on it under that section, and the amount of any such allowance or charge shall be computed as if the transferee had been carrying on the trade since the transferor had begun to do so and as if everything done to or by the transferor had been done to or by the transferee.

(2) No sale or transfer which on the transfer of the trade is made by the transferor to the transferee of any assets in use for the purposes of the trade shall be treated as giving rise to any such allowance or charge.

SCH. 12

Annual value of trade premises

2. For the purposes of Schedule 8 to the Finance Act 1963 (transitional allowances for annual value of trade premises) any occupation of land for the purposes of the trade by the transferor shall be treated as having been the occupation of the transferee. 1963 c. 25.

Terminal losses

3. The transferor shall not be entitled to relief under section 59 of the Finance Act 1965 in respect of the trade. 1965 c. 25.

Chargeable gains

4.—(1) The transferee shall be entitled to relief from corporation tax under section 55(1) and, where applicable, section 82(4) of the Finance Act 1965 for any amount for which the transferor would have been entitled to claim relief in respect of allowable losses if it had continued to carry on the trade.

(2) For the purposes of Part III of the Finance Act 1965 any asset transferred on the transfer of the trade shall be deemed to be for a consideration such that no gain or loss accrues to the transferor on its transfer; and for the purposes of Part II of Schedule 6 to that Act the transferee shall be treated as if the acquisition by the transferor of any asset so transferred had been the transferee's acquisition thereof.

Exclusion of transitional relief on cessation of trade

5. The transferor shall not be entitled to relief under section 87 of the Finance Act 1965 in respect of the trade.

Section 53.

SCHEDULE 13

REPEALS

PART I

BETTING AND GAMING REPEALS

Chapter	Short Title	Extent of Repeal
1963 c. 3.	The Betting Duties Act 1963.	In section 1(2), paragraph (i) and the words “(ii) in any other case”. In section 2(1), the words “derived from the pool betting duty”. In section 2(2)(a), sub-paragraphs (ii) and (iii). In section 2(4), the words “by way of pool betting”. Section 4. In Schedule 1, paragraphs 7 and 8. Schedule 2.
1964 c. 49.	The Finance Act 1964.	In section 7(1), the words “and the bookmakers’ licence duty”. In section 7(1)(a), the words from “which” to “cases”, the words “‘10 per cent.’ and”, the word “‘respectively’”, the words “‘5 per cent.’ and”, and the word “and” where it appears at the end of the paragraph. Section 7(1)(b).

The above repeals, except those in section 2 of the Betting Duties Act 1963, shall not have effect in relation to any period falling or bet made before 24th October 1966.

PART II

OTHER CUSTOMS AND EXCISE REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. and 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	In section 14(1), the words “in any port”. In section 17(1), the words “in any port or customs airport” and “at that port or airport”. In section 29(1), the words “by sea or air”. In section 284(2), the words “on the water or in the air”.
1963 c. 25. 1965 c. 25.	The Finance Act 1963. The Finance Act 1965.	Section 9. Section 4.

PART III
FRIENDLY SOCIETIES REPEALS

SCH. 13

Chapter	Short Title	Extent of Repeal
59 & 60 Vict. c. 25.	The Friendly Societies Act 1896.	The proviso to section 8(1). Section 41(1).
11 & 12 Geo. 6. c. 39.	The Industrial Assurance and Friendly Societies Act 1948.	Section 5.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 10.	The Income Tax Act 1952.	In section 440(1) the words from "which is precluded" to "by way of annuity".
4 & 5 Eliz. 2. c. 54.	The Finance Act 1956.	In section 26, subsections (3) and (4).
<i>Act of the Parliament of Northern Ireland</i>		
12 & 13 Geo. 6. c. 22.	The Industrial Assurance and Friendly Societies Act (Northern Ireland) 1948.	Section 5.

All the provisions of this Part of this Schedule shall extend to Northern Ireland.

PART IV
INVESTMENT AND INITIAL ALLOWANCES REPEALS

Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 44.	The Finance Act 1954.	Section 16. Schedule 2.
4 & 5 Eliz. 2. c. 54.	The Finance Act 1956.	Section 15. In section 16(2), the words "investment or".
5 & 6 Eliz. 2. c. 49.	The Finance Act 1957.	Section 15. In section 16(1) and (3), the words "or investment". In Schedule 3, in paragraph 2, the words "or investment".
7 & 8 Eliz. 2. c. 58.	The Finance Act 1959.	Sections 21 and 22. Schedules 4 and 5.
8 & 9 Eliz. 2. c. 44.	The Finance Act 1960.	In section 72(1), the words "(including investment allowances)" and the proviso. In section 72(6), the words "other than an investment allowance". Section 72(10). In section 72(13), the words from the beginning to "aforesaid".
1963 c. 25.	The Finance Act 1963.	Section 33. In section 36(1), the words from "and section" onwards. In section 40(1), the word "investment".
1965 c. 25.	The Finance Act 1965.	In section 56, the words "(including investment allowances)". In section 63, the words "including section 16 of the Finance Act 1954 (investment allowances)".

SCH. 13

Chapter	Short Title	Extent of Repeal
1965 c. 25— <i>cont.</i>	The Finance Act 1965. — <i>cont.</i>	In section 85(6)(b)(ii) the words “investment allowances or” and the words “investment or”. In Schedule 6, in paragraph 6(4)(a) the words “an investment allowance or”. In Schedule 14, in paragraph 1(5), the words “(but not any investment allowance)” and, in paragraph 6(3), the words “exclusive of any investment allowance”.

The above repeals shall not affect allowances in respect of expenditure incurred before 17th January 1966 or in respect of such expenditure as is referred to in section 35(2) of this Act.

PART V

FREE DEPRECIATION REPEALS

Chapter	Short Title	Extent of Repeal
1963 c. 25.	The Finance Act 1963.	Sections 38 and 39.

The above enactments shall continue to have effect for the purposes of section 38(7) of the Finance Act 1963, including that provision as applied by section 39(3) of that Act.

PART VI

MISCELLANEOUS REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. and 1 Eliz. 2. c. 10.	The Income Tax Act 1952.	In section 249(1) the words from “after deducting” to the end of the subsection. In section 351(1)(c) the word “periodical”.
1 & 2 Eliz. 2. c. 36.	The Post Office Act 1953.	Paragraph 4 in Part I of Schedule 17 as respects dividends paid (in the sense of section 89(4) of the Finance Act 1965) after 5th April 1966.
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	The proviso to section 6(1). Section 12(3)(c). Section 15(6).
1965 c. 25.	The Finance Act 1965.	Section 12(3). Section 22(4)(c). In section 37(3)(b) the words “acquired on or after that date”.

Chapter	Short Title	Extent of Repeal
1965 c. 25— <i>cont.</i>	The Finance Act 1965. — <i>cont.</i>	<p>In section 49(6) the words “ and the Resolution is agreed to by the House ” and the words “ and agreed to ”; and in section 49(7) the words from “ and all enactments ” to the end of the subsection.</p> <p>Section 64(2)(b).</p> <p>In section 69, in subsection (5) the words from “ and the exclusion ” to the end of the subsection and in subsection (7) the words from “ but notwithstanding ” to the end of the subsection.</p> <p>Section 82 as respects any gain or loss accruing after the end of the year 1965–66.</p> <p>In Schedule 7 paragraph 4(6).</p> <p>In Schedule 18, paragraph 10, the words from “ and the powers conferred ” to the end of the paragraph.</p>

The repeal in section 6(1) of the Post Office Act 1953 shall have effect on the coming into force of section 48 of this Act.



Law Reform (Miscellaneous Provisions) (Scotland) Act 1966

1966 CHAPTER 19

An Act to exempt from arrestment on the dependence of an action sums falling to be paid by way of wages, salary or other earnings or by way of pension, to abolish the exemption from arrestment in execution of certain earnings payable by the Crown, and to provide for the variation from time to time of the amount of wages excepted from arrestment under the Wages Arrestment Limitation (Scotland) Act 1870; to amend section 5 of the Adoption Act 1958, and to provide in Scotland for the succession of an adopted person to the estate of his natural parent in certain circumstances; to amend section 5 of the Trusts (Scotland) Act 1961; to provide for the admission in evidence of certain documents in civil proceedings; to confer jurisdiction on the sheriff court to vary or recall certain orders of the Court of Session in respect of maintenance, custody and welfare of children; to provide for the extension of certain time limits in appeals under the Summary Jurisdiction (Scotland) Act 1954; and to provide that acts of adjournal and acts of sederunt shall be statutory instruments.

[3rd August 1966]

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) After the passing of this Act it shall not be competent to arrest on the dependence of an action any earnings or any pension. Wages, pensions etc., to be exempt from arrestment on the dependence of an action.
- (2) (a) For the purposes of this and of the next following section “earnings” means any sums payable by way of wages or salary (including any fees, bonus, commission, overtime pay or other

emoluments payable in addition to wages or salary by the person paying the wages or salary or payable under a contract of service);

(b) in this section “pension” includes—

- (i) any annuity in respect of past services, whether or not the services were rendered to the person paying the annuity, and any periodical payments by way of compensation for the loss, abolition or relinquishment, or any diminution in the emoluments, of any office or employment;
- (ii) any pension or allowance payable in respect of disablement or disability.

Certain earnings payable by the Crown to be arrestable in execution.

1947 c. 44.

2.—(1) Subject to the provisions of this section, any rule of law which exempts from arrestment in execution earnings falling to be paid by the Crown or a Minister of the Crown or out of the public revenue of the United Kingdom shall cease to have effect, except in relation to earnings payable to a member of the armed forces of the Crown; and accordingly for paragraph (a) of the proviso to section 46 of the Crown Proceedings Act 1947 (provisions as to arrestment in the hands of the Crown), there shall be substituted the following paragraph—

“(a) any earnings payable to any officer of the Crown as such, except as provided by section 2 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966;”.

(2) Earnings liable to arrestment by virtue of the last foregoing subsection shall be treated as falling to be paid by the chief officer in Scotland for the time being of the department, office or other body concerned.

(3) If any question arises, in connection with any proceedings relating to such an arrestment as to who for the purposes of this section is the chief officer in Scotland of the department, office or other body, that question shall be referred to and determined by the Treasury.

(4) A document purporting to set out a determination of the Treasury under the last foregoing subsection and to be signed by an official of the Treasury shall, in any such proceedings as aforesaid, be sufficient evidence of that determination, and deemed to contain an accurate statement thereof unless the contrary is shown.

(5) In this section “earnings payable to a member of the armed forces of the Crown” means any sum (other than a pension) the assignation of which is precluded by virtue of section 203 of the Army Act 1955 or of section 203 of the Air Force Act 1955, or any like sum payable to a member of the

1955 c. 18.

1955 c. 19.

naval forces of the Crown, or to a member of any women's service administered by the Defence Council.

(6) The Wages Arrestment Limitation (Scotland) Act 1870 shall apply in relation to earnings arrestable by virtue of this section as it applies to other earnings. 1870 c. 63.

(7) Nothing in the provisions of this section shall affect the operation of section 163 of the Merchant Shipping Act 1894, which exempts from arrestment wages payable to seamen and apprentices within the meaning of that Act. 1894 c. 60.

3.—(1) If at any time after the commencement of this Act it appears to Her Majesty in Council that the sum of four pounds specified in section 2 of the Wages Arrestment Limitation (Scotland) Act 1870 (limitation of liability of wages to arrestment) (whether by virtue of the said Act as amended by any other Act, or as previously amended under this section) should be further varied, Her Majesty may by Order in Council direct that the said section shall be further amended so as to substitute, for the sum specified in that section, such other sum as may be specified in the Order. Power to vary amount of wages excepted from arrestment.

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

(3) Any Order in Council made under this section may be revoked by a subsequent Order in Council under this section which substitutes another sum for the sum specified in the Order which is thereby revoked.

(4) An Order in Council made under this section shall come into force on the expiration of a period of not less than one month beginning with the date on which it is made.

4. The power conferred on the court by section 5 of the Adoption Act 1958 to dispense with certain consents required by section 4 of that Act shall be extended to the case where a minor is incapable of giving his consent to the making of an order for his adoption, and accordingly at the end of the said section 5 there shall be added the following subsection— Power to dispense with the consent of minor who is incapable of giving his consent in adoption proceedings.

“(5) Where the court in Scotland is satisfied, upon an application for an adoption order in respect of an infant who is a minor, that the infant is incapable of giving his consent to the making of the order, it may dispense with that consent.” 1958 c. 5 (7 & 8 Eliz. 2).

Adopted person to be treated as child of natural parents for purposes of succession in certain circumstances.
1964 c. 41.

5.—(1) Notwithstanding section 23(1) of the Succession (Scotland) Act 1964 (adopted person to be treated for purposes of succession as the child of the adopter), where the adopter of an adopted person has died before 10th September 1964, the adopted person shall be treated for the purposes of succession to the estate of a natural parent, who dies after the commencement of this Act, as the child of that parent.

(2) In the foregoing subsection, in relation to a person adopted jointly by spouses any reference, however worded, to the death of an adopter shall be construed as a reference to the death of both spouses; and other expressions shall have the same meaning as in Part IV of the Succession (Scotland) Act 1964.

Amendment of s. 5 of Trusts (Scotland) Act 1961.
1961 c. 57.

6.—(1) The periods for which accumulations of income under a settlement or other disposition are permitted by section 5 of the Trusts (Scotland) Act 1961 shall include—

(a) a term of twenty-one years from the date of the making of the settlement or other disposition, and

(b) the duration of the minority or respective minorities of any person or persons living or in utero at that date,

and a direction to accumulate income during a period specified in paragraph (a) or paragraph (b) of this subsection shall not be void, nor shall the accumulation of the income be contrary to the said section 5, solely by reason of the fact that the period begins during the life of the grantor and ends after his death.

(2) The restrictions imposed by the said section 5 shall apply in relation to a power to accumulate income whether or not there is a duty to exercise that power, and they shall apply whether or not the power to accumulate extends to income produced by the investment of income previously accumulated.

(3) This section shall apply only in relation to instruments taking effect after the passing of this Act, and in the case of an instrument made in the exercise of a special power of appointment shall apply only where the instrument creating the power takes effect after the passing of this Act.

Admissibility in evidence of certain records in civil proceedings.

7.—(1) In any civil proceedings where direct oral evidence of a fact would be admissible, any statement contained in a document and tending to establish that fact shall, on the production of the document, be admissible as evidence of that fact if—

(a) the document is, or forms part of, a record compiled in the performance of a duty to record information supplied (whether directly or indirectly) by persons who have, or may reasonably be supposed to have, personal knowledge of the matters dealt with in the information they supply; and

- (b) the person who supplied the information recorded in the document in question is dead, or beyond the seas, or unfit by reason of his bodily or mental condition to attend as a witness, or cannot with reasonable diligence be identified or found, or cannot reasonably be expected (having regard to the time which has elapsed since he supplied the information and to all the circumstances) to have any recollection of the matters dealt with in the information he supplied.

(2) For the purpose of deciding whether or not a statement is admissible as evidence by virtue of this section, the court may draw any reasonable inference from the form or content of the document in which the statement is contained, and may, in deciding whether or not a person is fit to attend as a witness, act on a certificate purporting to be a certificate of a fully registered medical practitioner.

(3) In estimating the weight, if any, to be attached to a statement admissible as evidence by virtue of this section regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement, and, in particular, to the question whether or not the person who supplied the information recorded in the statement did so contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not that person, or any person concerned with making or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts.

(4) In this section "statement" includes any representation of fact, whether made in words or otherwise, "document" includes any device by means of which information is recorded or stored, and "proceedings" includes arbitrations and references, and "court" shall be construed accordingly.

(5) Nothing in this section shall prejudice the admissibility of any evidence which would apart from the provisions of this section be admissible.

- 8.—(1) The provisions of this section shall apply to the following orders made by the Court of Session, that is to say—
- (a) an award of aliment,
- (b) an order for an annual or periodical allowance made under section 2 of the Divorce (Scotland) Act 1938, whether under that section as originally enacted or as amended by any subsequent enactment including this Act,
- (c) an order for a periodical allowance made under subsection (2) or (3) of section 26 of the Succession (Scotland) Act 1964.

Variation and recall by the sheriff of certain orders made by the Court of Session in respect of maintenance, custody etc., and amendment of s. 2 of the Divorce (Scotland) Act 1938. 1938 c. 50.

1964 c. 41.

1861 c. 86. (d) an order made by virtue of section 9 of the Conjugal Rights (Scotland) (Amendment) Act 1861 or under
1958 c. 40. Part II of the Matrimonial Proceedings (Children) Act 1958, and

(e) an order varying any such order as aforesaid.

(2) Where any person has a right to make application for the variation or recall of any order made in a consistorial action to which the provisions of this section apply, he may make an application in that behalf to the sheriff, and, subject to the provisions of the next following subsection, the sheriff shall have the like powers in relation to the application as the Court of Session.

(3) Where in any application under this section any other party to the action, not later than the first calling of the application in court, requests that it be remitted to the Court of Session, the sheriff shall so remit, and the Court of Session shall deal with it accordingly.

1937 c. 43. (4) Notwithstanding anything in Part I of the Public Records (Scotland) Act 1937 (transmission of court records to and from the Keeper of the Records of Scotland etc.), the powers of the Court of Session, conferred by sections 16 and 34 respectively
1933 c. 41. of the Administration of Justice (Scotland) Act 1933 to regulate its own procedure and that of the sheriff court, shall include power to provide for the transmission to and from the sheriff court of any process in the action to which an application under this section relates; and for the purposes of the said Act of 1937 and of this section any record of such an application shall be deemed to be a record of the Court of Session.

1938 c. 50. (5) In section 2(2) of the Divorce (Scotland) Act 1938, at the end there shall be inserted the following words “, and any order made under section 2(2) of this Act as originally enacted shall be deemed for the purposes of this subsection to have been made under the last foregoing subsection”.

(6) In this section—

“order” includes a provision in a final decree, but does not include an interim order,

“party” means any person having a right to make application for the variation or recall of the order in question, and

“sheriff” means the sheriff having jurisdiction over any party on whom the application has to be served, on any of the grounds mentioned in paragraph (a), (b) or (j) of section 6 of the Sheriff Courts (Scotland) Act 1907.

1907 c. 51.

9.—(1) In sections 63(1) and 67(4) of the Summary Jurisdiction (Scotland) Act 1954 (time limits in appeals under section 62 of that Act) for the words “ five days ” there shall be substituted the words “ ten days ” ; and without prejudice to any other power of relief which the High Court of Justiciary may have, where it appears to the Court on application made in accordance with the following provisions of this section, that the applicant has failed to comply with any of the requirements of the said sections 63(1) and 67(4), the Court may direct that such further period of time, as it may think proper, be afforded to the applicant to comply with any requirements of the aforesaid provisions.

Extension of certain time limits in appeals under Summary Jurisdiction (Scotland) Act 1954. 1954 c. 48.

(2) Any application for a direction under the last foregoing subsection shall be made in writing to the clerk of justiciary and shall state the grounds for the application, and, where that application relates to a failure to comply with the provisions of the said section 63(1), notification of the application shall be made by the appellant or his solicitor to the clerk of the court from which the appeal is to be taken, and the clerk shall thereupon transmit the complaint, documentary productions and any other proceedings in the cause to the clerk of justiciary.

(3) The High Court shall dispose of any application under this section in like manner as an application to review the decision of an inferior court on a grant of interim liberation, but shall have power—

(a) to dispense with a hearing ; and

(b) to make such enquiry in relation to the application as the Court may think fit ;

and when the Court has disposed of the application the clerk of justiciary shall inform the clerk of the court of the result.

(4) Section 76(1)(a) of the said Act of 1954 (power of the High Court of Justiciary to make rules by acts of adjournal) shall apply for the purpose of giving effect to the provisions of this section as it applies to give effect to any of the provisions of that Act.

10. Where any Act passed after the commencement of the Statutory Instruments Act 1946, whether before or after the commencement of this Act, confers power on the High Court of Justiciary to make provision in respect of any matter by act of adjournal, or on the Court of Session to make such provision by act of sederunt, any document by which that power is exercised shall, unless the Act conferring the power otherwise provides, be a statutory instrument, and the provisions of the said Act of 1946 shall apply to it as they apply to a statutory instrument made by a Minister of the Crown.

Acts of adjournal and acts of sederunt to be statutory instruments. 1946 c. 36.

**Interpretation,
repeals,
citation, and
extent.**

11.—(1) Any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by any other enactment including this Act.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column thereof.

(3) This Act may be cited as the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966, and shall extend to Scotland only.

SCHEDULE

Section 11.

ENACTMENTS REPEALED

PART I

REPEALS CONSEQUENTIAL ON SECTION 10

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 38	Companies Act 1948.	In section 365, in subsection (5), paragraph (b).
12, 13 & 14 Geo. 6. c. 63.	Legal Aid and Solicitors (Scotland) Act 1949.	Section 13(6).
12, 13 & 14 Geo. 6. c. 68.	Representation of the People Act 1949.	In section 173, in subsection (5), the words from "and be" to the end of the subsection.
12, 13 & 14 Geo. 6. c. 90.	Election Commissioners Act 1949.	Section 15(4).
14 Geo. 6. c. 27.	Arbitration Act 1950.	In section 38 as read with section 41(4) in subsection (3), the words "exercisable by statutory instrument" and the words from "and the" to the end of the subsection.
14 Geo. 6. c. 34.	Housing (Scotland) Act 1950.	Section 166(5).
14 Geo. 6. c. 37.	Maintenance Orders Act 1950.	Section 29.
14 & 15 Geo. 6. c. 65.	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	Section 11(3).
15 & 16 Geo. 6. and 1 Eliz. 2. c. 47.	Rating and Valuation (Scotland) Act 1952.	Section 6(2).
2 & 3 Eliz. 2. c. 48.	Summary Jurisdiction (Scotland) Act 1954.	Section 76(4).
7 & 8 Eliz. 2. c. 5.	Adoption Act 1958.	In section 56(1), the words "or the Court of Session", and subsection (2).
7 & 8 Eliz. 2. c. 24.	Building (Scotland) Act 1959.	Section 16(6).
7 & 8 Eliz. 2. c. 51.	Licensing (Scotland) Act 1959.	Section 29(3).
8 & 9 Eliz. 2. c. 62.	Caravan Sites and Control of Development Act 1960.	Section 32(4).
10 & 11 Eliz. 2. c. 21.	Commonwealth Immigrants Act 1962.	In section 8, in subsection (6), from "; and any" to the end of the subsection.

CH. 19 *Law Reform (Miscellaneous Provisions)*
(Scotland) Act 1966

Session and Chapter	Short Title	Extent of Repeal
1963 c. 2.	Betting, Gaming and Lotteries Act 1963.	In section 55, in subsection (4), the words from the beginning to "instrument, and" and the words "of such a power or".
1964 c. 41.	Succession (Scotland) Act 1964.	Section 22(3).

PART II
OTHER REPEALS

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 39.	The Wages Arrestment (Scotland) Act 1845.	The whole Act.



Ministry of Social Security Act 1966

1966 CHAPTER 20

An Act to provide for the appointment of a Minister of Social Security and the transfer to him of the functions of the Minister of Pensions and National Insurance and of certain functions of the National Assistance Board; to replace Part II of the National Assistance Act 1948 by provisions giving rights to non-contributory benefit; and for purposes connected with those matters.

[3rd August 1966]

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

PART I

THE MINISTER OF SOCIAL SECURITY AND THE COMMISSION

1.—(1) It shall be lawful for Her Majesty to appoint a Minister of Social Security having the functions provided for by the following provisions of this Act. The Minister of Social Security.

(2) Schedule 1 to the Ministers of the Crown Act 1964 (provisions as to new Ministers and their Departments) shall apply (except as provided in subsection (4) of this section) to the Minister of Social Security, and references in that Schedule to the Minister and the Ministry shall be construed accordingly. 1964 c. 98.

(3) The offices of Minister of Social Security and of Parliamentary Secretary to the Ministry of Social Security shall be included—

(a) among the Ministerial offices referred to in section 2 of the House of Commons Disqualification Act 1957 c. 20.

PART I

1957 (maximum number of Ministers in the House of Commons); and

(b) among the offices in respect of which salaries are payable, at the annual rates of £8,500 and £3,750 respectively, under section 1 of the Ministerial Salaries Consolidation Act 1965.

1965 c. 58.

1964 c. 98.

(4) So much of Schedule 1 to the Ministers of the Crown Act 1964 as provides for the defraying of expenses out of moneys provided by Parliament shall not apply to such expenses incurred by the Minister of Social Security in the exercise of functions transferred to him by this Act as are by virtue of any enactment to be defrayed in some other manner.

Dissolution of Ministry of Pensions and National Insurance and of National Assistance Board and transfer of functions to Minister.

2.—(1) The Ministry of Pensions and National Insurance is hereby dissolved and the National Assistance Board shall cease to exist on such date as the Minister of Social Security may by order appoint; and there are hereby transferred to the Minister of Social Security—

(a) as from the commencement of this Act, the functions of the Minister of Pensions and National Insurance;

(b) as from the date appointed under this section, the functions of the National Assistance Board, except in so far as they are exercisable under the following provisions of this Act by the Commission appointed under section 3 of this Act.

(2) With the functions transferred under subsection (1) of this section there are hereby also transferred as from the dates mentioned in paragraphs (a) and (b) of that subsection respectively all rights and liabilities to which the Minister of Pensions and National Insurance or the National Assistance Board were entitled or subject immediately before those dates.

(3) Any enactment, whenever passed, and any instrument, whenever executed, made or given, shall have effect, except in relation to anything done before the commencement of this Act, as if for any reference to the Minister of Pensions and National Insurance there were substituted a reference to the Minister of Social Security; and any instrument, whenever executed, made or given, shall have effect, except in relation to anything done before the date appointed under this section, as if for any reference to the National Assistance Board there were substituted a reference to the Minister of Social Security or to the Commission, as the case may require.

The Supplementary Benefits Commission.

3.—(1) There shall be established, in accordance with Schedule 1 to this Act, a Commission, to be known as the Supplementary Benefits Commission, which shall exercise the

functions conferred on them by this Act in such manner as shall best promote the welfare of persons affected by the exercise thereof.

PART I

(2) The Minister shall make arrangements for securing that such of his officers and servants as may from time to time be requisite for the exercise of the Commission's functions are available to act as officers and servants of the Commission, and may make arrangements with any other Government department or with a local authority for the discharge of those functions by officers and servants of the department or authority.

(3) Any expenses incurred by the Commission with the approval of the Minister shall be deemed to be expenses incurred by the Minister.

PART II

NON-CONTRIBUTORY BENEFIT

Right to and amount of benefit

4.—(1) Every person in Great Britain of or over the age of sixteen whose resources are insufficient to meet his requirements shall be entitled, subject to the provisions of this Act, to benefit as follows, that is to say,—

Right to benefit.

- (a) if he has attained pensionable age, to a supplementary pension,
- (b) if he has not attained pensionable age, to a supplementary allowance,

and, in a case falling within section 6 or 7 of this Act, to such benefit as is mentioned therein.

(2) Where, under the following provisions of this Act, the requirements and resources of any person fall to be aggregated with and to be treated as those of another person that other person only shall be entitled to benefit.

5.—(1) The question whether any person is entitled to benefit and the amount of any benefit shall, subject to the provisions of this Act as to appeals, be determined by the Commission and shall be so determined in accordance with the provisions of Schedule 2 to this Act and the other provisions of this Part of this Act and any regulations made by the Minister with the consent of the Treasury.

Determination of right to and amount of benefit.

(2) Regulations under this section may vary the provisions of Part II of the said Schedule 2, but not so as to reduce any amount specified therein.

6.—(1) The requirements to be taken into account for the purposes of this Act include any requirement for—

Medical requirements etc.

- (a) appliances or services in respect of which charges are for the time being authorised by or under the National

PART II
1951 c. 31.
1952 c. 25.

Health Service Act 1951 or the National Health Service Act 1952 ; or

(b) dental services in respect of which charges would be so authorised if the services were provided under the National Health Service Acts 1946 to 1966 or the National Health Service (Scotland) Acts 1947 to 1966 ; but do not include any other medical, surgical, optical, aural or dental requirements.

(2) Benefit to meet the requirements mentioned in this section shall be such payment or payments to or on behalf of the person receiving the appliances or services as may be appropriate.

Exceptional requirements.

7. Where it appears to the Commission reasonable in all the circumstances they may determine that benefit shall be paid to a person by way of a single payment to meet an exceptional need.

Exclusion of persons in full-time employment.

8.—(1) A person shall not be entitled to benefit for any period during which he is engaged in remunerative full-time work, except in a case where this subsection does not apply.

(2) The Minister may by regulations provide for postponing the application of subsection (1) of this section in the case of persons becoming engaged in remunerative full-time work until such period from the beginning of the engagement as may be specified in the regulations.

(3) Subsection (1) of this section does not apply in the case of work otherwise than under a contract of service where the earning power of the person engaged in the work is, by reason of a disability, substantially reduced in comparison with that of other persons similarly occupied.

(4) Subsection (1) of this section does not apply in the case of benefit under section 6 of this Act.

Exclusion of persons completing secondary education.

9.—(1) A person attending a school or receiving full-time instruction of a kind given in schools shall not be entitled to benefit (without prejudice to the amount of any benefit which a person providing for his requirements may be entitled to) but where it appears to the Commission that there are exceptional circumstances justifying it they may award benefit to a person who would be entitled thereto but for this section.

(2) The Minister may by regulations specify the circumstances in which a person is or is not to be treated for the purposes of this section as attending a school or receiving full-time instruction of a kind given in schools.

10.—(1) Subject to subsection (2) of this section, where by reason of a stoppage of work due to a trade dispute at his place of employment a person is without employment for any period during which the stoppage continues and he has not during that stoppage become bona fide employed elsewhere in the occupation which he usually follows or become regularly engaged in some other occupation, his requirements for that period shall be disregarded for the purposes of benefit except so far as they include the requirement to provide for any other person.

PART II
Persons affected by trade disputes.

(2) Subsection (1) of this section does not apply in the case of a person who proves—

- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work ; and
- (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.

11. The Commission may determine that the right of any person to a supplementary allowance shall be subject to the condition that he is registered for employment in such manner as the Minister may by regulations prescribe.

Power to require registration for employment.

12.—(1) Where it appears to the Commission that a person claiming or in receipt of a supplementary allowance who is not in receipt of unemployment benefit under the National Insurance Act 1965 refuses or neglects to maintain himself or any person whom for the purposes of this Act he is liable to maintain, the Commission may make a report to the Appeal Tribunal, and the Tribunal, after giving him an opportunity of being heard, may direct that during such period as may be specified in the direction he shall be subject to the following provisions of this section.

Modification of right to supplementary allowance in special cases.
1965 c. 51.

(2) The Commission may determine that his right to a supplementary allowance for the whole or part of the said period shall be subject to the condition that he attends such course of instruction or training approved by the Minister for the purpose of this section as the Commission may specify and that he shall comply with the rules there in force.

(3) The Commission may determine that instead of being entitled to a supplementary allowance for the whole or part of the said period he shall be entitled to be maintained in a re-establishment centre or in accordance with arrangements under subsection (4) of this section and to such payments (if any) for meeting his personal requirements or the requirements of any dependant of his as they think fit.

PART II

(4) The Commission may on behalf of the Minister enter into arrangements with another Government department or with a voluntary organisation for the maintenance of persons in whose case directions under subsection (1) of this section are in force in a centre provided by the department or organisation for purposes similar to the purposes of a re-establishment centre.

(5) Where a person in whose case a direction under subsection (1) of this section is in force represents to the Appeal Tribunal that there has been a change of circumstances and that by reason thereof the direction ought to be revoked, the Tribunal, after giving the Commission an opportunity of being heard, may if they think fit revoke the direction.

Overriding
discretion
in cases of
urgency.

13.—(1) Nothing in sections 8 to 10 of this Act nor any determination under section 12 thereof shall prevent the payment of benefit in an urgent case, and in determining whether any benefit is payable by virtue of this section and the amount or nature of the benefit the Commission shall not be bound by anything in Schedule 2 to this Act or in any regulations made under this Act which appears to them inappropriate in the circumstances of the case.

(2) Where by virtue only of this section any sums are paid to a person engaged in remunerative full-time work the Commission may determine that the whole or part thereof shall be recoverable from him by the Minister, if they are satisfied that the circumstances are such that the recovery would be equitable.

Benefit in
kind.

14.—(1) Where it appears to the Commission that by reason of exceptional circumstances the requirements of any person can best be met by the provision of goods or services instead of the whole or part of any payment to which he would otherwise be entitled under this Act they may determine that goods or services shall be so provided under arrangements made by them on behalf of the Minister.

(2) In making a determination under this section to meet sudden and urgent need the Commission may dispense with inquiry into resources or other circumstances and with compliance with any regulations made under this Act.

(3) In relation to any goods or services provided in pursuance of this section references in this Act to the amount of benefit shall be taken to refer to the value of the goods or services.

Supplementary provisions

Payment
of benefit.

15. Any sums payable under this Act by way of benefit shall be paid by the Minister out of moneys provided by Parliament.

16.—(1) Where, in determining the amount of any benefit, the requirements of any person have been taken into account for a period for which he is entitled to payments in respect of—

PART II
Prevention of
duplication of
payments.

- (a) unemployment, sickness, maternity or widow's benefit, guardian's allowance, child's special allowance, or retirement pension under the National Insurance Acts 1965 and 1966 ;
- (b) benefit under the National Insurance (Industrial Injuries) Acts 1965 and 1966 ;
- (c) allowances under the Family Allowances Act 1965 ; 1965 c. 53.
- (d) allowances under the Workmen's Compensation (Supplementation) Act 1951 ; or 1951 c. 22.
- (e) benefit under the Industrial Diseases (Benefit) Acts 1951 and 1954 ;

the payments may, at the discretion of the authority administering the said benefit, pension or allowances, be abated by the amount by which the amounts paid under this Act exceed what the Commission determine they would have been had the said payments been made before the amount of the benefit was determined.

(2) Where, in determining the amount of any benefit, the requirements of any person have been taken into account for the whole or part of a period in respect of which rate rebate under section 5 of the Rating Act 1966 might be afforded to him and, before the whole or part of it has been afforded, the rating authority are notified by the Commission of the amount by which the amounts paid under this Act exceed what the Commission have determined they would have been had the rebate been afforded before the amount of the benefit was determined, the amount of the rebate to be afforded shall be reduced by the amount so notified. 1966 c. 9.

(3) Such payments by way of adjustment as may be requisite shall be made into the Exchequer out of any fund the liabilities of which are reduced by virtue of subsection (1) of this section.

17.—(1) The Minister may by regulations make provision for carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of this subsection,—

Administra-
tion of
benefit.

- (a) for requiring claims to benefit to be made in such manner as may be specified in the regulations ;
- (b) for requiring claims to a supplementary pension or supplementary allowance to be made (subject to any exceptions allowed by or under the regulations) not later than the beginning of the first period for which

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PART II

it is payable and claims to any other benefit within such time as may be specified in the regulations ;

- (c) for prescribing the evidence which is to be provided in support of claims to benefit ;
- (d) for requiring or enabling the Commission to review any determination with respect to benefit (whether made by the Commission or by the Appeal Tribunal) in such circumstances as may be specified in the regulations ; and
- (e) for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within such period as may be specified in the regulations from the time at which the sum is receivable in accordance with the regulations.

(2) In so far as regulations under this section provide for the payment of benefit through the Post Office the regulations shall be made jointly by the Minister and the Postmaster General.

(3) Where it appears to the Commission that it is necessary for protecting the interests of a claimant or of his dependants that the whole or part of the benefit should be issued to some other person, or where the claimant so requests, they may determine that it shall be so issued.

(4) The Commission may, if they think fit, defray travelling expenses incurred in connection with claims to benefit.

Appeals.

18.—(1) A person claiming or in receipt of benefit may appeal to the Appeal Tribunal against any determination of the Commission, or a refusal by the Commission to review a determination, with respect to any of the following matters:—

- (a) the right to or amount of any benefit ;
- (b) the issuing of benefit to a person other than the claimant ;
- (c) the imposition of a condition under section 11 or 12(2) of this Act ;
- (d) the provision of goods or services instead of the whole or part of any payment ;
- (e) the recovery of the whole or part of any sums paid by virtue of section 13 of this Act ;
- (f) the amount of any excess mentioned in section 16 of this Act.

(2) Where on an appeal under this section any question arises whether a person's own requirements are to be disregarded by virtue of section 10 of this Act, that question shall be referred

by the Appeal Tribunal for determination by a local tribunal established under the National Insurance Act 1965 in like manner as a reference under section 68(3)(c) of that Act, and the provisions of that Act with respect to such references shall have effect accordingly with respect to any question so referred. PART II
1965 c. 51.

(3) On an appeal under this section the Appeal Tribunal may confirm the determination appealed against (or, if the appeal is against a refusal to review a determination, confirm the refusal) or substitute therefor any determination which the Commission could have made, and any determination of the Tribunal shall be conclusive for all purposes.

19. Stamp duty shall not be chargeable upon a draft or order for the payment of a sum on account of benefit, or upon a receipt given for any such sum. Exemption
from stamp
duty.

20. Every assignment of, or charge on, benefit, and every agreement to assign or charge benefit, shall be void; and on the bankruptcy or, in Scotland, on the sequestration of the estate, of a person entitled to benefit the benefit shall not pass to any trustee or other person acting on behalf of his creditors. Benefit to be
inalienable.

21. No pension under the Old Age Pensions Act 1936 shall be paid to any person for any period falling after the commencement of this Act. Dis-
continuance
of old age
pensions.
1936 c. 31.

PART III

RECOVERY OF EXPENSES

22.—(1) For the purposes of this Act—

(a) a man shall be liable to maintain his wife and his children, and

(b) a woman shall be liable to maintain her husband and her children;

Liability to
maintain.

and in this subsection the reference to a man's children includes a reference to children of whom he has been adjudged to be the putative father and the reference to a woman's children a reference to her illegitimate children.

(2) In the application of this section to Scotland, for the reference to children to whom a man has been adjudged to be the putative father there shall be substituted a reference to children his paternity of whom has been admitted or otherwise established.

PART III
Recovery
of cost of
benefit from
persons
liable for
maintenance.

23.—(1) The following provisions of this section shall apply where benefit is paid or claimed to meet requirements which are or include those of a person (in this section referred to as “the dependant”) whom another person is for the purposes of this Act liable to maintain, except where the dependant is an illegitimate child and the other person his father.

(2) The Commission may make a complaint against that other person to a magistrates’ court and on such a complaint the court shall have regard to all the circumstances and, in particular, to the other person’s resources and may order him to pay such sum, weekly or otherwise, as the court may consider appropriate.

(3) In determining whether to order any payments to be made in respect of benefit for any period before the complaint was made or the amount of any such payments the court shall disregard any excess of that other person’s resources over what they were during that period.

(4) Any payments ordered to be made under this section shall be made—

- (a) to the Minister in so far as they are attributable to any benefit (whether paid before or after the making of the order) ;
- (b) to the person claiming benefit or (if different) the dependant ; or
- (c) to such other person as appears to the court expedient in the interests of the dependant ;

and where the payments are ordered to be made to the Minister the Commission shall be a party to any proceedings with respect to the enforcement, revocation or variation of the order to which, but for this provision, the Minister would be a party.

1952 c. 55.

(5) An order under this section shall be enforceable as an affiliation order, and any proceedings for such an order (but not proceedings for the enforcement, revocation or variation of such an order) shall be included among the proceedings which are domestic proceedings within the meaning of the Magistrates’ Courts Act 1952 ; and section 56 of that Act (which defines “domestic proceedings”) shall have effect accordingly.

1950 c. 37.

(6) The Maintenance Orders Act 1950 shall have effect as if an order under this section were included among the orders referred to in subsections (1) and (2) of section 4 and subsections (1) and (2) of section 9 and were a maintenance order within the meaning of Part II of that Act, that is to say, an order to which section 16 thereof applies ; and the Maintenance Orders Act 1958 shall have effect as if such an order were included in the definition of “maintenance order” in section 21 of that Act.

1958 c. 39.

(7) This section shall apply to Scotland subject to the following modifications—

- (a) in subsection (1) the words from “except” to the end shall be omitted;
- (b) for the reference to a complaint there shall be substituted a reference to an application;
- (c) for any reference to a magistrates’ court there shall be substituted a reference to the sheriff; and
- (d) subsection (5), and, in subsection (6), the words from “and the Maintenance Orders Act 1958” to the end, shall be omitted.

24.—(1) The following provisions of this section shall apply where benefit is paid to meet requirements which include those of an illegitimate child.

(2) If no affiliation order is in force the Commission may within three years from the time when any payment by way of benefit was made make application to a justice of the peace acting for the petty sessions area in which the mother of the child resides for a summons to be served under section 1 of the Affiliation Proceedings Act 1957.

1957 c. 55.

(3) In any proceedings on an application under the preceding subsection the court shall hear such evidence as the Commission may produce, in addition to the evidence required to be heard by section 4 of the said Act of 1957, and shall in all other respects, subject to the provisions of subsection (4) of this section, proceed as on an application made by the mother under the said section 1.

(4) An affiliation order made on an application under subsection (2) of this section may be made so as to provide that the payments, or a part of the payments, to be made thereunder shall, in lieu of being made to the mother or a person having the custody of the child, be made to the Minister or to such other person as the court may direct; and where the order provides for the payments to be made to the Minister the Commission shall be a party to any proceedings with respect to the enforcement, revocation or variation of the order to which, but for this provision, the Minister would be a party.

(5) On an application by the Commission in any proceedings under the said section 1 brought by the mother of the child an affiliation order may be made so as to provide as mentioned in subsection (4) of this section.

(6) Any affiliation order, whether made before or after the commencement of this Act, may on the application of the Commission be varied so as to provide as mentioned in subsection (4) of this section and any affiliation order which provides as mentioned in that subsection may on the application of the mother

PART III

of the child be varied so as to provide that the payments thereunder shall be made to the mother or a person having the custody of the child.

(7) An application by the Commission under the preceding subsection may be made notwithstanding that the mother has died and no person has been appointed to have the custody of the child ; and may, where the child is not in her care and she is not contributing to his maintenance, be made without making her a party to the proceedings.

1952 c. 55.

(8) Proceedings on an application under subsection (2) of this section shall be included among the proceedings which are domestic proceedings within the meaning of the Magistrates' Courts Act 1952 ; and section 56 of that Act (which defines "domestic proceedings") shall have effect accordingly.

1950 c. 37.

(9) The Maintenance Orders Act 1950 shall have effect as if this section were included in the enactments referred to in section 3(1) of that Act and as if an order made on an application under subsection (2) of this section were a maintenance order within the meaning of Part II of that Act, that is to say, an order to which section 16 thereof applies ; and the Maintenance Orders Act 1958 shall have effect as if such an order were included in the definition of "maintenance order" in section 21 of that Act.

1958 c. 39.

(10) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (2) to (9)—

(a) the Commission shall have the like right as the mother to raise an action of affiliation and aliment concluding for payment of aliment for the child ;

(b) where in any action of affiliation and aliment in respect of the child, whether at the instance of the Commission under the foregoing paragraph or at the instance of the mother, the sheriff grants or has granted decree against any person for payment of aliment for the child, the sheriff may at the time of granting the decree or at any subsequent time on the application of the Commission, order that the sums due under the decree or any part thereof shall, in lieu of being paid to the mother of the child, be paid to the Minister or to such other person as the sheriff may direct ;

(c) the Commission, if such an order is made in favour of the Minister or, if it is made in favour of another person, that person, shall have the like right to enforce the decree (so far as relating to the said sums) by diligence, including the right to take proceedings under the Civil Imprisonment (Scotland) Act 1882, as if the decree were a decree in favour of the Commission or other person ;

1882 c. 42.

- (d) the Maintenance Orders Act 1950 shall have effect as if this subsection were included in the enactments referred to in section 8(1) of that Act, and as if an order made on an application under paragraph (b) of this subsection were a maintenance order within the meaning of Part II of that Act, that is to say, an order to which section 16 thereof applies. PART III
1950 c. 37.

25.—(1) Any order made (whether before or after the commencement of this Act) under section 43 of the National Assistance Act 1948 shall be enforceable as an affiliation order, and accordingly section 56(1) of that Act (recovery as civil debt) shall not apply to any sum due under such an order. Orders under section 43 of National Assistance Act 1948.
1948 c. 29.

(2) Any proceedings for such an order (but not proceedings for the enforcement, revocation or variation of such an order) shall be included among the proceedings which are domestic proceedings within the meaning of the Magistrates' Courts Act 1952; and section 56 of that Act (which defines "domestic proceedings") shall have effect accordingly. 1952 c. 55.

(3) This section does not extend to Scotland.

26.—(1) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure— Recovery in cases of misrepresentation or non-disclosure.

- (a) the Minister incurs any expenditure under this Act, or
(b) any sum recoverable under this Act by or on behalf of the Minister is not recovered,

the Minister shall be entitled to recover the amount thereof from that person.

(2) If, whether in connection with any legal proceedings or otherwise, any question arises whether any or what amount paid by way of benefit is recoverable by the Minister under this section the question shall be referred to the Appeal Tribunal and the decision of the Tribunal shall be conclusive for all purposes.

(3) A certificate signed by the clerk of the Appeal Tribunal setting forth the decision of the Tribunal upon a question referred to it under this section shall be conclusive evidence of that decision in any legal proceedings; and any certificate purporting to be signed by the clerk of the Appeal Tribunal shall be deemed to be so signed unless the contrary is proved.

(4) Where any amount paid by way of benefit is recoverable under this section it may, without prejudice to any other method of recovery, be recovered by deduction from any benefit under the National Insurance Acts 1965 and 1966 or the National Insurance (Industrial Injuries) Acts 1965 and 1966; and where any such amount is so recovered the requisite payments by way

PART III of adjustment shall be made into the Exchequer out of the National Insurance Fund or, as the case may be, the Industrial Injuries Fund.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Local advisory committees and Appeal Tribunal

Local
advisory
committees.

27.—(1) The Minister may by regulations provide for the reference to local committees for consideration and advice of questions bearing upon the administration of this Act, the National Insurance Acts 1965 and 1966 or the National Insurance (Industrial Injuries) Acts 1965 and 1966 and for the payment by the Minister to the members of any such committee, and to persons attending at the request of such a committee, of such expenses and travelling and other allowances (including compensation for loss of remunerative time) as the Minister with the consent of the Treasury may determine.

1965 c. 51.

(2) The persons from among whom members of such committees are selected shall include persons representing employers, persons representing employees and persons having local knowledge and experience in matters affecting the functions of the Commission, and the persons selected as members of any such committee may include persons put forward by organisations concerned with the interests of employers or insured persons (within the meaning of the National Insurance Act 1965) including friendly societies or organisations representative of friendly societies.

(3) Such payments by way of adjustment shall be made into the Exchequer out of the National Insurance Fund and the Industrial Injuries Fund as may be requisite to take account of expenses incurred under this section in connection with questions bearing upon the administration of the said Acts of 1965 and 1966.

The Appeal
Tribunal.
1948 c. 29.

28. The Appeal Tribunal for the purposes of this Act and of the National Assistance Act 1948 shall be such of the tribunals constituted in accordance with Schedule 3 to this Act (which re-enacts the provisions of Schedule 5 to that Act with modifications consequent on the exercise by the Minister and the Commission of functions formerly exercisable by the Minister of Pensions and National Insurance and the National Assistance Board) as under that Schedule has jurisdiction in the case in question.

Offences and legal proceedings

PART IV

29. If any person—

False
statements.

- (a) for the purpose of obtaining benefit or any other payment under this Act for himself or for another person ;
or
(b) for the purpose of avoiding or reducing any liability under this Act ;

makes any statement or representation which he knows to be false, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both.

30.—(1) Where a person persistently refuses or neglects to maintain himself or any person whom for the purposes of this Act he is liable to maintain, and in consequence of his refusal or neglect—

Failure to
maintain.

- (a) benefit is awarded to meet requirements which are or include his or those of such a person ; or
(b) free board and lodging are provided for him or such a person in a reception centre ;

he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both.

(2) For the purposes of this section a person shall not be deemed to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.

31. If a person with intent to deceive falsely represents himself to be a person authorised by the Minister or the Commission to act in any capacity (whether under this Act or otherwise) he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Impersonation
of officers.

32.—(1) Any person who—

- (a) as a pledge or a security for a debt, or
(b) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,

Illegal
possession of
documents
relating to
benefit etc.

receives, detains or has in his possession any document issued by or on behalf of the Minister in connection with any benefit, pension or allowance, whether payable under this Act or otherwise, shall be guilty of an offence.

(2) Any person who has such a document in his possession without lawful authority or excuse (the proof whereof shall lie on him) shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term

PART IV not exceeding three months or to a fine not exceeding one hundred pounds or to both.

Legal proceedings.

33.—(1) Any person authorised by the Minister in that behalf may conduct any proceedings under this Act before a magistrates' court although not a barrister or solicitor.

(2) Without prejudice to any other method of recovery, any sum due under this Act to the Minister, other than a sum due under an order enforceable as an affiliation order, shall be recoverable summarily as a civil debt.

(3) Notwithstanding anything in any Act—

- (a) proceedings under this Act for the recovery of a sum recoverable summarily as a civil debt may be begun at any time within three years after the sum became due ;
- (b) proceedings for an offence under this Act may be begun at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires.

(4) For the purposes of subsection (3) of this section, a certificate purporting to be signed by or on behalf of the Minister as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to his knowledge shall be conclusive evidence thereof.

(5) Subsections (1) to (4) of this section shall not apply to Scotland, but proceedings in Scotland for an offence under this Act may, notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the appropriate authority to justify proceedings comes to his knowledge, or within the period of twelve months from the commission of the offence, whichever period last expires ; and for the purposes of this subsection—

1954 c. 48.

- (a) " the appropriate authority " means the Minister or, in the case of proceedings which are not preceded by a report of the facts made by the Minister to the Lord Advocate, means the Lord Advocate ;
- (b) a certificate of the appropriate authority as to the date on which such evidence as is mentioned above comes to his knowledge shall be conclusive evidence ; and
- (c) subsection (2) of the said section 23 (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.

(6) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused, but shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or to him by the accused during the marriage.

PART IV

Re-establishment centres and reception centres

34.—(1) The Commission shall, on behalf of the Minister and subject to his directions, exercise the functions exercisable at the commencement of this Act by the National Assistance Board in relation to re-establishment centres and reception centres, other than the function to make regulations.

Re-establishment centres and reception centres.

(2) In accordance with the preceding subsection and section 2 of this Act, sections 16 to 20 of the National Assistance Act 1948 shall be replaced by the provisions set out in Schedule 4 to this Act.

1948 c. 29.

(3) Persons for whom temporary board and lodging are provided in a centre maintained under Schedule 4 to this Act shall, if the Commission in the exercise of their functions under that Schedule so require, pay therefor at such rates as the Commission may determine.

Supplemental

35.—(1) Any power conferred by this Act to make an order includes power to revoke or vary such an order by a subsequent order.

Orders, rules and regulations.

(2) Any power conferred by this Act to make an order, rules or regulations shall be exercisable by statutory instrument.

(3) Regulations made by virtue of section 5(2) of this Act shall have no effect unless a draft thereof has been laid before and approved by each House of Parliament.

(4) Any statutory instrument containing other regulations or any rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

36.—(1) In this Act—

Interpretation

“benefit”, except where the context otherwise requires, means benefit under this Act and includes any payments under section 12(3) of this Act ;

“blind” means so blind as to be unable to perform any work for which eyesight is essential ;

“child” means a person under the age of 16 ;

“the Commission” means the Supplementary Benefits Commission ;

PART IV

“enactment” includes an enactment of the Parliament of Northern Ireland ;

“the Minister” means the Minister of Social Security ;

“pensionable age” means, in the case of a man the age of 65, and in the case of a woman the age of 60 ;

“place of employment” has the same meaning as in section 22 of the National Insurance Act 1965 ;

1965 c. 51.

1944 c. 31.

1962 c. 47.

“school” has the same meaning as in the Education Act 1944 or, in Scotland, the Education (Scotland) Act 1962 ;

“trade dispute” has the same meaning as in section 22 of the National Insurance Act 1965 ;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(2) For the purposes of this Act a person shall be deemed, according to the law in England and Wales as well as according to the law in Scotland, not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(3) References in this Act to any enactment are references thereto as amended by or under any other enactment including, except where the context otherwise requires, this Act.

Adaptation of sections 182 and 183 of Merchant Shipping Act 1894.

1894 c. 60.

1948 c. 29.

37. Sections 182 and 183 of the Merchant Shipping Act 1894 (which, as adapted under section 62 of the National Assistance Act 1948, make provision with respect to the expenditure incurred in the maintenance or assistance of seamen's families) shall apply in relation to benefit as, before the commencement of this Act, they applied in relation to assistance under Part II of the said Act of 1948, and accordingly those sections shall have effect as set out in Schedule 5 to this Act.

Provisions as to Northern Ireland.

1950 c. 37.

38. If the Parliament of Northern Ireland enacts provisions for purposes similar to all or any of the purposes of this Act, then—

(a) if those provisions include a provision corresponding to section 23 of this Act, the Maintenance Orders Act 1950 shall have effect as if an order under that provision were included among the orders referred to in subsections (1) and (2) of section 12 and in section 16(2)(c) of that Act ;

(b) if those provisions include a provision corresponding to section 24 of this Act, the Maintenance Orders Act 1950 shall have effect as if that provision were included in the enactments referred to in section 11(1) of that

Act and as if an order made in pursuance of that provision were among those referred to in section 16(2)(c) of that Act; and

PART IV

- (c) those provisions may include provisions corresponding to those of section 37 of, Schedule 5 to and paragraphs 1 and 2 of Schedule 6 to this Act.

39.—(1) The enactments mentioned in Schedule 6 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the preceding provisions of this Act. Amendments, transitional provisions and repeals.

(2) This Act shall have effect subject to the provisions of Schedule 7 to this Act.

(3) The enactments mentioned in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

40.—(1) This Act may be cited as the Ministry of Social Security Act 1966. Short title, commencement and extent.

(2) The provisions of this Act shall come into operation as follows, that is to say,—

(a) this section and section 38 on the passing of this Act ;

(b) sections 1 to 3, Schedule 1, paragraphs 15 and 18 of Schedule 6 and so much of Schedule 8 as relates to Schedule 2 to the House of Commons Disqualification Act 1957, the Ministers of the Crown Act 1964 and the Ministerial Salaries Consolidation Act 1965 on 6th August 1966 ; and 1957 c. 20.
1964 c. 98.
1965 c. 58.

(c) the other provisions on such day as the Minister may by order appoint.

(3) Different days may be so appointed for different provisions ; and any reference in this Act to the commencement thereof shall be construed—

(a) where it occurs in a provision other than Schedule 7, as a reference to the coming into operation of that provision ;

(b) where it occurs in Schedule 7, as a reference to the coming into operation of the relevant provision of this Act.

(4) This section and the following provisions of this Act (and no others) extend to Northern Ireland, that is to say, Part I (including Schedule 1), sections 23(6), 24(9), 36 and 38 and so much of section 39 and Schedules 6 to 8 as relates to the Maintenance Orders Act 1950, the House of Commons Disqualification Act 1957, the Ministers of the Crown Act 1964 and the Ministerial Salaries Consolidation Act 1965. 1950 c. 37.

SCHEDULES

Section 3.

SCHEDULE 1

CONSTITUTION AND PROCEEDINGS OF SUPPLEMENTARY BENEFITS COMMISSION

1.—(1) The Commission shall be a body corporate having perpetual succession and a common seal and shall consist of a chairman, a deputy chairman and not more than six other members appointed by the Minister.

(2) At least two members of the Commission shall be women.

2. Every member of the Commission shall hold and vacate office in accordance with the terms of his appointment.

3. A person who has ceased to be a member of the Commission shall be eligible for reappointment.

4. The Commission may act notwithstanding any vacancy among their members.

5. The procedure and quorum of the Commission shall be such as the Commission may from time to time determine.

6. The Minister may out of moneys provided by Parliament pay to members of the Commission such remuneration as he may, with the approval of the Treasury, from time to time determine.

1957 c. 20.

7. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies the bodies of which the members are disqualified under that Act) both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, after the entry relating to the Sugar Board there shall be inserted the words "the Supplementary Benefits Commission".

8. Every document purporting to be an instrument issued by the Commission and to be sealed with the seal of the Commission or to be signed by a person authorised to act in that behalf shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

Section 5.

SCHEDULE 2

PROVISIONS FOR DETERMINING RIGHT TO AND AMOUNT OF BENEFIT

PART I

GENERAL

Amount of benefit and calculation of requirements and resources

1. Subject to the following provisions of this Part of this Schedule, the amount of any benefit to which a person is entitled shall be the amount by which his resources fall short of his requirements, and for the purpose of ascertaining that amount—

(a) the weekly requirements of any person shall be taken to be the aggregate of such of the amounts specified in Part II of this Schedule as are applicable to his case ; and

- (b) the resources of any person shall be calculated in accordance with Part III of this Schedule.

SCH. 2

Negligible amounts and fractions of a shilling

2.—(1) Where the weekly amount of any benefit would be less than two shillings the benefit shall not be payable.

(2) Where the weekly amount of any benefit exceeds two shillings but is not a multiple of one shilling, the amount by which it exceeds such a multiple shall, if it is sixpence or more, be treated as one shilling, and, if it is less, be disregarded.

(3) Where the person claiming or in receipt of benefit is entitled to such other payments as may be specified for the purposes of this paragraph by regulations made by the Minister, the preceding provisions of this paragraph shall, in such circumstances as may be specified in the regulations, have effect as if sub-paragraph (1) were omitted and for the references in sub-paragraph (2) to the amount of any benefit there were substituted references to the aggregate of that amount and of the amount of the payments so specified.

Aggregation of requirements and resources

3.—(1) Where a husband and wife are members of the same household their requirements and resources shall be aggregated and shall be treated as the husband's, and similarly, unless there are exceptional circumstances, as regards two persons cohabiting as man and wife.

(2) Where a person has to provide for the requirements of another person (not falling within the preceding sub-paragraph) who is a member of the same household, his requirements may be taken, and if that other person has not attained the age of sixteen shall be taken, to include the requirements of that other person, and in that case their resources also shall be aggregated.

Adjustment for exceptional circumstances

4.—(1) Where there are exceptional circumstances—

(a) benefit may be awarded at an amount exceeding that (if any) calculated in accordance with the preceding paragraphs ;

(b) a supplementary allowance may be reduced below the amount so calculated or may be withheld ;

as may be appropriate to take account of those circumstances.

(2) In determining whether to award benefit in accordance with sub-paragraph (1)(a) of this paragraph—

(a) regard shall be had to the provisions made by this Schedule for additional requirements ; and

(b) regard may be had to any resources which would otherwise fall to be disregarded under paragraphs 23 to 26 of this Schedule.

Adjustment to normal earnings

5.—(1) The following provisions of this paragraph—

(a) shall apply, unless there are exceptional circumstances, where a person's right to a supplementary allowance is subject to the condition of section 11 of this Act ;

SCH. 2

(b) may be applied where by reason only of temporary circumstances the imposition of that condition would be inappropriate.

(2) Where this paragraph applies, the weekly amount of any supplementary allowance payable to that person shall not, when added to the amounts mentioned in sub-paragraph (3) of this paragraph, exceed what would be his net weekly earnings if he were engaged in full-time work in his normal occupation.

(3) The said amounts are—

(a) the net weekly earnings of the said person from any part-time occupation (other than one which is or could be carried on by him when engaged as mentioned in the preceding sub-paragraph) and

(b) the weekly amount of any payment receivable by him (whether as of right or otherwise) only for any period during which he is not so engaged.

Benefit to meet exceptional need

6. In determining whether benefit shall be paid under section 7 of this Act and the amount of any such benefit regard may be had to any resources which would otherwise fall to be disregarded under Part III of this Schedule.

Net weekly earnings

7. For the purposes of this Schedule a person's net weekly earnings shall be calculated or estimated in such manner as the Minister may by regulations prescribe.

PART II

CALCULATION OF REQUIREMENTS

Application of paragraphs 9-13

8.—(1) Subject to sub-paragraph (2) of this paragraph, the amounts specified in paragraphs 9 to 13 of this Schedule are not applicable to persons falling within any of paragraphs 14 to 18 thereof.

(2) Where one only of the persons falling within paragraph 3(1) of this Schedule falls within paragraph 16 or 18 thereof, sub-paragraph (1) of this paragraph shall not exclude the application of the said amounts to the other, but the amount applicable to him under the said paragraph 9 or the said paragraph 10 shall be that specified in sub-paragraph (b) or as the case may be (b)(i) thereof.

Normal requirements

	£	s.	d.
9. Requirements of persons other than blind persons—			
(a) husband and wife or other persons falling within paragraph 3(1) of this Schedule	6	13	0
(b) person living alone or householder not falling within sub-paragraph (a) of this paragraph who is directly responsible for household necessities and rent (if any)	4	1	0
(c) any other person aged—			
(i) not less than 21 years	3	9	0
(ii) less than 21 but not less than 18 years ...	2	15	0

	£	s.	d.
(iii) less than 18 but not less than 16 years ...	2	7	0
(iv) less than 16 but not less than 11 years ...	1	15	0
(v) less than 11 but not less than 5 years ...	1	8	0
(vi) less than 5 years	1	3	6

Blind persons

10. Requirements of persons who are or include blind persons—

(a) husband and wife or other persons falling within paragraph 3(1) of this Schedule—			
(i) if one of them blind	7	17	6
(ii) if both of them blind	8	13	6
(b) any other blind person aged—			
(i) not less than 21 years	5	5	6
(ii) less than 21 but not less than 18 years	3	15	0
(iii) less than 18 but not less than 16 years	3	3	0
(iv) less than 16 but not less than 11 years	1	15	0
(v) less than 11 but not less than 5 years ...	1	8	0
(vi) less than 5 years	1	3	6

Persons in receipt of supplementary pension

11. Additional requirements of person eligible for supplementary pension	s.	d.
	9	0

Persons in receipt of supplementary allowance for 2 years or more

12. Additional requirements of person in receipt of supplementary allowance where—	s.	d.
(a) he has been in receipt thereof for a continuous period of not less than 2 years; and		
(b) his right to the allowance is not, and was not at any time during the last 2 years of that period, subject to the condition of section 11 of this Act	9	0

Rent

13.—(1) The amounts applicable under the preceding paragraphs shall be increased as follows—

- (a) where the person claiming or in receipt of benefit or a person whose requirements are aggregated with his under paragraph 3(1) of this Schedule is a householder, by the amount of the net rent payable, reduced where appropriate under sub-paragraph (2) of this paragraph, or such part of that amount as is reasonable in the circumstances ;
- (b) in any other case, except where the person in receipt of benefit is under the age of 18, by 10 shillings.

(2) Where a person other than one whose requirements are aggregated under paragraph 3 of this Schedule with the requirements of the householder resides, otherwise than as a sub-tenant, in the premises for which the rent is paid, then, unless the householder or a person whose requirements are aggregated with his under sub-paragraph (1) of that paragraph is blind, the amount mentioned in

SCH. 2 sub-paragraph (1)(a) of this paragraph may be reduced by an amount not exceeding such part of the net rent as is reasonably attributable to that other person.

(3) In this paragraph "net rent" means—

(a) the rent payable for one week, and

(b) so much of any outgoings borne by the householder as is attributable to one week, including, in particular, rates, a reasonable allowance towards any necessary expenditure on repairs or insurance, and such proportion as is for the time being attributable to interest of any sum payable in respect of a mortgage debt or heritable security charged on the house in which the householder resides, or on any interest therein ;

less any proceeds of sub-letting any part of the premises in respect of which the rent is paid or the outgoings are incurred.

Trade disputes

14.—(1) Requirements of persons falling within paragraph 3 of this Schedule, where one or more is, but not both or all are, disqualified.

The amount which, if the persons were not persons falling within paragraph 3 of this Schedule, would be applicable under paragraph 9(c) or 10(b) thereof to the person or persons not disqualified, increased as under paragraph 13 of this Schedule in the case of the amounts mentioned therein.

(2) In this paragraph "disqualified" means, in relation to any person, that his own requirements are to be disregarded by virtue of section 10 of this Act.

Persons in local authority homes

15. Requirements of persons for whom accommodation is provided under Part III of the National Assistance Act 1948.

The aggregate of such of the sums prescribed for the purposes of subsections (3) and (4) of section 22 of that Act (minimum rate of payment for accommodation and personal requirements) as are applicable to his case.

1948 c. 29.

Persons in hospital

16. Requirements of person residing as patient in any hospital.

Such amount, if any, as may be appropriate, having regard to all the circumstances.

Persons paying for board and lodging

17. Requirements of person paying inclusive charge for board and lodging.

Such amount as may be appropriate, not being less than the amount which would be applicable under paragraphs 9 to 12 of this Schedule.

Persons in legal custody

SCH. 2

18. Requirements of person in prison or otherwise detained in legal custody. Nil (except for any amount applicable by virtue of paragraph 3 of this Schedule).

PART III

CALCULATION OF RESOURCES

Disregard of capital value of dwelling

19. In taking into account the value to any person of an interest in the dwelling in which he resides, any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

Resources wholly disregarded

20. There shall be wholly disregarded—

- (a) any death grant under section 39 of the National Insurance 1965 c. 51. Act 1965 ;
- (b) any maternity grant under section 23 of that Act ;
- (c) any sums payable to any person as holder of the Victoria Cross or of the George Cross.

21. If the value of the capital resources taken into account would not exceed £300 they shall be wholly disregarded together with any income therefrom.

Calculation of income from capital resources

22. The capital resources taken into account, together with any income derived from them, shall be treated as equivalent to a weekly income of the following amounts, that is to say,—

- (a) so far as the value of the capital resources exceeds £300 but does not exceed £800, 1s. for each complete £25 ;
- (b) so far as their value exceeds £800, 2s. 6d. for each complete £25.

Earnings

23. The weekly earnings of any person shall be taken to be his net weekly earnings reduced—

- (a) if either he is the person claiming or in receipt of benefit and his right thereto is subject to the condition of section 11 of this Act or he is under the age of 16, by 20s. ;
- (b) in any other case by 40s. ;

and any amount by which those weekly earnings exceed a multiple of a shilling shall be disregarded.

SCH. 2 *Disregard of 40s. a week of certain payments*

24.—(1) There shall be disregarded 40s. a week of the income consisting of any one or more of the following, that is to say,—

- 1952 c. 10. (a) any retired pay or pension to which section 380(1) of the Income Tax Act 1952 applies, including any payment in respect of dependants' allowance attached thereto ;
- 1939 c. 82. (b) any disablement pension awarded under the Personal Injuries (Emergency Provisions) Act 1939, including any increase in such a pension in respect of dependants ;
- (c) any weekly payment by way of compensation under any enactment relating to workmen's compensation ;
- 1965 c. 52. (d) any disablement benefit under the National Insurance (Industrial Injuries) Act 1965 ;
- 1951 c. 22. (e) any payment under the Industrial Diseases (Benefit) Acts 1951 and 1954 or the Workmen's Compensation (Supplementation) Act 1951 ;
- (f) 7s. 6d. of any of the payments mentioned in sub-paragraph (2) of this paragraph ;
- (g) 5s. 6d. of any of the payments mentioned in sub-paragraph (3) of this paragraph ;
- (h) so much of any of the pensions and allowances mentioned in sub-paragraph (4) of this paragraph as exceeds the rate specified in Schedule 3 to the National Insurance Act 1965 for a widow's pension under that Act ;
- 1965 c. 51. (i) any payment or part of a payment analogous to those mentioned in this paragraph.

(2) The payments referred to in sub-paragraph (1)(f) of this paragraph are—

- (a) any increase of widow's allowance or widowed mother's allowance under column 3 or 4 of Schedule 3 to the National Insurance Act 1965 ;
- (b) any child's special allowance under column 2 or increase thereof under column 4 of Schedule 3 to the National Insurance Act 1965 ; and
- (c) any increase under head (i) or (ii) of paragraph 11(b) of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965 of an allowance payable under section 21(1) of that Act.

(3) The payments referred to in sub-paragraph (1)(g) of this paragraph are—

- (a) any increase of widow's allowance, widowed mother's allowance or child's special allowance under column 5 of Schedule 3 to the National Insurance Act 1965 ; and
- (b) any increase under head (iii) of paragraph 11(b) of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965 of an allowance payable under section 21(1) of that Act.

(4) The pensions and allowances referred to in sub-paragraph (1)(h) of this paragraph are— SCH. 2

- (a) a widow's pension under section 19(3) of the National Insurance (Industrial Injuries) Act 1965 payable by virtue of paragraphs (a) to (e) thereof ; and 1965 c. 52.
- (b) any widow's pension or allowance granted under powers conferred by or under the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Personal Injuries (Emergency Provisions) Act 1939 or the Polish Resettlement Act 1947, but not including any allowance in respect of children. 1916 c. 65.
1917 c. 51.
1939 c. 83.
1939 c. 82.
1947 c. 19.

Disregard of 20s. a week of other income

25.—(1) There shall be disregarded, subject to sub-paragraph (2) of this paragraph, 20s. a week of the income taken into account (including any sum taken into account under paragraph 22 of this Schedule) except so far as it consists of any earnings or of any of the following, that is to say—

- (a) any benefit under the National Insurance Acts 1965 and 1966 ;
- (b) industrial injury benefit under the National Insurance (Industrial Injuries) Acts 1965 and 1966 ;
- (c) allowances under the Family Allowances Act 1965 ; 1965 c. 53.
- (d) any payment for the maintenance of a person whose requirements are taken into account in ascertaining the amount of benefit, being a payment made under the order of a court or a payment made by a person who for the purposes of this Act is liable to maintain the first-mentioned person ;
- (e) any widow's pension under section 19 of the National Insurance (Industrial Injuries) Act 1965 and any of the pensions or allowances mentioned in paragraph 24(4)(b) of this Schedule ; 1965 c. 52.
- (f) any payment analogous to those mentioned in this paragraph.

(2) Where any amount is disregarded under paragraph 24 of this Schedule, then, if that amount equals 40s. a week no further amount shall be disregarded under this paragraph and, if it is less than 40s. a week, the amount disregarded under this paragraph shall not, together with that amount, exceed 40s. a week.

Further reduction of resources

26. Any resources not specified in the preceding provisions of this Schedule may be treated as reduced by such amount (if any) as may be reasonable in the circumstances of the case.

Resources deliberately abandoned

27. If a person has deprived himself of any resources for the purpose of securing benefit or increasing the amount thereof those resources may be taken into account as if they were still his.

Discretionary trusts

28. Any sum which is held on a discretionary trust for the benefit of a person may be treated as included in his resources.

SCH. 2 *Attribution of assets*

29.—(1) Subject to the preceding paragraph and to the following provision of this paragraph, a person shall be deemed for the purposes of this Schedule to own an asset if he is absolutely entitled in possession to the whole beneficial interest therein and not otherwise.

(2) Where two or more persons are beneficially entitled in possession to any asset they shall be treated for the purposes of this Schedule as if each of them were entitled in possession to the whole beneficial interest in an equal share in the asset unless it appears that their respective beneficial interests are not equal; and in that case they shall be treated as respectively entitled in possession to the whole beneficial interest in such shares as appears to be just.

(3) In the application of this paragraph to Scotland the words "in possession" shall be omitted wherever they occur.

Section 28.

SCHEDULE 3

CONSTITUTION AND PROCEEDINGS OF APPEAL TRIBUNALS

1. Each of the tribunals shall consist of a chairman and two other members.

2. Each tribunal shall have jurisdiction in respect of such district as may be assigned to them by the Minister.

3.—(1) The chairman and other members of every tribunal shall be appointed by the Minister, and of those other members one shall be so appointed from among persons appearing to the Minister to represent work-people.

(2) The Minister may appoint persons to act, in the event of absence or incapacity, in the place of members of a tribunal.

4. The Minister shall pay to the chairman or acting chairman of a tribunal such remuneration and to any member thereof such travelling and other allowances (including compensation for loss of remunerative time) as he may with the consent of the Treasury determine.

5. The Minister shall assign to each tribunal a clerk and such other officers and servants and shall pay to them such salaries or fees and such allowances as he may with the consent of the Treasury determine.

6.—(1) The Minister may make rules—

(a) as to the tenure of office of members of tribunals;

(b) as to the procedure of tribunals and the procedure in connection with the bringing of matters before a tribunal, and as to the time within which matters may be brought before tribunals;

(c) as to the payment by the Minister to persons attending proceedings before tribunals of travelling and other allowances (including compensation for loss of remunerative time);

(d) for authorising proceedings notwithstanding that the members of the tribunal are not all present ;

SCH. 3

and in any case where proceedings take place in accordance with rules made in accordance with sub-paragraph (d) of this paragraph, the tribunal shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman or acting chairman shall have a second or casting vote.

(2) The power under this paragraph to make rules as to procedure includes power to make provision as to the representation of one person in any proceedings by another person.

SCHEDULE 4

Section 34.

RE-ESTABLISHMENT CENTRES AND RECEPTION CENTRES

Re-establishment centres

1. For the re-establishment of persons in need thereof through lack of regular occupation or of instruction or training the Commission may provide centres, to be known as re-establishment centres, where (whether in consequence of a determination of the Commission under section 12 of this Act or otherwise) such persons may attend or may be maintained by the Commission, and in either case may be afforded by the Commission the occupation, instruction or training requisite to fit them for entry into or return to regular employment.

Reception centres

2.—(1) It shall be the duty of the Commission to make provision whereby persons without a settled way of living may be influenced to lead a more settled life, and the Commission shall provide and maintain centres, to be known as reception centres, for the provision of temporary board and lodging for such persons.

(2) The Commission may require the councils of counties, county boroughs, large burghs and London boroughs and the Common Council of the City of London to exercise on behalf of the Minister and in accordance with any directions given by the Commission, the functions of providing and maintaining reception centres.

(3) A council may recover from the Minister any expenditure incurred by them under this paragraph with the approval of the Commission, given either as respects that expenditure or generally as respects expenditure up to a specified amount.

(4) Before giving directions under sub-paragraph (2) of this paragraph the Commission shall consult with such local authorities or associations of local authorities as appear to them to be concerned.

(5) In the application of sub-paragraph (2) of this paragraph to Scotland the references to councils of counties and large burghs shall be construed respectively as references to the councils of counties or large burghs 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.

1947 c. 43.

SCH. 4

Accommodation in reception centres in special cases

3.—(1) This paragraph applies to reception centres (in this paragraph referred to as “designated reception centres”) designated by the Minister for the purposes of this paragraph on the application of the Commission.

(2) Where a person seeks lodging in a designated reception centre, and it appears to the Commission, or if the centre is being provided by a local authority, to the local authority, that the said person persistently resorts to reception centres when capable of maintaining himself, the Commission or local authority may direct that he shall only be received into the centre subject to the conditions specified in sub-paragraph (4) of this paragraph.

(3) On a direction given under the preceding sub-paragraph the person to whom it relates may require that the matter shall be referred to the Appeal Tribunal, and if he so requires—

- (a) the direction shall not have effect until the matter has been determined by the Tribunal, and
- (b) on any such reference the Tribunal may either quash the direction or order that during such period as may be specified in the order he shall only be admitted to a designated reception centre subject to the conditions specified in sub-paragraph (4) of this paragraph.

(4) The conditions hereinbefore referred to are—

- (a) that the person in question shall remain at the centre for at least such period from the time he entered it, not exceeding forty-eight hours, as the Commission or the local authority providing the centre may require, and
- (b) that while the person in question is at the centre he shall do such suitable work within the curtilage thereof as the Commission or local authority may require.

(5) A person received into a centre subject to the said conditions shall, if he fails to comply therewith, be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month.

Management of re-establishment and reception centres

4.—(1) The Minister may by regulations make provision for the management of, and preservation of order in, re-establishment centres and reception centres maintained under this Act and such regulations may provide that any person who contravenes or fails to comply with any specified provision thereof shall be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month.

(2) Regulations under this paragraph may include provisions requiring persons accommodated or received in centres, or specified classes of such persons, to do such work for assisting in the running of the centres as may be specified by or under the regulations.

Contributions to centres maintained by voluntary organisations

SCH. 4

5. The Commission may make contributions to the funds of any voluntary organisation maintaining centres for purposes similar to the purposes of re-establishment centres or reception centres maintained by the Commission.

Exercise of Commission's functions

6. Any functions exercisable by the Commission under this Schedule shall be exercisable by them on behalf of the Minister and in accordance with any directions given by him.

SCHEDULE 5

Section 37

SECTIONS 182 AND 183 OF THE MERCHANT SHIPPING ACT 1894 1894 c. 60.
SET OUT AS HAVING EFFECT BY VIRTUE OF SECTION 37 OF THIS
ACT

182.—(1) Whenever, during the absence of any seaman on a voyage—

- (i) benefit is awarded under the Ministry of Social Security Act 1966 to meet requirements which are or include those of his wife or any children whom for the purposes of that Act he is liable to maintain ; or
- (ii) accommodation is provided by a local authority under Part III of the National Assistance Act 1948 for his wife 1948 c. 29. or any children whom for the purposes of that Act he is liable to maintain, and payment for that accommodation is not made at the standard rate fixed therefor or, where such accommodation is temporary accommodation provided for less than a week or in special circumstances, payment is not made at such rate as the local authority may determine ; or
- (iii) any child is received into care by a local authority under section 1 of the Children Act 1948 in such circumstances 1948 c. 43. that the seaman becomes liable to make contributions in respect of that child under the Children and Young Persons Act 1933 or, if the child is a child received into care 1933 c. 12. by a local authority in Scotland, under the Children and Young Persons (Scotland) Act 1937 ; 1937 c. 37.

then the Minister of Social Security or any local authority concerned shall be entitled out of the wages of the seaman earned during the voyage to be reimbursed any sums properly expended during his absence by way of benefit under the said Act of 1966 or the provision of accommodation under Part III of the National Assistance Act 1948, for those members of his family or any of them (in this section referred to as the members maintained on his behalf), or to receive contributions in respect of any sums so expended in the maintenance of any child under the Children Act 1948, so, however, that the sums do not exceed the following proportions of his wages, that is to say,—

- (a) if the members maintained on his behalf number one only, one-half of the wages ;
- (b) if they number two or more, two-thirds of the wages.

M

SCH. 5

(2) If during the absence of the seaman any sums have been paid by the owner of the ship to or on behalf of any such member as aforesaid, under an allotment note made by the seaman in favour of the member, any claim for reimbursement or contributions as aforesaid shall be limited to the excess (if any) of the proportion of the wages herein-before mentioned over the sums so paid.

183.—(1) For the purpose of obtaining such reimbursement or contributions as aforesaid, the Supplementary Benefits Commission on behalf of the Minister of Social Security or the local authority may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the Commission or the local authority.

(2) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

(3) The Commission on behalf of the Minister or the local authority may, upon the seaman's return, apply to a court of summary jurisdiction having jurisdiction in the place where the benefit under the Ministry of Social Security Act 1966 was paid or claimed or the place where the accommodation was provided under Part III of the National Assistance Act 1948, or application was made for the provision thereof or, in the case of a local authority into whose care a child has been received under section 1 of the Children Act 1948, having jurisdiction in the area of that local authority, for an order for reimbursement or, as the case may be, requiring contributions to be made, and that court may make a summary order for the reimbursement to the whole extent claimed, or to such lesser amount as the court, under the circumstances, think fit or, as the case may require, may make an order requiring such contributions to be made as the court having regard to the seaman's means thinks fit; and the owner shall pay to the Minister or the local authority out of the seaman's wages the amount so ordered to be paid by way of reimbursement or contributions, and shall pay the residue of the wages to the seaman:

Provided that any sums contributed under this subsection in respect of the maintenance of a child under the Children Act 1948 shall be paid over to the Secretary of State, subject to such deductions therefrom as may for the time being be prescribed by regulations made under section 86(3) of the Children and Young Persons Act 1933 or, in the case of such maintenance of a child in Scotland, under section 90(3) of the Children and Young Persons (Scotland) Act 1937 in relation to contributions paid over to the Secretary of State under the said section, and shall be dealt with by the Secretary of State as if they were sums which had been received by him under that section.

1948 c. 29.

1948 c. 43.

1933 c. 12,

1937 c. 37.

(4) If no order for reimbursement or contributions is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seaman.

SCH. 5

SCHEDULE 6

Section 39

AMENDMENTS OF ENACTMENTS

THE MERCHANT SHIPPING ACT 1894

57 & 58 Vict. c. 60

1.—(1) In subsection (1) of section 184 for the words from “ he is granted ” to “ 1948 ” there shall be substituted the words “ he is awarded benefit under the Ministry of Social Security Act 1966 ” and for the words “ that Act ” there shall be substituted the words “ the National Assistance Act 1948 ”.

(2) In subsection (2) of that section for the words “ the Board ” there shall be substituted the words “ the Minister of Social Security ” and for the words “ granting that assistance ” there shall be substituted the words “ paying that benefit ”.

THE MERCHANT SHIPPING ACT 1906

6 Edw. 7. c. 48

2. In section 28(8) for the words “ the National Assistance Board ” there shall be substituted the words “ the Minister of Social Security ”.

THE POLISH RESETTLEMENT ACT 1947

10 & 11 Geo. 6. c. 19

3.—(1) In subsection (1) of section 3 for the words “ The Board ” there shall be substituted the words “ The Supplementary Benefits Commission ”.

(2) In subsection (2) of that section for the word “ Board ” there shall be substituted the word “ Commission ”.

(3) In subsection (3) of that section for the word “ Board ” there shall be substituted, in the first place where it occurs, the word “ Commission ” and in the second place where it occurs, the words “ Minister of Social Security ”.

(4) In subsection (4) of that section for the word “ Board ” there shall be substituted the words “ Minister of Social Security ”.

(5) In subsection (5) of that section for the words “ the Board ” wherever they occur there shall be substituted the words “ the Commission ” and for the words from “ regulations ” to “ 1948 ” there shall be substituted the words “ regulations made for the purposes of section 11 of the Ministry of Social Security Act 1966 ”.

(6) In subsection (6) of that section for the word “ Board ”, in both places where it occurs, there shall be substituted the word “ Minister ”, and for the words “ and may ” there shall be substituted the words “ and the Commission may ”.

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(7) For subsection (7) of that section there shall be substituted the following subsection—

“(7) Sections 26 and 29 of the Ministry of Social Security Act 1966 shall apply as respects benefit under this section with the substitution, for references to expenditure incurred under that Act of references to expenditure incurred under this Act, and for references to any sum recoverable, or any benefit or liability, under that Act of references to any sum recoverable, or any benefit or liability, under this Act.”

(8) In subsection (8) of that section for the words “The Board” there shall be substituted the words “The Commission” and for the words from “to complain” to the end there shall be substituted the words “to complain to a magistrates’ court as is conferred by section 23 of the Ministry of Social Security Act 1966 in relation to a person whose requirements are or are included in those of a person to whom benefit under that Act is paid or by whom such benefit is claimed, and the powers of the court under that section shall be exercisable on such complaint.”

(9) For subsection (9) there shall be substituted the following subsection—

“(9) The provisions of section 33(3)(a) of the Ministry of Social Security Act 1966 shall apply to any proceedings under this section or under Part II of the Schedule to this Act.”

(10) In subsection (10) of that section for the word “Board” there shall be substituted the word “Minister”.

(11) After subsection (10) of that section there shall be inserted the following subsection—

“(10A) Any functions exercisable by the Commission under this section or under Part II of the Schedule to this Act shall be exercisable by them on behalf of the Minister and in accordance with any directions given by him.”

4. In sections 4(1), 6(1), 7(1) and 12(3), for the words “the Assistance Board”, wherever they occur, there shall be substituted the words “the Supplementary Benefits Commission”.

5. In paragraph 4 of the Schedule, for the words “the Assistance Board” there shall be substituted the words “the Supplementary Benefits Commission”, for the words “section 53 of and the Fifth Schedule to the National Assistance Act 1948” there shall be substituted the words “Schedule 3 to the Ministry of Social Security Act 1966”, and for the words “subsection (1) of section 14 of the National Assistance Act 1948” there shall be substituted the words “section 18(1) of the Ministry of Social Security Act 1966”.

THE NATIONAL ASSISTANCE ACT 1948

11 & 12 Geo. 6. c. 29

6.—(1) In subsection (3) of section 22 for the words “Part II of this Act” there shall be substituted the words “the Ministry of Social Security Act 1966”.

(2) In subsection (5) of that section for the words "the relevant provisions of the Second Schedule to this Act" there shall be substituted the words "Part III of Schedule 2 to the Ministry of Social Security Act 1966".

(3) For subsection (9) of that section there shall be substituted the following subsection—

"(9) Where the whole or part of a liability arising under this section is taken into account by the Supplementary Benefits Commission in awarding benefit under the Ministry of Social Security Act 1966 and the person receiving the benefit fails to pay any sum due from him under this section the Commission may determine that so much of the benefit as relates to that liability shall, instead of being issued to the person entitled to the benefit, be issued to the local authority concerned in or towards the satisfaction of the liability."

7. In section 25 for the words "the Board", wherever they occur, there shall be substituted the words "the Supplementary Benefits Commission".

8. In section 27 for the words "the Board" there shall be substituted the words "the Supplementary Benefits Commission".

9. In section 53 for the words "the Fifth Schedule to this Act" there shall be substituted the words "Schedule 3 to the Ministry of Social Security Act 1966".

10. In paragraph 4 of Schedule 6 for the words from "until such time" in sub-paragraph (1) to the end of sub-paragraph (2) there shall be substituted the following:

"until such time as the Minister of Social Security may determine, a centre for the like purposes as a reception centre maintained by the Supplementary Benefits Commission.

(2) For the purposes of the Ministry of Social Security Act 1966 any centre maintained by a local authority under this paragraph shall be deemed to be a reception centre maintained by the Supplementary Benefits Commission."

11. In paragraph 8(3) of Schedule 6—

(a) in head (a) for the words "the National Assistance Board" there shall be substituted the words "the Minister of Social Security",

(b) in head (b) for the words from "the National Assistance Board" to the end there shall be substituted the words "the Supplementary Benefits Commission, and the centre shall be deemed to be provided by the local authority in pursuance of a requirement under paragraph 2(2) of Schedule 4 to the Ministry of Social Security Act 1966",

(c) in head (c) for the words from "subsection (3)" to the end there shall be substituted the words "paragraph 2(3) of the said Schedule to have been incurred with the approval of that Commission."

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THE LEGAL AID AND ADVICE ACT 1949

12, 13 & 14 Geo. 6. c. 51

12.—(1) For subsection (5) of section 4 there shall be substituted the following subsection:—

“(5) The regulations shall also include provision for securing that in computing resources there shall be observed the rules set out in paragraphs 19, 20, 24 and 25 of Schedule 2 to the Ministry of Social Security Act 1966, except that regulations may provide that the references in the said paragraph 19 to borrowing money shall not apply in any prescribed circumstances.”

(2) In subsection (6) of that section for the words “the National Assistance Board, and the Board” there shall be substituted the words “the Supplementary Benefits Commission, and the Commission”.

THE LEGAL AID AND SOLICITORS (SCOTLAND) ACT 1949

12, 13 & 14 Geo. 6. c. 63

13.—(1) For subsection (5) of section 4 there shall be substituted the following subsection:—

“(5) The regulations shall also include provision for securing that in computing resources there shall be observed the rules set out in paragraphs 19, 20, 24 and 25 of Schedule 2 to the Ministry of Social Security Act 1966, except that regulations may provide that the references in the said paragraph 19 to borrowing money shall not apply in any prescribed circumstances.”

(2) In subsection (6) of that section for the words “the National Assistance Board, and the Board” there shall be substituted the words “the Supplementary Benefits Commission, and the Commission”.

THE MAINTENANCE ORDERS ACT 1950

14 Geo. 6. c. 37

14. At the end of section 12(2) there shall be added the words “or of any order made under the said section 20 or the said section 11”.

THE HOUSE OF COMMONS DISQUALIFICATION ACT 1957

5 & 6 Eliz. 2. c. 20

15. In Schedule 2 after the entry “Minister of Technology” there shall be inserted the following entry—

“Minister of Social Security”,

and after the entry “Parliamentary Secretary to the Ministry of Technology” there shall be inserted the following entry—

“Parliamentary Secretary to the Ministry of Social Security”.

THE TRIBUNALS AND INQUIRIES ACT 1958
6 & 7 Eliz. 2. c. 66

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16. In Schedule 1, in paragraph 9 for the words "the Fifth Schedule to the National Assistance Act 1948" there shall be substituted the words "Schedule 3 to the Ministry of Social Security Act 1966". 1948 c. 29

THE POST OFFICE ACT 1961
9 & 10 Eliz. 2. c. 15

17. For subsection (3) of section 19 there shall be substituted the following subsection :—

"(3) The Minister of Social Security shall out of moneys provided by Parliament from time to time pay to the Postmaster General sums of such amount as may be agreed between them for work done by the Postmaster General in the execution of the Ministry of Social Security Act 1966."

THE MINISTERIAL SALARIES CONSOLIDATION ACT 1965
1965 c. 58

18. In Schedule 1, after the entry relating to the Minister of Public Building and Works there shall be inserted the following entry—

"Minister of Social Security . . . £8,500",

and after the entry (under the heading "Parliamentary Secretaries") relating to the Ministry of Public Building and Works there shall be inserted the following entry—

"Ministry of Social Security . . . £3,750".

SCHEDULE 7

Section 39.

TRANSITIONAL PROVISIONS

1. Any application for assistance under Part II of the Act of 1948 which is pending at the commencement of this Act shall be dealt with (in respect of any requirements before that commencement) by the Commission; and any person aggrieved by a decision of the Commission under this paragraph shall have the like right of appeal as he would have had under section 14 of the Act of 1948 and paragraph 2 of this Schedule had the decision been given by the National Assistance Board.

2. Any appeal which, if this Act had not been passed, could have been brought against a decision of the National Assistance Board to a tribunal constituted under Schedule 5 to the Act of 1948 may be brought to a tribunal constituted under Schedule 3 to this Act, and in any such appeal the Commission shall be a party instead of the Board.

3. Any tribunal constituted at the commencement of this Act under Schedule 5 to the Act of 1948 shall be deemed to have been constituted under Schedule 3 to this Act, but without prejudice to any

SCH. 7 proceedings pending at the commencement of this Act ; and any rules made under the said Schedule 5 and in force at the commencement of this Act shall have effect as if made under the said Schedule 3.

1936 c. 31. 4.—(1) The following provisions of this paragraph shall apply where at the commencement of this Act a person (in this paragraph referred to as the former beneficiary) is in receipt of a pension under the Old Age Pensions Act 1936 or of an assistance grant under the Act of 1948.

(2) This Act shall apply, subject to the following provisions of this paragraph, as if a claim to a supplementary pension or, as the case may be, a supplementary allowance, had been duly made by the former beneficiary or, if the former beneficiary is a woman falling within paragraph 3(1) of Schedule 2 to this Act, by the other person falling within that paragraph.

(3) If the former beneficiary or the said other person is not entitled to a supplementary pension or supplementary allowance the Commission may nevertheless award him such a pension or allowance at a rate not exceeding that of the pension or grant mentioned in sub-paragraph (1) of this paragraph ; and if he is entitled to a supplementary pension or supplementary allowance but at a lower rate the Commission may determine that it shall be payable at the said rate.

(4) If the former beneficiary is a woman falling within the said paragraph 3(1) then, unless she otherwise requests, so much of any supplementary pension or supplementary allowance payable (whether by virtue of this paragraph or otherwise) to the said other person as is equal to the pension or grant mentioned in sub-paragraph (1) of this paragraph shall be issued to the former beneficiary.

5. Any condition imposed under section 8(3) of the Act of 1948 and in force at the commencement of this Act shall be treated for the purposes of this Act as a condition imposed under section 11 thereof.

6.—(1) Any report made or direction given under section 10(1) of the Act of 1948 shall be deemed to have been made or given under section 12(1) of this Act and any decision made under subsection (2) or (3) of the said section 10 shall be deemed to be a determination made under subsection (2) or subsection (3) respectively of the said section 12.

(2) Any course approved for the purpose of section 10(2) of the Act of 1948 shall be deemed to have been approved for the purpose of section 12(2) of this Act.

7.—(1) Any proceedings for the recovery of a sum which, if this Act had not been passed, could have been taken by the National Assistance Board may be taken—

(a) if they are proceedings under section 43 or 44 of the Act of 1948, by the Commission ;

(b) in any other case, by the Minister.

(2) In any proceedings pending at the commencement of this Act before a court or tribunal to which the National Assistance Board are a party the Commission or the Minister, as the case may require, shall be substituted as a party for the Board.

(3) Any payments ordered in proceedings continued or begun by virtue of this paragraph which, if this Act had not been passed, would have been ordered to be made to the National Assistance Board shall be ordered to be made to the Minister.

(4) The Commission instead of the Minister shall be a party to any proceedings for the enforcement, variation or revocation of an order under section 43 or 44 of the Act of 1948 for the payment of money which, by virtue of this paragraph or of section 2 of this Act, is payable to the Minister instead of to the National Assistance Board.

8.—(1) Any re-establishment centre or reception centre provided under the Act of 1948 shall be deemed to have been provided under this Act.

(2) Any reception centre designated and any conditions imposed under section 18 of that Act shall be deemed respectively to have been designated and imposed under paragraph 3 of Schedule 4 to this Act.

(3) Any regulations made under section 19 of the Act of 1948 and in force at the commencement of this Act shall have effect as if made under paragraph 4 of Schedule 4 to this Act.

9. Any rules in force at the commencement of this Act under section 3(4) of the Polish Resettlement Act shall have effect as if made 1947 c. 19 by the Minister.

10. For the purposes of paragraph 12 of Schedule 2 to this Act any period during which a person was in receipt of an assistance grant shall be treated as a period during which he was in receipt of a supplementary allowance.

11. In relation to any proceedings for an offence under section 52 of the Act of 1948 which are begun after the commencement of this Act that section shall have effect as if the references in subsections (2) and (3) to the National Assistance Board included references to the Minister.

12. The provisions of this Schedule shall not be taken to prejudice the operation of section 38 of the Interpretation Act 1889 (effect of 1889 c. 63, repeals) or of section 2 of this Act.

13. In this Schedule "the Act of 1948" means the National 1948 c. 29. Assistance Act 1948.

Section 39.

SCHEDULE 8

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
26 Geo. 5. & 1 Edw. 8. c. 31.	The Old Age Pensions Act 1936.	The whole Act.
1 & 2 Geo. 6. c. 11.	The Blind Persons Act 1938.	The whole Act.
6 & 7 Geo. 6. c. 27.	The Pensions and Determination of Needs Act 1943.	The whole Act.
7 & 8 Geo. 6. c. 46.	The Ministry of National Insurance Act 1944.	The whole Act.
9 & 10 Geo. 6. c. 67.	The National Insurance Act 1946.	Section 74.
10 & 11 Geo. 6. c. 19.	The Polish Resettlement Act 1947.	Section 3(11).
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	In section 1, the words from "of Part II" to "the provisions". Part II. In section 43, in subsection (1) the words "the Board or", in subsection (4) the words from "an assistance grant" to "Part II of this Act", or", in subsection (5) the words "the Board or", and subsection (6). In section 44, paragraph (a) of subsection (1), in subsection (2) the words "Board or" and the words "assistance was given or", in subsections (3), (4), (5), (6) and (7) the words "Board or" wherever they occur and, in paragraphs (a) and (b) of subsection (7) the word "the" wherever it precedes the word "Board"; and subsection (8). In section 45, in subsection (1) the words "the Board or" in paragraphs (a) and (b) and the words "Board or" in the last place where they occur and the words "Part II or" and subsections (2) to (4). Section 46. In section 51, in subsection (1) the words "assistance under Part II of this Act is given to or" and in subsection (3)(a) the words "the assistance was given to him or".

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 29— <i>cont.</i>	The National Assistance Act 1948— <i>cont.</i>	<p>In section 52, in subsection (1)(a) the words " Part II or ", in subsection (2) the words " the Board or " in the first place where they occur and the words " Board or " in the second place where they occur, and in subsection (3) the words " of the Board or " in the first place where they occur and the words " the Board or " in the second place where they occur.</p> <p>In section 56, in subsection (1) the words " to the Board or " and subsection (4).</p> <p>Section 57.</p> <p>In section 61, in subsection (1) paragraphs (a) and (b) and in paragraph (d) the words " the Old Age Pensions Act 1936 ", and in subsection (2) the words " or the Board ".</p> <p>In section 63, subsection (1), in subsection (2) the words " or confirm " and in subsection (3) the words " or confirm " and the words from " other than " to " foregoing section ".</p> <p>In section 64 in subsection (1) the definition of " place of employment ".</p> <p>In section 65, in paragraph (e), the words from " in " to " elsewhere ".</p> <p>Schedule 1.</p> <p>Schedule 2.</p> <p>Schedule 4.</p> <p>Schedule 5.</p> <p>In Schedule 6, paragraphs 2 and 3 and, in paragraph 19(2), the words " or he is in receipt of assistance under Part II of this Act ".</p>
12, 13 & 14 Geo. 6. c. 51.	The Legal Aid and Advice Act 1949.	Section 4(7). Schedule 2.
12, 13 & 14 Geo. 6. c. 63.	The Legal Aid and Solicitors (Scotland) Act 1949.	Section 4(7). Schedule 2.
14 Geo. 6. c. 37.	The Maintenance Orders Act 1950.	In section 18, in subsection (2) the words from " (not being " to " 1949)", in subsection (3) the words from " (not being " to " 1948)", and subsections (4) and (5).

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Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 22.	The Workmen's Compensation (Supplementation) Act 1951.	In the Schedule, the entry relating to section 13 of the National Assistance Act 1948.
14 & 15 Geo. 6. c. 31.	The National Health Service Act 1951.	In section 4, subsection (2) and, in subsection (3), the words "or the National Assistance Act 1948".
15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.	The National Health Service Act 1952.	In section 7, subsection (2) and, in subsection (3), the words from the beginning to "so provided; and".
4 & 5 Eliz. 2. c. 39.	The Pensions (Increase) Act 1956.	In section 9, the proviso to subsection (2).
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, the entry relating to the National Assistance Board. In Schedule 2, the entries relating to the Minister of Pensions and National Insurance and to the Parliamentary Secretary to the Ministry of Pensions and National Insurance.
5 & 6 Eliz. 2. c. 55.	The Affiliation Proceedings Act 1957.	In section 5(2)(c), the words "the National Assistance Board or" and the words "Board or" in the second place where they occur.
6 & 7 Eliz. 2. c. 1.	The National Insurance (No. 2) Act 1957.	Section 3.
7 & 8 Eliz. 2. c. 50.	The Pensions (Increase) Act 1959.	Section 8(2).
7 & 8 Eliz. 2. c. 52.	The National Assistance Act 1959.	In section 5, the proviso to subsection (2). The whole Act.
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	In the Schedule, the entry relating to the National Assistance Act 1948.
1962 c. 23.	The South Africa Act 1962.	In Schedule 3, paragraph 8.
1964 c. 10.	The Family Allowances and National Insurance Act 1964.	The whole Act.
1964 c. 96.	The National Insurance &c. Act 1964.	In Schedule 5, paragraph 18.
1964 c. 98.	The Ministers of the Crown Act 1964.	In Schedule 2, the entries relating to the Minister of Pensions and National Insurance and to the Parliamentary Secretary to the Ministry of Pensions and National Insurance.

Chapter	Short Title	Extent of Repeal
1965 c. 51.	The National Insurance Act 1965.	In section 68(1) the words from "and officers" to the end. In section 81, subsection (9). In section 83, in paragraph (b)(iv) of subsection (1) the words "section 13(2) of the National Assistance Act 1948". Section 89.
1965 c. 52.	The National Insurance (Industrial Injuries) Act 1965.	In section 54, paragraph (b) of subsection (10) and the word "or" preceding that paragraph. In section 59, in paragraph (b)(i) of subsection (1), the words from "or under" to "1948". In section 67, in paragraph (d) of subsection (1), the word "63". Section 63.
1965 c. 53.	The Family Allowances Act 1965.	In section 8(1) the words from "and to the provisions" to "arrears of allowance".
1965 c. 58.	The Ministerial Salaries Consolidation Act 1965.	In Schedule 1, the entries relating to the Minister of Pensions and National Insurance and the Ministry of Pensions and National Insurance.



Overseas Aid Act 1966

1966 CHAPTER 21

An Act to make provision as to the power of the Minister of Overseas Development to provide assistance to, or for the benefit of, overseas countries and territories; to enable effect to be given to an international agreement for the establishment and operation of an Asian Development Bank; to enable the said Minister to make further contributions to the Indus Basin Development Fund and to remit interest on certain advances to the Commonwealth Development Corporation; to amend section 2 of the Colonial Development and Welfare Act 1959 and section 1 of the Commonwealth Teachers Act 1960; and to provide for the establishment and administration of an Overseas Service Pensions Scheme.
 [3rd August 1966]

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 Minister of Overseas Development to provide assistance to, or for the benefit of, overseas countries.

1.—(1) The functions of the Minister of Overseas Development (hereafter in this Act referred to as “the Minister”) shall include power, subject to the following provisions of this section, for the purpose of promoting the development of, or maintaining the economy of, a country or territory outside the United Kingdom or the welfare of its people, to furnish any person or body with assistance, whether financial, technical or of any other nature; and any such assistance may be provided on such terms and subject to such conditions (if any) as the Minister may

determine, and in particular any such assistance, other than financial, may be provided free of charge or on such terms as to payment as the Minister may determine, or, being financial, may be provided by way of grant or loan, or partly in one way and partly in the other, so however that no assistance shall be provided by way of loan except on such terms and subject to such conditions (if any), as may be approved by the Treasury.

(2) For the purpose of enabling him to furnish technical assistance under this section, the Minister may undertake, or promote the undertaking of, such research in the fields of economic development, administration and social services as appears to him appropriate.

(3) Except in so far as subsection (1) above relates to the furnishing of technical assistance, the said subsection shall not, subject to the provisions of the next following subsection, have effect in relation to a country or territory in respect of which a scheme may be made under the Colonial Development and Welfare Act 1959, and the power to provide technical assistance in respect of such a country or territory under subsection (1) above shall be in addition to the power to provide such assistance by means of a scheme under that Act. 1959 c. 71.

(4) The last foregoing subsection shall not prevent the Minister from making from time to time grants under subsection (1) above to any of the following governments, that is to say, the governments of the Federation of South Arabia, Aden, the Island of Perim, the Kuria Muria Islands and Kamaran, and any government (other than that of the said Federation) established for any part or parts of the Protectorate of South Arabia, for the purpose of enabling the government to defray any amount by which it appears to him that their resources are or will be insufficient to enable them to defray their administrative expenses; and the power to make such grants shall be in addition to the power to make grants under a scheme under the said Act of 1959.

(5) After the passing of this Act no scheme under the said Act of 1959 shall be made as respects a territory, other than Tonga, which is for the time being a protected state for the purposes of the British Nationality Acts 1948 to 1965, nor shall a loan thereunder be made to the government of such a territory, other than Tonga.

(6) Any expenses incurred by virtue of this section by the Minister shall be defrayed out of moneys provided by Parliament.

(7) Any sums received by the Minister by way of payment of interest on, or repayment of, a loan made under the powers

conferred by this section or by way of payment for any assistance under this section, other than financial assistance, shall be paid into the Exchequer.

(8) In this section—

- (a) any reference to technical assistance is a reference to assistance in the fields of economic development, administration and social services, consisting in the making available of the services of any body or person, training facilities, the supply of materials, or the results of research undertaken in any such fields ;
- (b) any reference to a body or person, in relation to a country or territory, includes a reference to the government of that country or territory.

(9) No payments shall be made by virtue of the foregoing provisions of this section to, or to the order of, the International Bank for Reconstruction and Development for the purposes of the Indus Basin Development Fund, and no assistance shall be furnished under those provisions to the Commonwealth Development Corporation.

Financial provisions for giving effect to agreement establishing Asian Development Bank.

2. Whereas an Agreement (hereafter in this section referred to as " the Agreement ") providing for the establishment and operation of an international body to be called the Asian Development Bank (hereafter in this section referred to as " the Bank ") was signed on behalf of Her Majesty's Government in the United Kingdom on 4th December 1965, and copies of the Agreement were presented to Parliament on 5th May 1966.

Now, therefore, in the event of the Agreement's becoming binding on Her Majesty's Government in the United Kingdom :—

(1) The Treasury may issue, out of the Consolidated Fund of the United Kingdom, to the Minister such sums as are necessary to enable him—

- (a) to make payments under paragraph 1 of Article 5 of the Agreement, paragraphs 1 and 2 of Article 6 thereof and Annex A thereto (which relate to the initial subscription of members, that of the United Kingdom being fixed, by head I of Part B of the said Annex and notice of increase given on 19th January, 1966, in accordance with head III of the said Part B, at thirty million United States dollars) ;
- (b) to redeem any such non-interest-bearing and non-negotiable notes or other obligations as may be issued or created by him and accepted by the Bank in accordance with paragraph 3 of Article 6 of the Agreement in

lieu of any amount due in currency from Her Majesty's Government in the United Kingdom by way of initial subscription to the Bank ; and

- (c) to make payments under paragraph 1 of Article 25 of the Agreement (which relates to falls in the par or foreign exchange value of currencies of members).

(2) For the purpose of providing sums to be issued under the foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act. 1939 c. 117.

(3) Any sums received by the Minister on behalf of Her Majesty's Government in the United Kingdom from the Bank in pursuance of the Agreement shall be paid into the Exchequer, and shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say,—

- (a) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit ;
 (b) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(4) The Minister 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 (1) above and of sums received by him as mentioned in the last foregoing subsection 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.

3. Whereas by the Indus Basin Development Fund Act 1960 authority was given for the payment to the International Bank for Reconstruction and Development for the purposes of the Indus Basin Development Fund of sums not exceeding in the aggregate £20,860,000: Additional United Kingdom contributions to Indus Basin Development Fund.

And whereas by an agreement intituled the Indus Basin Development Fund (Supplemental) Agreement 1964 (copies of which were presented to Parliament in October, 1965) Her Majesty's Government in the United Kingdom bound themselves 1960 c. 1 (9 & 10 Eliz. 2).

to make a supplemental contribution to the said Fund of £13,978,571:

Now, therefore, the Minister may, out of moneys provided by Parliament, make from time to time to, or to the order of, the said Bank, for the purposes of the said Fund, payments by way of grant not exceeding in the aggregate £13,978,571.

Power to remit payment of interest on certain advances to Commonwealth Development Corporation. 1959 c. 23.

4. The Minister may, with the consent of the Treasury, remit the payment by the Commonwealth Development Corporation under section 14(1) of the Overseas Resources Development Act 1959 of interest in respect of the amount outstanding in respect of any advance made to that Corporation under section 13 of that Act, whether before or after the passing of this Act, for the purpose of defraying expenditure incurred or to be incurred in the exercise of their powers under section 2 of that Act in connection with the promotion or expansion of any new or existing enterprise, being interest falling due in respect of a period expiring not later than seven years from the date on which the advance was made, and of such duration as may, with the approval of the Treasury, be determined by the Minister.

Amendment of section 2 of Colonial Development and Welfare Act 1959. 1959 c. 71.

5. Section 2(3) of the Colonial Development and Welfare Act 1959 (which, amongst other things, requires that proposals for a loan under that section shall not be approved until provision has been made to the satisfaction of the Secretary of State and the Treasury for the repayment of the loan and the payment of interest thereon in accordance with the terms of the loan and the charging the amount of the loan and the interest thereon on the general revenues and assets of the colony seeking the loan and on any other revenues or assets which may be made available for the purpose) shall have effect as if, after the word "and", in the first and third places where it occurs in paragraph (b), there were inserted the words "(if it is to bear interest)".

Abolition of limit on sums payable under Commonwealth Scholarships Act 1959 and Commonwealth Teachers Act 1960, and extension of 1960 Act. 1960 c. 40. 1959 c. 6 (8 & 9 Eliz. 2).

6.—(1) Section 1(3) and (4) of the Commonwealth Teachers Act 1960 (which limit the amount of the payments that may be made under that Act and the Commonwealth Scholarships Act 1959 to £6,000,000 or such greater sum as may for the time being be substituted by Order of Her Majesty in Council) shall cease to have effect.

(2) In section 1(1)(b) of the said Act of 1960 (which includes amongst the purposes for which the Minister may make payments out of moneys provided by Parliament, the encouraging of persons from the United Kingdom to become temporarily employed in countries and territories outside the United Kingdom as teachers or in connection with teaching and the facilitating the return to the

United Kingdom of persons so employed), after the words "from the United Kingdom" there shall be inserted the words "or the Republic of Ireland", and after the words "in the United Kingdom" there shall be inserted the words "or the said Republic, as the case may be".

7.—(1) The Minister may, with the approval of the Treasury, by regulations provide for the establishment and administration of a scheme, to be known as the Overseas Service Pensions Scheme, and a fund, to be known as the Overseas Service Pensions Fund, for the purpose of providing, out of that Fund, pensions in respect of service in an overseas territory of persons from the United Kingdom or the Republic of Ireland, being service after the commencement of the scheme in such employment under or by such authority or body corporate established in that territory or an authority or body corporate so established of such a class, as may be approved for the purposes of the scheme by the Minister; and the scheme shall, for the purpose of constituting the said fund, provide for the making by participants in the scheme of such contributions as may be determined under the scheme.

The Overseas
Service
Pensions
Scheme.

(2) Regulations under the foregoing subsection may provide for securing that where a participant in a scheme established under this section leaves such an employment as is described in the foregoing subsection and, within such period as may be determined by the Minister, enters service in such employment as may be approved by the Minister for the purposes of the scheme, not being such employment as is so described, the period consisting of the period of that service and the period beginning with his leaving the first-mentioned employment and ending with his entering that service, shall be treated for the purposes of the scheme as if it were a period of service in an overseas territory in such employment as is so described.

(3) The Minister may, with the approval of the Treasury, out of moneys provided by Parliament, pay the whole, or such proportion as may be determined under regulations made under this section, of any contribution payable under the Overseas Service Pensions Scheme by a person as a participant therein, or by such a person as aforesaid of such class as may be so determined.

(4) In this section—

“overseas territory” means any territory or country outside the United Kingdom;

“participant”, in relation to the Overseas Service Pensions Scheme, means a person in respect of whose service a pension may become payable under that scheme;

“pensions” includes allowances, gratuities and return of contributions, with or without interest thereon or any other addition thereto.

(5) Regulations under this section shall be made by statutory instrument, and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title.

8. This Act may be cited as the Overseas Aid Act 1966.



Malawi Republic Act 1966

1966 CHAPTER 22

An Act to make provision as to the operation of the law in relation to Malawi as a republic within the Commonwealth. [3rd August 1966]

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) All law to which this section applies, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, which was in force on 6th July 1966, or, having been passed or made before that date, comes or has come into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Malawi, and persons and things belonging to or connected with Malawi, as it would have apart from this subsection if Malawi had not become a republic. Operation of existing law.

(2) This section applies to law of, or of any part of, the United Kingdom, the Channel Islands and the Isle of Man, and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Malawi, to law of any other country or territory to which that enactment or Order extends.

(3) This section shall be deemed to have had effect from 6th July 1966.

2. This Act may be cited as the Malawi Republic Act 1966. Short title.



Botswana Independence Act 1966

1966 CHAPTER 23

An Act to make provision for, and in connection with, the establishment of the Bechuanaland Protectorate, under the name of Botswana, as an independent republic within the Commonwealth. [3rd August 1966]

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
of Republic
of Botswana.

1. On 30th September 1966 (in this Act referred to as "the appointed day") the territory which immediately before that day constitutes the Bechuanaland Protectorate shall cease to be a protectorate and shall become an independent republic under the name of Botswana; and on and after that day Her Majesty shall have no jurisdiction over that territory.

Operation of
existing law.

2.—(1) Subject to the following provisions of this Act, on and after the appointed day 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 day or has been passed or made before that day and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Botswana, and persons and things belonging to or connected with Botswana, as it would have apart from this subsection if on the appointed day the Bechuanaland Protectorate had been renamed Botswana but there had been no change in its status.

(2) Part I of the Schedule to this Act (which relates to enactments applicable to Commonwealth countries having fully responsible status) and Part II of that Schedule (which relates to enactments excepted from the operation of the preceding subsection) shall have effect on and after the appointed day in

relation to the enactments therein mentioned ; but that Schedule shall not extend to Botswana as part of its law.

(3) Subsection (1) of this section applies to law of, or of any part of, the United Kingdom, the Channel Islands and the Isle of Man, and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to the Bechuanaland Protectorate, to law of any other country or territory to which that enactment or Order extends.

3.—(1) Subject to subsections (2) and (6) of this section, the British Nationality Acts 1948 to 1965 shall have effect on and after the appointed day as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) there were added at the end the words “and Botswana”, and as if in Schedule 2 to the British Protectorates, Protected States and Protected Persons Order 1965 the words “Bechuanaland Protectorate” were omitted.

Consequential
modifications
of British
Nationality
Acts.
1948 c. 56.
S.I. 1965
No. 1864.

(2) A person who immediately before the appointed day is for the purposes of those Acts and of the said Order of 1965 a British protected person by virtue of his connection with the Bechuanaland Protectorate shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the preceding provisions of this Act, but shall so cease upon his becoming a citizen of Botswana.

(3) Except as provided by section 4 of this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if he becomes on that day a citizen of Botswana.

(4) Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who on the appointed day ceases to be such a citizen under subsection (3) of this section, or who would have done so if living on the appointed day.

(5) So much of the British Protectorates, Protected States and Protected Persons Order 1965 as relates to former protectorates, and section 5 of the British Nationality (No. 2) Act 1964 in so far as that Order was made by virtue of that section, shall have effect in relation to the Bechuanaland Protectorate as if that Order had been made immediately after the appointed day ; and accordingly after the appointed day that Order shall have effect as if, at the beginning of Part I of Schedule 4 thereto, there were inserted in the first column the words “Bechuanaland Protectorate” and in the second column the words “Botswana Independence Act 1966, section 3(2)”.

(6) Nothing in subsection (1) of this section shall affect the meaning of "protectorate" in any law or instrument passed or made before the passing of this Act, not being a law or instrument contained in or made under any of the British Nationality Acts 1948 to 1965.

Retention of citizenship of United Kingdom and Colonies by certain citizens of Botswana.

4.—(1) Subject to subsection (5) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 3(3) of this Act if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony ; or
- (b) is or was a person naturalised in the United Kingdom and Colonies ; or
- (c) was registered as a citizen of the United Kingdom and Colonies ; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said section 3(3) if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

(3) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under the said section 3(3) unless her husband does so.

(4) Subject to subsection (5) of this section, the reference in subsection (1)(b) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

1948 c. 56.

(5) Any reference in this section to a colony, a protectorate or a protected state is a reference to a territory which is a colony, a protectorate or a protected state, as the case may be, within the meaning of the British Nationality Act 1948, on the appointed day, and accordingly does not include a reference to Botswana ; and subsection (1) of this section shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not such a colony, protectorate or protected state on the appointed day.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) shall have effect for the purposes of this section as if this section were included in that Act. 1948 c. 56.

5.—(1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction and powers in respect of appeals from any court having jurisdiction under the law of Botswana as may be specified in, or determined in accordance with any provisions contained in, the Order in Council. Judicial Committee of Privy Council.

(2) Any Order in Council under this section may contain such incidental and supplemental provisions as appear to Her Majesty to be expedient.

(3) Except so far as otherwise provided by or in accordance with an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals and other proceedings in respect of which any jurisdiction is conferred under this section as it applies in relation to appeals to Her Majesty in Council. 1833 c. 41.

(4) Provisions made in pursuance of this section may be included in any Order in Council revoking the Bechuanaland (Constitution) Order 1965, as amended by any subsequent Order in Council. S.I. 1965 No. 134.

(5) An Order in Council under this section may be made before, on or after the appointed day, and so much of any Order in Council as is made under this section may be varied or revoked by a further Order in Council, whether made before, on or after that day; but any Order in Council made under this section on or after the appointed day shall not extend to Botswana as part of its law.

6.—(1) Without prejudice to any power conferred by or under section 5 of this Act, Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals to Her Majesty in Council from the Basutoland, Bechuanaland Protectorate and Swaziland Court of Appeal, being appeals which are pending immediately before the appointed day, and in which the records have been registered in the Office of the Privy Council before that day, as appears to Her to be appropriate for giving effect to any arrangements to which this subsection applies. Pending appeals to Her Majesty in Council.

- (2) The preceding subsection applies to any arrangements—
 - (a) made before the appointed day between Her Majesty's Government in the United Kingdom and the Government of the Bechuanaland Protectorate, or

- (b) made on or after the appointed day between Her Majesty's Government in the United Kingdom and the Government of Botswana,

for any such appeals to be continued before and disposed of by the said Committee.

(3) An Order in Council under this section may, if the arrangements so require, direct that any appeal continued before the Judicial Committee of the Privy Council under this section shall abate on a date specified in the Order unless it has been heard by the Committee before that date; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the said Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(4) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee under this section, and in particular may provide for the form of any report or recommendation to be made by the Judicial Committee of the Privy Council in the exercise of the jurisdiction conferred on that Committee under this section, and for its transmission to such authority in Botswana as may be specified in the Order.

(5) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

1833 c. 41.

Provisions as to Orders in Council and other instruments.

7.—(1) An Order in Council or other instrument made under any Act of Parliament passed before the appointed day, other than this Act, which varies or revokes a previous Order in Council or instrument in consequence of the change in the status of the Bechuanaland Protectorate taking effect on the appointed day, and any Order in Council under section 6 of this Act, may, if made after the appointed day, be made so as to take effect on the appointed day.

(2) An Order in Council under section 6 of this Act—

- (a) may contain such transitional or other incidental or supplemental provisions as appear to Her Majesty to be necessary or expedient;
- (b) may be varied or revoked by a subsequent Order in Council; and
- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8.—(1) This Act may be cited as the Botswana Independence Act 1966. Short title and interpretation.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

Section 2.

SCHEDULE

AMENDMENTS NOT AFFECTING THE LAW OF
BOTSWANA

PART I

EXTENSION OF CERTAIN ENACTMENTS APPLICABLE TO
COMMONWEALTH COUNTRIES HAVING FULLY RESPONSIBLE STATUS*Diplomatic immunities*

- 1952 c. 10. 1. In section 461 of the Income Tax Act 1952 (exemption from income tax in the case of certain Commonwealth representatives and their staffs)—
- (a) in subsection (2), before the words “for any state” there shall be inserted the words “or Botswana”;
- (b) in subsection (3), before the words “and ‘Agent-General’” there shall be inserted the words “or Botswana”.
- 1952 c. 18. 2. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words “and the Republic of Ireland” there shall be inserted the word “Botswana”.
- 1961 c. 11. 3. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the words “and the Republic of Ireland” there shall be inserted the word “Botswana”.

Financial

- 1958 c. 6. 4. In section 2 of the Import Duties Act 1958—
- (a) in subsection (4), before the words “together with” there shall be inserted the word “Botswana”; and
- (b) in subsection (9), for the words “the Bechuanaland Protectorate”, in each place where they occur, there shall be inserted the word “Botswana”.

Armed forces

- 1955 c. 18.
1955 c. 19.
1957 c. 53. 5. In the definitions of “Commonwealth force” in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, and in the definition of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957, at the end there shall be added the words “or Botswana”.
- 1933 c. 6. 6. In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Botswana as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.
- 1931 c. 4. (22 &
23 Geo. 5.).

7. In the Visiting Forces Act 1952, in section 1(1)(a) (countries to which that Act applies), at the end there shall be added the words "Botswana or", and, until express provision with respect to Botswana is made by Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Botswana. SCH.
1952 c. 67.

8.—(1) In section 84(2) of the Offices, Shops and Railway Premises Act 1963 (exclusion of application to visiting forces) before the words "and any country" there shall be inserted the word "Botswana". 1963 c. 41.

(2) In section 78(2) of the Office and Shop Premises Act (Northern Ireland) 1966 (exclusion of application to visiting forces) before the words "and any country" there shall be inserted the word "Botswana". 1966 c. 26
(N.I.)

(3) For the purposes of section 6 of the Government of Ireland Act 1920 (conflict of laws) the last preceding sub-paragraph shall be deemed to be contained in an Act passed before the day appointed for the purposes of that section. 1920 c. 67.

Commonwealth Institute

9. In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words "and Botswana". 1925 c. cvii.
1958 c. 16.

PART II

EXCEPTIONS FROM S.2(1) OF ACT

10. Section 2(1) of this Act shall not apply to the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957. 1955 c. 18.
1955 c. 19.
1957 c. 53.

11. Notwithstanding anything in section 2(1) or section 3(6) of this Act,—

- (a) the Colonial Development and Welfare Act 1959 shall not apply in relation to Botswana as if it were a colony within the meaning of that Act, and 1959 c. 71.
- (b) section 2(7)(b) of the Civil Aviation (Licensing) Act 1960 shall not apply in relation to Botswana as if it were a protectorate within the meaning of that Act. 1960 c. 38.



Lesotho Independence Act 1966

1966 CHAPTER 24

An Act to make provision for, and in connection with, the establishment of Basutoland, under the name of Lesotho, as an independent kingdom within the Commonwealth. [3rd August 1966]

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
of Kingdom
of Lesotho.

1. On 4th October 1966 (in this Act referred to as “the appointed day”) the territory which immediately before that day constitutes the Colony of Basutoland shall cease to form part of Her Majesty's dominions and shall become an independent kingdom under the name of Lesotho.

Operation of
existing law.

2.—(1) Subject to the following provisions of this Act, on and after the appointed day 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 day or has been passed or made before that day and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Lesotho, and persons and things belonging to or connected with Lesotho, as it would have apart from this subsection if on the appointed day Basutoland had been renamed Lesotho but there had been no change in its status.

(2) Part I of the Schedule to this Act (which relates to enactments applicable to Commonwealth countries having fully responsible status) and Part II of that Schedule (which relates to enactments excepted from the operation of the preceding

subsection) shall have effect on and after the appointed day in relation to the enactments therein mentioned ; but that Schedule shall not extend to Lesotho as part of its law.

(3) Subsection (1) of this section applies to law of, or of any part of, the United Kingdom, the Channel Islands and the Isle of Man, and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Basutoland, to law of any other country or territory to which that enactment or Order extends.

(4) For the avoidance of doubt it is hereby declared that nothing in this section is to be construed as continuing in force any enactment or rule of law which would limit or restrict the legislative powers of Lesotho.

3.—(1) On and after the appointed day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) there were added at the end the words “ and Lesotho ”.

Consequential modifications of British Nationality Acts.
1948 c. 56.

(2) Except as provided by section 4 of this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if he becomes on that day a citizen of Lesotho.

(3) Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who on the appointed day ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

4.—(1) Subject to subsection (5) of this section a person shall not cease to be a citizen of the United Kingdom and Colonies under section 3(2) of this Act if he, his father or his father's father—

Retention of citizenship of United Kingdom and Colonies by certain citizens of Lesotho.

- (a) was born in the United Kingdom or in a colony ; or
- (b) is or was a person naturalised in the United Kingdom and Colonies ; or
- (c) was registered as a citizen of the United Kingdom and Colonies ; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said section 3(2) if either—

- (a) he was born in a protectorate or protected state, or

(b) his father or his father's father was so born and is or at any time was a British subject.

(3) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under the said section 3(2) unless her husband does so.

1948 c. 56.

(4) Subject to subsection (5) of this section, the reference in subsection (1)(b) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

(5) Any reference in this section to a colony, a protectorate or a protected state is a reference to a territory which is a colony, a protectorate or a protected state, as the case may be, within the meaning of the British Nationality Act 1948, on the appointed day, and accordingly does not include a reference to Lesotho; and subsection (1) of this section shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not such a colony, protectorate or protected state on the appointed day.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) shall have effect for the purposes of this section as if this section were included in that Act.

Judicial
Committee
of Privy
Council.

5.—(1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction and powers in respect of appeals from any court having jurisdiction under the law of Lesotho, and in respect of any proceedings concerning judges of any such court, as may be specified in, or determined in accordance with any provisions contained in, the Order in Council.

(2) Any Order in Council under this section may contain such incidental and supplemental provisions as appear to Her Majesty to be expedient.

1833 c. 41.

(3) Except so far as otherwise provided by or in accordance with an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals and other proceedings in respect of which any jurisdiction is conferred under this section as it applies in relation to appeals to Her Majesty in Council.

(4) Provisions made in pursuance of this section may be included in any Order in Council revoking the Basutoland Order 1965.

(5) An Order in Council under this section may be made before, on or after the appointed day, and so much of any Order in Council as is made under this section may be varied or revoked by a further Order in Council whether made before, on or after that day; but any Order in Council made under this section on or after the appointed day shall not extend to Lesotho as part of its law.

6.—(1) Without prejudice to any power conferred by or under section 5 of this Act, Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals to Her Majesty in Council from the Basutoland, Bechuanaland Protectorate and Swaziland Court of Appeal, being appeals which are pending immediately before the appointed day, and in which the records have been registered in the Office of the Privy Council before that day, as appears to Her to be appropriate for giving effect to any arrangements to which this subsection applies.

Pending
appeals to
Her Majesty
in Council.

(2) The preceding subsection applies to any arrangements—

- (a) made before the appointed day between Her Majesty's Government in the United Kingdom and the Government of Basutoland, or
- (b) made on or after the appointed day between Her Majesty's Government in the United Kingdom and the Government of Lesotho,

for any such appeals to be continued before and disposed of by the said Committee.

(3) An Order in Council under this section may, if the arrangements so require, direct that any appeal continued before the Judicial Committee of the Privy Council under this section shall abate on a date specified in the Order unless it has been heard by the Committee before that date; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the said Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(4) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee under this section, and in particular may provide for the form of any report or recommendation to be made by the Judicial Committee of the Privy Council in the exercise of the jurisdiction conferred on that Committee under this section, and for its transmission to such authority in Lesotho as may be specified in the Order.

N

1833 c. 41.

(5) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

Provisions
as to Orders
in Council
and other
instruments.

7.—(1) An Order in Council or other instrument made under any Act of Parliament passed before the appointed day, other than this Act, which varies or revokes a previous Order in Council or instrument in consequence of the change in status of Basutoland taking effect on the appointed day, and any Order in Council under section 6 of this Act, may, if made after the appointed day, be made so as to take effect on the appointed day.

(2) An Order in Council under section 6 of this Act—

- (a) may contain such transitional or other incidental or supplemental provisions as appear to Her Majesty to be necessary or expedient ;
- (b) may be varied or revoked by a subsequent Order in Council ; and
- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title
and
interpretation.

8.—(1) This Act may be cited as the Lesotho Independence Act 1966.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULE

Section 2(2).

AMENDMENTS NOT AFFECTING THE LAW OF LESOTHO

PART I

EXTENSION OF CERTAIN ENACTMENTS APPLICABLE TO COMMONWEALTH COUNTRIES HAVING FULLY RESPONSIBLE STATUS

Diplomatic immunities

1. In section 461 of the Income Tax Act 1952 (exemption from 1952 c. 10. income tax in the case of certain Commonwealth representatives and their staffs)—

- (a) in subsection (2), before the words "for any state" there shall be inserted the words "or Lesotho";
- (b) in subsection (3), before the words "and 'Agent-General'" there shall be inserted the words "or Lesotho".

2. In section 1(6) of the Diplomatic Immunities (Commonwealth 1952 c. 18. Countries and Republic of Ireland) Act 1952, before the words "and the Republic of Ireland" there shall be inserted the word "Lesotho".

3. In section 1(5) of the Diplomatic Immunities (Conferences with 1961 c. 11. Commonwealth Countries and Republic of Ireland) Act 1961, before the words "and the Republic of Ireland" there shall be inserted the word "Lesotho".

Financial

4. In section 2(4) of the Import Duties Act 1958, before the words 1958 c. 6. "together with" there shall be inserted the word "Lesotho".

Armed forces

5. In the definitions of "Commonwealth force" in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955 c. 18. 1955, and in the definition of "Commonwealth country" in section 135(1) of the Naval Discipline Act 1957, at the end there shall be 1957 c. 53. added the words "or Lesotho".

6. In the Visiting Forces (British Commonwealth) Act 1933, 1933 c. 6. section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Lesotho as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931 c. 4. (22 & 23 Geo. 5).

7. In the Visiting Forces Act 1952, in section 1(1)(a) (countries 1952 c. 67. to which that Act applies), at the end there shall be added the words "Lesotho or"; and, until express provision with respect to Lesotho is made by Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Lesotho.

N 2

SCH.
1963 c. 41.

8.—(1) In section 84(2) of the Offices, Shops and Railway Premises Act 1963 (exclusion of application to visiting forces) before the words “and any country” there shall be inserted the word “Lesotho”.

1920 c. 67.

(2) In section 78(2) of the Office and Shop Premises Act (Northern Ireland) 1966 (exclusion of application to visiting forces) before the words “and any country” there shall be inserted the word “Lesotho”.

(3) For the purposes of section 6 of the Government of Ireland Act 1920 (conflict of laws) the last preceding sub-paragraph shall be deemed to be contained in an Act passed before the day appointed for the purposes of that section.

Copyright

1911 c. 46.

9. If the Copyright Act 1911, so far as in force in the law of Lesotho, is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of Schedule 7 to the Copyright Act 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Lesotho, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

1956 c. 74.

Commonwealth Institute

1925 ch. cvii.
1958 c. 16.

10. In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words “and Lesotho”.

PART II

EXCEPTIONS FROM S.2(1) OF ACT

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

11. Section 2(1) of this Act shall not apply to the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.

1952 c. 67.
1959 c. 71.
1960 c. 38.

12. Notwithstanding anything in section 2(1) of this Act, section 10(1)(a) of the Visiting Forces Act 1952, the Colonial Development and Welfare Act 1959 and section 2(7)(b) of the Civil Aviation (Licensing) Act 1960 shall not apply in relation to Lesotho as if it were a colony within the meaning of those Acts respectively.



Post Office (Subway) Act 1966

1966 CHAPTER 25

An Act to authorise the Postmaster General to construct a subway in the City of Birmingham.

[3rd August 1966]

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 Postmaster General may in accordance with this Act construct and maintain a subway in the City of Birmingham together with such other works, apparatus, machinery and appliances as may in his opinion be necessary or convenient for the purposes of the subway. Power to construct subway.

(2) The subway shall commence at the north-west corner of the junction of Severn Street and Suffolk Street in the City of Birmingham, shall run north-east below Severn Street and shall terminate at New Street railway station in the junction of Severn Street and Hill Street, the length of the subway being approximately 190 yards.

(3) Subject to the limits of deviation described below, the subway shall be constructed in the line and according to the levels shown on the plan and section (in this Act referred to as "the deposited plan" and "the deposited section") deposited on 15th November 1965 in connection with a Bill which was the same as the Bill for this Act with the Clerk of the Council and in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons; and the other works authorised by this section shall be within those limits of deviation.

N 3

(4) In constructing the subway, the Postmaster General may deviate—

- (a) laterally from the centre line of work shown on the deposited plan to any extent within the limits of deviation so shown, and
- (b) from the levels thereof shown on the deposited section upwards to the extent of one foot and downwards to such extent as may be found necessary or desirable.

1950 c. 39.

(5) Part II of the Public Utilities Street Works Act 1950 (which regulates the relations between an authority carrying out road alterations and undertakers whose apparatus is affected by the alterations) shall apply in relation to works authorised by this section—

- (a) as if those works were executed for road purposes and were mentioned in section 21(1)(a) of that Act,
- (b) as if the promoting authority mentioned in that Act were the Postmaster General, and
- (c) with the omission of subsections (1) and (2) of section 23 (which in certain cases limit the rights exercisable by statutory undertakers against the promoting authority).

1845 c. 20.

(6) Schedule 1 to this Act (which applies provisions corresponding to sections 18, 19 and 21 of the Railways Clauses Consolidation Act 1845 to apparatus and works other than undertakers' apparatus) shall have effect for the purposes of this Act.

Power to take subsoil of streets and compensation for injurious affection.

2.—(1) The Postmaster General may enter upon, take, use and appropriate without payment of compensation so much of the subsoil and under-surface of Severn Street, and of the inter-sections of Severn Street with other streets, being land within the limits of deviation described in section 1(4) above, as may be necessary for the purposes of that section.

1965 c. 56.

(2) The Postmaster General shall be liable to pay such compensation, if any, as would be payable under section 7 or section 10 of the Compulsory Purchase Act 1965 (injurious affection of land not acquired) if the acquisition of land under subsection (1) above were a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applied, and accordingly any dispute arising in relation to the compensation shall be referred to and determined by the Lands Tribunal.

1946 c. 49.

Underpinning of buildings.

3.—(1) If in the execution of the works authorised by section 1 of this Act it becomes necessary to do so, the Postmaster General may, and if required by the owner or lessee shall, underpin or otherwise strengthen any building within a hundred feet of the limits of deviation described in section 1(4)(a) of this Act.

(2) Except in case of emergency, the Postmaster General shall give to the owner, lessee or occupier of a building, or the owner or lessee of a building shall give to the Postmaster General, at least fourteen days' notice in writing of the intention or, as the case may be, requirement to underpin or otherwise strengthen that building under this section, and if within seven days of the giving of such notice the owner, lessee or occupier or, as the case may be, the Postmaster General gives a counternotice in writing that he disputes the necessity of the underpinning or strengthening, the question of necessity shall be settled by arbitration.

(3) The Postmaster General may at any time after the underpinning or strengthening of any building under the foregoing provisions of this section is completed and before the expiration of a period of five years from the completion of the works authorised by section 1 of this Act do such further underpinning or strengthening of the building as he may deem necessary or expedient or, if the owner, lessee or occupier of the building disputes the necessity or expediency, as may be settled by arbitration.

(4) Where any question of necessity or expediency is referred to arbitration under the foregoing provisions of this section and the arbitrator, after inspecting the building, decides that the underpinning or strengthening is necessary or, as the case may be, that the further underpinning or strengthening is necessary or expedient, the arbitrator may, and if so required by the owner, lessee or occupier shall, prescribe the manner in which the underpinning or strengthening is to be executed, and the Postmaster General shall underpin or strengthen the building accordingly.

(5) The Postmaster General shall pay to the owner, lessee and occupier of every building underpinned or strengthened in pursuance of the powers conferred by this section compensation for any loss or damage which may result to them by reason of the exercise of those powers:

Provided that any claim for compensation under this subsection shall be made within three months from the time when the claimant first discovered the loss or damage, or the time when he ought reasonably to have discovered it, whichever is the earlier.

(6) If, before the expiration of the period of five years referred to in subsection (3) of this section, a building which has been underpinned or strengthened by the Postmaster General under this section, otherwise than in pursuance of a requirement by the owner or lessee thereof, suffers injury arising from the carrying out of the works authorised by this Act, then, except where the underpinning or strengthening was duly executed in the manner

prescribed by an arbitrator under subsection (4) of this section, the Postmaster General shall pay to the owner, lessee and occupier of the building compensation for that injury:

Provided that any claim for compensation under this subsection shall be made—

- (a) in the case of compensation to the owner within twelve months, and
- (b) in the case of compensation to a lessee or occupier, within six months,

from the time when the claimant first discovered the injury or the time when he ought reasonably to have discovered it, whichever is the earlier.

(7) For the purpose of determining how to exercise his powers and duties under this section the Postmaster General may at any reasonable time enter and survey any building within a hundred feet of the limits of deviation described in section 1(4)(a) of this Act.

(8) Any dispute arising in relation to compensation under this section shall be referred to and determined by the Lands Tribunal, and nothing in this section shall prejudice the payment of compensation under section 2 of this Act, but such adjustment shall be made of any compensation payable under this section or the said section 2 as may be required to ensure that compensation is not paid more than once in respect of the same injurious affection, loss, damage or injury.

(9) Any matter which under this section is to be determined by arbitration shall be referred to the arbitration of a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers.

1946 c. 49.

(10) Paragraph 19 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the service of notices under this section with any necessary modifications and, in particular, with the substitution of the Postmaster General for the Minister mentioned in the said paragraph 19(4).

(11) In this section “building” includes any structure.

Power to pump water and use sewers for removing water.

4.—(1) Subject to this section the Postmaster General may pump any water found by him in the construction and maintenance of the works authorised by section 1 of this Act and may use for the discharge of any water pumped or found by him in the construction and maintenance of those works any sewer or drain owned or controlled by the Council.

(2) The Postmaster General may for the purpose of using the powers under subsection (1) above lay down, take up and alter drains, pipes and other works (not being drains, pipes and other works of the Council) within the limits of deviation described in section 1(4)(a) of this Act and may for that purpose make any convenient connections with any sewer or drain owned or controlled by the Council within those limits.

(3) The Postmaster General shall not make any opening in, or discharge water directly into, any such sewer or drain except—

- (a) with the consent of the Council (which shall not be unreasonably withheld),
- (b) in accordance with plans reasonably approved by and, if so required, under the superintendence of the Council, and
- (c) subject to such terms and conditions, including conditions as to the taking of any reasonably practicable steps to remove from the water discharged any gravel, soil or other solid substance or matter in suspension, as the Council may reasonably impose.

(4) Any difference arising between the Postmaster General and the Council under this section shall be settled by arbitration, to be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers.

5. Schedule 2 to this Act shall have effect for the protection of the Council save as may be otherwise agreed in writing between the Postmaster General and the Council. Protection of Council.

6.—(1) If the deposited plan or section or the deposited book of reference is inaccurate in any respect the Postmaster General, after giving not less than ten days' notice to the owner, lessee and occupier of any land affected, may apply to two justices having jurisdiction in the City of Birmingham for its correction. Correction of errors in deposited plan, section or book of reference.

(2) If on the application it appears to the justices that the inaccuracy arose from mistake, the justices shall certify the fact accordingly and record the necessary correction in the certificate.

(3) The certificate shall be deposited in the Office of the Clerk of the Parliaments, and copies shall be deposited in the Private Bill Office, House of Commons, and with the Clerk of the Council; and thereupon the deposited plan, section or book of reference shall be deemed to be corrected according to the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

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Short title and interpretation. **7.—(1) This Act may be cited as the Post Office (Subway) Act 1966.**

(2) In this Act—

“ the Council ” means the city council of Birmingham;

“ deposited book of reference ” means a book deposited on 15th November 1965 in connection with a Bill which was the same as the Bill for this Act with the Clerk of the Council and in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of land which may be used under this Act;

“ deposited plan ” and “ deposited section ” have the meanings given by section 1(3) of this Act.

SCHEDULES

SCHEDULE 1

Section 1.

INTERFERENCE WITH APPARATUS, ETC.

1.—(1) In connection with the construction or maintenance of the works authorised by section 1 of this Act the Postmaster General may within the limits of deviation mentioned in section 1(4)(a) of this Act—

- (a) raise, sink or otherwise alter the position of any watercourse, drain, sewer, electric, gas, water or other pipes, lines or wires and of any other works or apparatus, and
- (b) remove all other obstructions to the execution of those works.

(2) The Postmaster General shall act under this paragraph with as little detriment and inconvenience to other persons as the circumstances admit.

(3) The Postmaster General shall not act under this paragraph so as to impede any supply, services or facilities until good and sufficient apparatus, and all other works necessary or proper for continuing or replacing the supply, services or facilities, have been provided, carried out, and made ready for use, with as little alteration as is practicable.

2.—(1) The Postmaster General shall, so far as practicable, make good all damage done to any property in the exercise of powers conferred by this Schedule and shall make compensation to all persons for any loss or damage or injury sustained by them in consequence of the exercise of his powers under this Schedule.

(2) Any dispute arising in relation to compensation under this paragraph shall be referred to and determined by the Lands Tribunal; and nothing in this paragraph shall prejudice the payment of compensation under section 2 of this Act, but such adjustment shall be made of any compensation payable under this Schedule or the said section 2 as may be required to ensure that compensation is not paid more than once in respect of the same injurious affection, loss, damage or injury.

3. This Schedule shall not apply so as to regulate relations between the Postmaster General and any other person if those relations are regulated by Part II of the Public Utilities Street Works Act 1950 as applied by section 1 of this Act. 1950 c. 39.

SCHEDULE 2

Section 5.

PROVISIONS FOR PROTECTION OF COUNCIL

1. The Postmaster General shall be liable to make good to the Council all injury or damage to or subsidence of any highway vested in the Council caused by or resulting from any of the works authorised by section 1 of this Act, and shall from time to time pay to the Council any amount due by virtue of this paragraph.

N* 2

SCH. 2

2. The Postmaster General shall effectively indemnify and hold harmless the Council from and against all claims and demands arising out of any defect in any sewer, main or apparatus of the Council situate in or under any highway within the limits of deviation described in section 1(4)(a) of this Act which may occur as a result of the construction or maintenance of the works authorised by section 1 of this Act:

Provided that—

- (i) this indemnity shall not extend to any claim or demand arising out of any such defect as aforesaid which would not have occurred but for some act, neglect or default of the Council or of any servant, agent or contractor of the Council;
- (ii) the Council shall give to the Postmaster General reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Postmaster General.

3. Any difference arising between the Postmaster General and the Council under paragraph 1 of this Schedule shall be settled by arbitration, to be referred to a single arbitrator appointed by agreement between the parties concerned, or, in default of agreement, by the President of the Institution of Civil Engineers.



Appropriation (No. 2) Act 1966

1966 CHAPTER 26

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on 31st March 1967, and to appropriate the supplies granted in this Session of Parliament. [9th August 1966]

Most Gracious Sovereign,

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

GRANT OUT OF CONSOLIDATED FUND

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to Her Majesty for the service of the year ending on 31st March 1967, the sum of £5,251,306,450. Issue of £5,251,306,450 out of the Consolidated Fund for the year ending 31st March 1967.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole £5,251,306,450. Power for the Treasury to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than 31st March 1967, and section 6 of the Treasury Bills Act 1877 (which relates to the renewal of bills) shall not apply with respect to those bills. 1877 c. 2.

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

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

APPROPRIATION OF GRANT

Appropriation of sums voted for supply services.

3. The sum granted by this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty amounting, as appears by Schedule (A) annexed to this Act, to the sum of £5,251,306,450 is appropriated for the services and purposes expressed in Schedule (B) annexed hereto.

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

1891 c. 24.

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

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

1966 c. 3.

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 and the Appropriation Act 1966 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 the said Acts, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the Navy, Army and Air Services for the year, in order that any

temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts 1964 and 1965 surpluses arising on certain votes for Navy, Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act:

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1964-65. 1964 c. 62. 1965 c. 23.

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

6. This Act may be cited as the Appropriation (No. 2) Act 1966. Short title.

ABSTRACT

OF

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

Section 3.

SCHEDULE (A)

Grant out of the Consolidated Fund £5,251,306,450

Section 3.

SCHEDULE (B)—APPROPRIATION OF GRANTS

	Sums not exceeding			
	Supply Grants		Appropriations in Aid	
	£	s. d.	£	s. d.
1966-67				
Part 1. Defence (Central) -	19,641,000	0 0	3,639,000	0 0
Part 2. Defence (Navy) -	357,568,000	0 0	45,443,000	0 0
Part 3. Defence (Army) -	329,080,000	0 0	72,650,000	0 0
Royal Ordnance Factories	750,000	0 0	37,120,000	0 0
Army Purchasing (Repay- ment) Services - -	1,000,000	0 0	—	
Part 4. Defence (Air) - -	322,120,000	0 0	47,231,000	0 0
TOTAL, DEFENCE - -£	1,030,159,000	0 0	206,083,000	0 0

SCHEDULE (B).—APPROPRIATION OF GRANTS—*continued*

	Sums not exceeding					
	Supply Grants			Appropriations in Aid		
	£	s.	d.	£	s.	d.
Part 5. Civil, Class I -	138,796,250	0	0	5,913,000	0	0
Part 6. Civil, Class II -	139,633,000	0	0	14,080,000	0	0
Part 7. Civil, Class III -	128,334,000	0	0	22,160,000	0	0
Part 8. Civil, Class IV -	823,521,600	0	0	237,674,000	0	0
Part 9. Civil, Class V -	207,497,900	0	0	11,977,000	0	0
Part 10. Civil, Class VI -	2,161,245,800	0	0	276,310,090	0	0
Part 11. Civil, Class VII -	293,928,900	0	0	69,646,000	0	0
Part 12. Civil, Class VIII -	6,190,000	0	0	212,150	0	0
Part 13. Civil, Class IX -	245,906,800	0	0	98,403,030	0	0
Part 14. Civil, Class X -	5,750,400	0	0	15,099,300	0	0
Part 15. Civil, Class XI -	70,342,800	0	0	4,080,100	0	0
TOTAL, CIVIL -	-£ 4,221,147,450	0	0	755,554,670	0	0
GRAND TOTAL -	-£ 5,251,306,450	0	0	961,637,670	0	0

SCHEDULE (A)

GRANT OUT OF THE CONSOLIDATED FUND

	£	s.	d.
For the service of the year ending on 31st March 1967—			
Under this Act 	5,251,306,450	0	0

SCHEDULE (B).—PART 1

Defence
(Central),
1966-67.

DEFENCE (CENTRAL)

SUM granted, and sum which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charge of Defence (Central), which will come in course of payment during the year ending on 31st March 1967, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
For the salaries and expenses of the Central Defence Staffs, the Defence Secretariat and the Central Defence Scientific Staff and of certain Joint Service Establishments; expenses in connection with International Defence Organisations, including international subscriptions; and sundry other services including certain grants in aid -	19,641,000	3,639,000

Defence (Navy),
1966-67.

SCHEDULE (B).—PART 2

DEFENCE (NAVY)

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, including provision for officers, seamen, juniors and Royal Marines, and members of the Women's Royal Naval Service and Queen Alexandra's Royal Naval Nursing Service, to a number not exceeding 103,000, 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 - - - - -	59,425,000	3,691,000
2. For the pay and expenses of the Royal Naval Reserve, the Royal Fleet Reserve and Cadet Forces, &c. - - - - -	471,000	1,000
3. For the salaries, wages and expenses of the Navy Department Headquarters - - -	8,435,000	40,000
4. For scientific services, including a subscription to the International Hydrographic Bureau - - - - -	18,428,000	1,056,000
5. For medical services, education and civilians on Fleet services - - - - -	10,624,000	516,000
6. For Naval Stores, Armament, Victualling and other Material Supply Services -	133,749,000	24,232,000
7. For the new construction, repair, &c., of H.M. Ships, Aircraft and Weapons (including a Supplementary sum of £1,000) - - - - -	105,505,000	10,996,000
8. For miscellaneous effective services, including a grant in aid - - - - -	6,193,000	4,841,000
9. For non-effective services - - - - -	14,738,000	70,000
TOTAL, NAVY SERVICES - - - - -	£ 357,568,000	45,443,000

SCHEDULE (B).—PART 3

Defence (Army),
1966-67.

DEFENCE (ARMY)

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, including provision for Land Forces to a number not exceeding 238,700, all ranks, in addition to the Reserve Forces, Territorial Army and Cadet Forces, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the pay, &c., of the Army - - -	113,760,000	11,310,000
2. For the Reserve Forces (to a number not exceeding 78,000 all ranks, including a number not exceeding 75,500 other ranks), Territorial Army (to a number not exceeding 169,350 all ranks) and Cadet Forces - - - - -	11,880,000	680,000
3. For salaries, wages, &c., of civilian staff of the Army Department Headquarters - - - - -	4,100,000	20,000
4. For salaries, wages, &c., of civilians at outstations - - - - -	73,380,000	1,590,000
5. For movements - - - - -	14,320,000	1,080,000
6. For supplies - - - - -	11,780,000	4,240,000
7. For stores and equipment (including stores and equipment for research, design and development projects and inspection; disposal of stores; and certain capital and ancillary services) - - - - -	66,400,000	24,800,000
8. For miscellaneous effective services, including grants in aid - - - - -	3,400,000	13,840,000
9. For non-effective services, including a grant in aid - - - - -	23,820,000	330,000
10. For lands and buildings and certain ancillary services - - - - -	6,240,000	14,760,000
TOTAL, ARMY SERVICES - - - -£	329,080,000	72,650,000
Royal Ordnance Factories.		
For operating the Royal Ordnance Factories Army Purchasing (Repayment) Services.	750,000	37,120,000
For expenditure incurred by the Army Department on the supply of munitions, common-user and other articles for the Government service and on miscellaneous supply - - - - -	1,000,000	—

Defence (Air),
1966-67.

SCHEDULE (B).—PART 4

DEFENCE (AIR)

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the Air Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 131,000, all ranks, in addition to reserve and auxiliary services and cadet forces, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the pay, &c., of the Air Force - - -	92,650,000	8,640,000
2. For Reserve and Auxiliary services (to a number not exceeding 21,655, all ranks, for the Royal Air Force Reserve, and 600, all ranks, for the Royal Auxiliary Air Force) and cadet forces - - -	310,000	346,000
3. For salaries, wages, &c., of civilian staff of the Air Force Department Headquarters	2,910,000	10,000
4. For salaries, wages, &c., of civilians at out-stations and the Meteorological Office -	28,260,000	3,800,000
5. For movements - - - - -	12,450,000	4,650,000
6. For supplies - - - - -	19,600,000	5,000,000
7. For aircraft and stores - - - - -	152,900,000	15,000,000
8. For miscellaneous effective services, including certain grants in aid and a subscription to the World Meteorological Organisation - - - - -	370,000	9,520,000
9. For non-effective services - - - - -	12,670,000	265,000
TOTAL, AIR SERVICES - - - - -	322,120,000	47,231,000

SCHEDULE (B).—PART 5

Civil,
Class I,
1966-67.

CIVIL.—CLASS I

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned which will come in course of payment during the year ending on 31st March 1967, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the House of Lords - - - - -	253,000	7,000
2. For the salaries and expenses of the House of Commons, including certain grants in aid (including a Supplementary sum of £2,000) - - - - -	1,908,000	7,000
3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, and two Ministers without Portfolio - - - - -	3,247,000	229,000
4. For the salaries and expenses of the Department of Her Majesty's First Secretary of State and Secretary of State for Economic Affairs, of the National Economic Development Council and of the National Board for Prices and Incomes, and for certain grants in aid	1,311,000	2,000
5. For the salaries and expenses of the Department of Her Majesty's Most Honourable Privy Council - - - - -	40,000	3,000
6. For the salaries of Post Office Ministers -	7,250	—
7. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - - -	18,982,000	1,752,000
8. For the salaries and expenses of the Inland Revenue Department - - - - -	51,554,000	3,342,000
9. For transitional relief under the Finance Act 1965, for companies with an overseas source of trading income - - - - -	60,000,000	—
10. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - - -	486,000	199,000
11. For the salaries and expenses of the Civil Service Commission - - - - -	630,000	372,000
12. For the salaries and expenses of Royal Commissions, committees, special enquiries, &c., and for a grant in aid -	378,000	—
TOTAL, CIVIL, CLASS I - - - - -	138,796,250	5,913,000

Civil,
Class II,
1966-67.

SCHEDULE (B).—PART 6

CIVIL.—CLASS II

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the offices of Her Majesty's Secretary of State for Foreign Affairs and of Her Majesty's Secretaries of State for Commonwealth Affairs and for the Colonies; Her Majesty's Diplomatic Service; and sundry other services connected therewith (including a Supplementary sum of £1,000)-	21,557,000	4,642,000
2. For expenditure by the Foreign Office on sundry grants and services, including subscriptions, &c., to certain international organisations and certain grants in aid (including a Supplementary sum of £856,000) - - - - -	11,582,000	4,363,000
3. For a grant in aid of the British Council -	2,972,000	—
4. For expenditure by the Commonwealth Office on sundry grants and services, including subscriptions to certain international organisations, and certain grants in aid (including a Supplementary sum of £439,000) - - - - -	13,834,000	2,317,000
5. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies; for sundry services; and for grants in aid (including a Supplementary sum of £1,000) - - - - -	4,494,000	176,000
6. For sundry Colonial Services including a subscription to an international organisation and certain grants in aid - - -	493,000	—
7. For the salaries and expenses of the Ministry of Overseas Development, including refund of selective employment tax to the Commonwealth Development Corporation (including a Supplementary sum of £5,000) - - - - -	1,730,000	6,000

SCHEDULE (B).—PART 6—continued

Civil,
Class II,
1966-67.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
8. For expenditure by the Ministry of Overseas Development on grants and services connected with multilateral overseas aid, including subscriptions to certain international organisations and certain grants in aid - - - - -	2,113,000	—
9 For expenditure by the Ministry of Overseas Development on grants and services connected with bilateral overseas aid, including certain grants in aid (including a Supplementary sum of £26,399,000) -	59,682,000	511,000
10. For expenditure by the Ministry of Overseas Development on sundry services connected with overseas aid, including certain grants in aid - - - - -	15,011,000	2,065,000
11. For schemes made under the Colonial Development and Welfare Acts 1959 and 1963 - - - - -	5,250,000	—
12. For a grant in aid of the Commonwealth War Graves Commission and certain other expenses - - - - -	915,000	—
TOTAL, CIVIL, CLASS II - - - - -	139,633,000	14,080,000

Civil,
Class III,
1966-67.

SCHEDULE (B).—PART 7

CIVIL.—CLASS III

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, 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; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid (including a Supplementary sum of £43,000) - - - -	13,236,000	4,059,000
2. For the salaries and expenses of the office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid (including a Supplementary sum of £5,000)- - - - -	1,981,000	248,000
3. For grants and expenses in connection with civil defence and certain remanet expenditure; and for a grant in aid - - -	8,211,000	331,000
4. For grants and expenses in connection with civil defence in Scotland and certain remanet expenditure - - - - -	1,410,000	70,000
5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation (including a Supplementary sum of £13,000) - - -	64,908,000	2,769,000
6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services (including a Supplementary sum of £1,000) - - - - -	9,502,000	434,000
7. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in England and Wales -	16,509,000	3,070,000
8. For the salaries and expenses of prisons, borstal institutions, detention and remand centres in Scotland - - - -	2,147,000	320,000

SCHEDULE (B).—PART 7—*continued*

Civil,
Class III,
1966-67.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
9. For grants and expenses in England and Wales in respect of approved schools, remand homes and voluntary homes, and for training in and research on child care - - - - -	3,912,000	170,000
10. For grants and expenses in Scotland in respect of approved schools, remand homes and voluntary homes and for training in and research on child care -	793,000	12,000
11. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal, Law Commission and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals, and certain other expenses (including a Supplementary sum of £1,000)	155,000	3,540,000
12. For the salaries and expenses of the County Courts - - - - -	236,000	5,929,000
13. For a grant to the Legal Aid Fund - - -	4,162,000	—
14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - -	700,000	452,000
15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, of the Scottish Law Commission, and of the Courts, Tribunals, &c.; and for sundry services -	400,000	705,000
16. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeals in Northern Ireland and certain other expenses -	72,000	51,000
TOTAL, CIVIL, CLASS III - - -	£128,334,000	22,160,000

Civil,
Class IV,
1966-67.

SCHEDULE (B).—PART 8

CIVIL.—CLASS IV

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, 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 agencies - - - - -	6,342,000	5,271,000
2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, on services connected with shipping and shipbuilding and on trading and other services, including subscriptions to international organisations and grants in aid (including a Supplementary sum of £10,000) - -	3,726,000	117,000
3. For the promotion of local employment -	22,342,000	230,000
4. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council	900	15,196,000
5. For payments under Special Guarantees given or arising from other arrangements made by the Board of Trade in the national interest - - - - -	900	1,177,000
6. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation, &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation, and sundry other services (including a Supplementary sum of £364,000) - -	27,568,000	7,649,000

SCHEDULE (B).—PART 8—continued

Civil,
Class IV,
1966-67.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
7. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research, development and inspection), and of civil aviation; for contributions to certain international organisations, a loan, a grant in aid, a conditional grant, certain repayments, &c., of selective employment tax; and sundry other services (including a Supplementary sum of £3,570,000) - - - - -	188,090,000	32,820,000
8. For expenditure by the Ministry of Aviation on the supply of aircraft and other equipment for the Government service and on miscellaneous supply - - - - -	900	—
9. For certain expenditure by the Ministry of Aviation on the purchase of U.S. aircraft and for research and development connected therewith - - - - -	1,000	99,999,000
10. For payments to the United Kingdom Atomic Energy Authority for outstanding liabilities in respect of the capital cost of plant being maintained as reserve capacity, and certain terminal expenses, and for payments to the Authority and to others for special materials and services - - - - -	36,600,000	—
11. For the construction, maintenance and operation of civil aerodromes, for civil air navigational services and for a subscription, &c., to Eurocontrol - - - - -	11,235,000	9,932,000
12. For salaries and expenses of the Ministry of Transport, and certain Tribunals and Committees - - - - -	3,675,000	4,595,000
13. For expenditure, including grants and loans to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in England and sundry services connected therewith; for expenditure on the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; for road research; and for sundry other services - - - - -	134,900,000	8,415,000
14. For expenditure, including grants and loans to highway, &c., authorities, on the construction and maintenance of roads, &c., in Scotland and sundry services connected therewith; and for sundry other services - - - - -	21,524,000	23,000

Civil,
Class IV,
1966-67.SCHEDULE (B).—PART 8—*continued*

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
15. For expenditure, including grants and loans to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in Wales and sundry services connected therewith; and for sundry other services - -	11,198,000	20,000
16. For services connected with inland transport, including repayments &c., of selective employment tax to the nationalised transport undertakings; grants to road passenger transport operators; ports, a Channel Tunnel, Governmental shipping services, and sundry other services, including subscriptions to certain international organisations (including a Supplementary sum of £19,000,000)	22,868,000	276,000
17. For the expenditure of the Ministry of Transport in grant to the British Railways Board, the British Waterways Board and the London Transport Board in respect of deficits on their revenue accounts (including a Supplementary sum of £4,200,000) - - -	66,167,000	—
18. For the salaries and expenses of the Ministry of Power; for expenditure on oil storage and distribution; for grants to the National Coal Board in connection with pit closures; for certain repayments &c., of selective employment tax; for payments to the Governments of Northern Ireland and Isle of Man; and for sundry other services (including a Supplementary sum of £30,656,000) - -	39,004,000	2,247,000
19. For the salaries and expenses of the Ministry of Technology, including certain subscriptions to international organisations and grants in aid - -	15,304,000	2,084,000
20. For payments towards meeting the expenses of the United Kingdom Atomic Energy Authority, for subscriptions, &c., to international projects and organisations, for the administration of a national stock-pile of uranium ore, for a grant in aid, and for repayment &c., of selective employment tax to the Atomic Energy Authority Trading Fund (including a Supplementary sum of £250,000) - -	8,973,000	47,623,000
21. For loans to the United Kingdom Atomic Energy Authority Trading Fund - -	900	—

SCHEDULE (B).—PART 8—continued

Civil,
Class IV,
1966-67.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
22. For expenditure by Her Majesty's Treasury on taking up shares in the British Petroleum Company Ltd. - - -	1,000	—
23. For payments by the Ministry of Labour to certain employers who have paid selective employment tax - - - -	190,000,000	—
24. For repayments of selective employment tax to the Postmaster General and to Cable and Wireless Ltd. - - -	14,000,000	—
TOTAL, CIVIL, CLASS IV - - - £	823,521,600	237,674,000

Civil,
Class V,
1966-67.

SCHEDULE (B).—PART 9

CIVIL.—CLASS V

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, 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 the Royal Botanic Gardens, Kew; of the White Fish Authority and Scottish Committee; and of the Plant Variety Rights Office - - - - -	17,414,000	591,000
2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food, transport and harbour services, the development of the Highlands and Islands, including grants and grants in aid and for refunds of selective employment tax to agricultural, horticultural and forestry employers - - - - -	8,153,000	1,222,000
3. For expenditure by the Ministry of Agriculture, Fisheries and Food on grants and subsidies for the encouragement of food production and the improvement of agriculture and for sundry other services	56,550,000	40,000
4. For expenditure by the Department of Agriculture and Fisheries for Scotland on grants and subsidies for the encouragement of food production and the improvement of agriculture - - - - -	11,983,000	—
5. For expenditure by the Ministry of Agriculture, Fisheries and Food in implementation of agricultural price guarantees and for sundry other services	85,955,000	60,000
6. For expenditure by the Department of Agriculture and Fisheries for Scotland in implementation of agricultural price guarantees - - - - -	8,475,000	—

SCHEDULE (B).—PART 9—continued

Civil,
Class V,
1966-67.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
7. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with sundry agricultural and food services, including grants, loans, grants in aid, certain subscriptions to international organisations and for re-funds of selective employment tax to agricultural, horticultural and forestry employers - - - - -	14,237,000	4,250,000
8. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves - - -	900	5,799,000
9. For grants, loans and expenses in connection with assistance to fishermen; grants and loans to the White Fish Authority; expenditure on research and development relating to fisheries and fish marketing and on the construction, improvement and maintenance of harbours and fishing facilities; subscriptions to certain international organisations and a grant in aid of the White Fish Marketing Fund - - -	2,972,000	4,000
10. In connection with Scottish fisheries and the United Kingdom herring industry for grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing and the construction, improvement and maintenance of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - -	1,758,000	11,000
TOTAL, CIVIL, CLASS V - - - - -	207,497,900	11,977,000

Civil,
Class VI,
1966-67.

SCHEDULE (B).—PART 10

CIVIL.—CLASS VI

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Housing and Local Government; grants and expenses in connection with water supply, sewerage, coast protection, abating the pollution of the air, planning and redevelopment, new towns, areas of outstanding natural beauty, rating relief, rate rebates, historic buildings; for the refund of selective employment tax paid by local authorities and certain other bodies in England; a subscription to an international organisation, grants in aid, and sundry other services (including a Supplementary sum of £41,632,000) - - - - -	76,609,000	1,494,030
2. For the salaries and expenses of the Scottish Development Department; for grants and expenses in connection with rate rebates, planning and redevelopment, water and sewerage, coast protection, historic buildings, the refund of selective employment tax paid by local authorities, electricity boards and certain other bodies in Scotland; and sundry other services, including grants in aid (including a Supplementary sum of £5,084,000) - - - - -	10,679,000	28,030
3. For the salaries and expenses of the office of the Secretary of State for Wales; grants and expenses in connection with water supply, sewerage, coast protection, abating the pollution of the air, planning and redevelopment, new towns, national parks, rating relief, rate rebates, historic buildings, the refund of selective employment tax paid by local authorities and certain other bodies in Wales; and sundry other services and grants in aid (including a Supplementary sum of £2,729,000) - - - - -	4,657,000	11,030

SCHEDULE (B).—PART 10—*continued*

Civil,
Class VI,
1966-67.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
4. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services in England - - -	52,037,000	1,225,000
5. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation in Scotland - - -	11,934,000	324,000
6. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services in Wales - - -	3,734,000	85,000
7. For general grants to local authorities in England and Wales - - - -	536,644,000	—
8. For general grants to local authorities in Scotland - - - -	51,175,000	—
9. For rate deficiency grants to local authorities in England and Wales - - -	130,000,000	—
10. For equalisation and transitional grants to local authorities in Scotland - - -	17,980,000	—
11. For the salaries and expenses of the Ministry of Land and Natural Resources; for grants and expenses in connection with national parks and water resources; and for a grant in aid - - -	943,000	32,000
12. For a grant in aid of the Forestry Fund -	8,505,000	—
13. For the salaries and expenses of the Ministry of Health; for the expenses of certain committees, &c.; and for sundry services - - - -	4,195,000	2,832,000
14. For the provision of hospital services, &c., under the National Health Service, &c., in England and Wales; and other services - - - -	408,532,000	111,801,000
15. For the provision of Executive Councils' services, &c., under the National Health Service in England and Wales (including a Supplementary sum of £1,000) - - -	159,491,000	44,523,000
16. For the provision in England and Wales of certain miscellaneous services under the National Health Service, &c., and of certain welfare services; and for a subscription to the World Health Organisation and certain grants in aid - - -	34,452,000	2,174,000

Civil,
Class VI,
1966-67.

SCHEDULE (B).—PART 10—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
17. For expenditure by the Ministry of Health on pensions, allowances, gratuities, &c., payable under section 6(6) of the National Health Service Act 1946, or under regulations made under section 67 of that Act; and certain payments to the National Insurance Fund - - -	900	30,815,000
18. For the provision of services under the National Health Service in Scotland and other health and welfare services including a grant in aid - - - -	80,369,000	17,480,000
19. For expenditure by the Scottish Home and Health Department on pensions, allowances and gratuities, &c., payable under section 6(8) of the National Health Service (Scotland) Act 1947, or under regulations made under section 66 of that Act; and certain payments to the National Insurance Fund - - -	900	3,341,000
20. For the salaries and expenses of the Ministry of Pensions and National Insurance including appellate, advisory and sundry other services and a subscription to an international organisation	5,871,000	52,920,000
21. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund - - -	204,800,000	—
22. For payments in respect of family allowances - - - - -	99,472,000	28,000
23. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; assistance grants, &c.; non-contributory old age pensions, including pensions to blind persons; and sundry other services	181,291,000	7,187,000
24. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or service in the Armed Forces after 2nd September 1939, for sundry other services and for a grant in aid - - - - -	77,874,000	10,000
TOTAL, CIVIL, CLASS VI - £	2,161,245,800	276,310,090

SCHEDULE (B).—PART 11

Civil,
Class VII,
1966-67.

CIVIL.—CLASS VII

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Education and Science; for grants and loans in connection with education, &c., for sundry services; for a subscription to an international organisation and for certain grants in aid - - -	94,443,000	1,886,000
2. For the salaries and expenses of the Scottish Education Department; for grants and loans in connection with education, &c.; for sundry services and for a grant in aid - - - - -	20,135,000	21,000
3. For expenditure by the Department of Her Majesty's Secretary of State for Education and Science on superannuation allowances and gratuities, &c., in respect of teachers, and a loan to the Teachers' Family Benefits Fund - -	900	59,339,000
4. For expenditure by the Scottish Education Department on superannuation allowances and gratuities, &c., in respect of teachers - - - - -	1,000	8,373,000
5. For the salaries and expenses of the University Grants Committee, for grants in aid and grants towards the expenses of, and for loans to, universities, colleges, the British Academy, &c. - - - - -	138,173,000	—
6. For a grant in aid of the Social Science Research Council - - - - -	459,000	—
7. For grants in aid of the Science Research Council including subscriptions to certain international organisations -	21,134,000	—
8. For a grant in aid of the Natural Environment Research Council - - - - -	3,676,000	—
9. For grants in aid of the Medical Research Council including a subscription to an international organisation - - - -	7,924,000	—
10. For a grant in aid of the Agricultural Research Council - - - - -	6,877,000	—

Civil,
Class VII,
1966-67.

SCHEDULE (B).—PART 11—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
11. For the salaries and expenses of the British Museum (Natural History), including a purchase grant in aid - - - -	621,000	27,000
12. For grants in aid of certain institutions and bodies concerned with science and for services connected therewith - -	485,000	—
TOTAL, CIVIL, CLASS VII - -£	293,928,900	69,646,000

SCHEDULE (B).—PART 12

Civil,
Class VIII,
1966-67.

CIVIL.—CLASS VIII

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the British Museum, including a purchase grant in aid - - - - -	1,192,000	135,000
2. For the salaries and expenses of the Science Museum, including a purchase grant in aid - - - - -	325,000	2,000
3. For the salaries and expenses of the Victoria and Albert Museum, including purchase grants in aid (including a Supplementary sum of £30,000) - - - - -	538,000	12,000
4. For the salaries and expenses of the Imperial War Museum, including a purchase grant in aid - - - - -	104,000	18,500
5. For the salaries and expenses of the London Museum, including a purchase grant in aid - - - - -	56,000	1,850
6. For the salaries and expenses of the National Gallery, including a purchase grant in aid - - - - -	134,000	5,000
7. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - - - - -	114,000	600
8. For the salaries and expenses of the National Portrait Gallery, including a purchase grant in aid - - - - -	44,000	10,000
9. For the salaries and expenses of the Tate Gallery, including purchase grants in aid - - - - -	109,000	6,500
10. For the salaries and expenses of the Wallace Collection - - - - -	47,000	6,000
11. For the salaries and expenses of the Royal Scottish Museum, including purchase grants in aid, certain other grants in aid and a grant to the Scottish Council for Museums and Galleries - - - - -	123,000	5,000
12. For the salaries and expenses of the National Gallery of Scotland, the Scottish National Gallery of Modern Art and the Scottish National Portrait Gallery, including purchase grants in aid	60,000	4,000

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Civil,
Class VIII,
1966-67.

SCHEDULE (B).—PART 12—continued

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
13. For the salaries and expenses of the National Library of Scotland, including a purchase grant in aid - - - -	102,000	5,500
14. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a purchase grant in aid - - - -	27,000	200
15. For grants in aid of the National Library of Wales and the National Museum of Wales and a grant to the Council of Museums in Wales - - - -	310,000	—
16. For grants to, and grants in aid of, certain institutions and bodies connected with the arts - - - -	2,905,000	—
TOTAL, CIVIL, CLASS VIII - -£	6,190,000	212,150

SCHEDULE (B).—PART 13

Civil,
Class IX,
1966-67.

CIVIL.—CLASS IX

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Public Building and Works	23,333,000	9,000,000
2. For expenditure on public buildings in the United Kingdom, including grants in aid, a purchase grant in aid, and sundry other services	42,145,000	8,654,000
3. For expenditure on public buildings overseas	5,864,000	400,000
4. For expenditure on works and buildings for the Ministry of Defence (Navy Department)	21,810,000	1,635,000
5. For expenditure on works and buildings for the Ministry of Defence (Army Department)	40,525,000	2,050,000
6. For expenditure on works and buildings for the Ministry of Defence (Air Force Department)	27,860,000	6,890,000
7. For expenditure on works and buildings for the Ministry of Aviation	5,333,000	—
8. For expenditure on works and buildings for Royal Ordnance Factories	700,000	—
9. For certain additional married quarters for the Ministry of Defence	900	14,804,000
10. For expenditure on Houses of Parliament buildings	598,000	2,000
11. For expenditure on the Royal Palaces, including a grant in aid	545,000	122,000
12. For expenditure on Royal parks and pleasure gardens	1,049,000	102,000
13. For grants and expenses in connection with historic buildings and ancient monuments	765,000	222,020
14. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of Commonwealth and foreign countries and international organisations	17,290,000	1,500,000

O*

Civil,
Class IX,
1966-67.

SCHEDULE (B).—PART 13—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
15. For the salaries and expenses of the Stationery Office; for stationery, printing, books, office equipment, &c.; for official publications; and for sundry services	15,662,000	12,630,010
16. For the salaries and expenses of the Central Office of Information - - - -	7,385,000	1,797,000
17. For the salaries and expenses of the Department of the Government Actuary - -	31,000	46,000
18. For a grant in aid of the Government Hospitality Fund - - - - -	100,000	—
19. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - -	34,910,000	2,850,000
20. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - -	900	35,699,000
TOTAL, CIVIL, CLASS IX - - - - -	245,906,800	98,403,030

SCHEDULE (B).—PART 14

CIVIL.—CLASS X

Civil,
Class X,
1966-67.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Charity Commission for England and Wales -	265,000	200
2. For the salaries and expenses of the Crown Estate Office - - - - -	136,000	—
3. For the salaries and expenses of the Registry of Friendly Societies - - - - -	102,000	11,000
4. For the salaries and expenses of the Royal Mint in the production of coins, medals, badges, dies, seals, &c., and for the withdrawal of coin - - - - -	900	7,534,000
5. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - - -	900	93,000
6. For the salaries and expenses of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	900	68,000
7. For the salaries and expenses of the office of the Public Trustee - - - - -	900	739,000
8. For the salaries and expenses of the Land Registry - - - - -	900	3,804,000
9. For the salaries and expenses of the Office of the Registrar of Restrictive Trading Agreements - - - - -	120,000	100
10. For the survey of Great Britain and other mapping services - - - - -	2,723,000	1,859,000
11. For the salaries and expenses of the Public Record Office - - - - -	162,000	38,000
12. For the salaries and expenses of the Scottish Record Office - - - - -	56,000	26,000
13. For the salaries and expenses of the Office of the Registrar General - - - - -	806,000	535,000
14. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland -	143,000	61,000
15. For the salaries and expenses of the Department of the Registers of Scotland	900	331,000
16. For the salaries and expenses, including publicity, of the National Savings Committee - - - - -	1,232,000	—
TOTAL, CIVIL, CLASS X - - - - -	5,750,400	15,099,300

O* 2

Civil,
Class XI,
1966-67.

SCHEDULE (B).—PART 15

CIVIL.—CLASS XI

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to complete the amount necessary to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on 31st March 1967, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General	55,896,000	438,000
2. For the salaries and expenses of the Carlisle State Management District - - -	900	2,808,000
3. For the salaries and expenses of the State Management Districts in Scotland -	900	722,000
4. For pensions, &c., in respect of service in the former Indian and Burma Services and under the former Government of Palestine, and in respect of certain other service overseas; for supplements to certain colonial and other overseas pensions; for certain payments to the Governments of India and Pakistan in connection with pensions; and for sundry services and expenses (including a Supplementary sum of £17,000) - -	6,481,000	75,000
5. For pensions, &c., and compensation allowances awarded to retired and disbanded members of the Royal Irish Constabulary, and to their widows, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances - -	650,000	—
6. For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purpose of Irish land purchase - - -	435,000	100
7. For a grant in aid of the Development Fund	550,000	—
8. For Her Majesty's foreign and other secret services - - - - -	6,000,000	—
9. For certain miscellaneous expenses, a subscription to an international organisation and grants in aid - - - -	297,000	37,000
10. To repay to the Civil Contingencies Fund certain miscellaneous advances - -	32,000	—
TOTAL, CIVIL, CLASS XI - - - - -	70,342,800	4,080,100

SCHEDULE (C).—PART 1

Section 5.

Navy Services, 1964-65, 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	589,659 2 10	—	—	981,856 10 10
2. Royal Nava Reserves	1,449 19 4	—	—	533 12 8
3. Navy Department Headquarters ...	808,399 16 4	—	—	13,141 4 5
4. Research and Develop- ment and other Scientific Services ...	1,193,148 2 6	84,869 5 5	—	—
5. Medical Services, Edu- cation and Civilians on Fleet Services ...	177,036 11 8	—	—	70,497 3 7
6. Naval Stores, Arma- ment, Victualling and other Material Supply Services ...	—	—	11,643,908 0 9	1,989,747 1 5
7. H.M. Ships, Aircraft and Weapons, New Construction and Repairs	—	—	1,854,368 10 10	1,513,780 15 3
8. Lands and Buildings	46,324 12 2	—	—	10,418,883 4 11
9. Miscellaneous Effective Services	176,425 3 8	—	—	344,929 10 0
10. Non-effective Services	130,438 1 1	—	—	27,044 15 3
11. Additional Married Quarters	—	750,880 0 0*	750,880 0 0	—

* This deficiency of receipts was offset by a surplus of estimated over actual gross expenditure.

Section 5.

SCHEDULE (C).—PART 2

Army Services, 1964-65, 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.
1. Pay, &c., of the Army	2,172,983	3	9	615,468	13	1	—	—	—
2. Reserve Forces, Territorial Army and Cadet Forces ...	285,676	3	8	—	—	—	—	252,215	6 5
3. Army Department Headquarters ...	350,172	19	0	—	—	—	—	2,540	18 7
4. Civilians at Outstations	3,216,356	4	3	—	—	—	—	312,946	5 0
5. Movements	1,601,221	1	7	—	—	—	—	215,740	18 9
6. Supplies	2,714,653	4	7	—	—	—	—	1,049,818	4 7
7. Stores and Equipment	—	—	—	—	—	—	10,575,638	9 2	947,919 3 7
8. Lands, Buildings and Works	—	—	—	—	—	—	1,994,702	6 10	11,721,747 12 8
9. Miscellaneous Effective Services	—	—	—	—	—	—	659,622	18 6	640,193 1 6
10. Non-effective Services	921,973	9	5	—	—	—	—	208,984	3 6
11. Additional Married Quarters	—	—	—	30,230	17	7*	30,230	17 7	—

* This deficiency of receipts was wholly offset by a surplus of estimated over actual gross expenditure.

SCHEDULE (C).—PART 3

Section 5.

Air Services, 1964-65, 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	—	—	706,345 16 4	87,908 8 3
2. Reserve and Auxiliary Services	—	—	6,625 2 9	8,209 13 1
3. Air Force Department Headquarters ...	24,945 1 7	2,748 17 4	—	—
4. Civilians at Outstations and the Meteorological Office ...	—	85,047 17 11*	73,634 11 11	—
5. Movements	—	135,105 17 3*	241,044 12 3	—
6. Supplies	—	—	354,709 3 5	190,192 1 8
7. Aircraft and Stores ...	—	—	1,910,078 12 1	1,055,774 1 11
8. Lands, Buildings and Works	—	—	345,222 11 10	8,510,148 6 3
9. Miscellaneous Effective Services	—	193,195 16 10*	244,140 10 8	—
10. Non-effective Services	—	—	101,518 15 0	15,687 13 3
11. Additional Married Quarters	—	190 17 3*	190 17 3	—

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



Building Control Act 1966

1966 CHAPTER 27

An Act to regulate building and constructional work.

[9th August 1966]

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:—

Control of building and constructional work

Prohibition of work except under licence.

1.—(1) The carrying out in Great Britain after the commencement of this Act of any work in the construction or alteration of a building or of any other fixed works of construction or civil engineering shall be unlawful unless—

- (a) the work is authorised by a licence issued under this Act by the Minister of Public Building and Works (hereafter in this Act referred to as “the Minister”); or
- (b) the work is exempt from control by virtue of any of the following provisions of this Act.

(2) A licence under this Act may be issued subject to conditions or limitations, and in particular may be limited so as to authorise the carrying out of some, but not all, of the work for which a licence is sought.

(3) Any licence under this Act in respect of any work shall be issued to the person at whose expense the work is to be carried out, and the licence shall operate to authorise only work carried out at the expense of that person or, in the event of his death, at the expense of his personal representatives acting as such.

(4) Subject to subsections (5) and (6) of this section, if any work is carried out in contravention of this section, or if any condition or limitation attached to a licence issued under this Act in respect of any work is contravened, the person at whose expense the work is carried out and (where he is not the

same person) the person undertaking the carrying out of the work, and (in either case) any architect, engineer or surveyor employed in a supervisory capacity in connection with the carrying out of the work, shall each be guilty of an offence under this section.

(5) A person at whose expense any work is carried out shall not be guilty of an offence under this section by reason of the fact—

- (a) that any limit as to cost having effect in relation to the work by virtue of section 2 of this Act or of a licence issued under this Act has been exceeded ; or
- (b) that any other condition or limitation having effect in relation to the work under such a licence has been contravened,

if he proves that at the time when the work was carried out he did not know, and could not reasonably have known, that the limit had been or would be exceeded or, as the case may be, that the condition or limitation had been or would be contravened.

(6) A person undertaking the carrying out of any work (where he is not the person at whose expense it is carried out) and an architect, engineer or surveyor employed in a supervisory capacity in connection with the carrying out of any work shall not be guilty of an offence under this section if he proves that at the time when the work was carried out he did not know, and could not reasonably have known, that the work was being carried out in contravention of this section or of the terms of a licence issued under this Act.

(7) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction to a fine not exceeding three hundred pounds ;
- (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

(8) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 or section 23 of the Summary Jurisdiction (Scotland) Act 1954 (time limit for proceedings), summary proceedings for an offence under this section may be commenced at any time within twelve months from the time when the offence was committed, and, in relation to such proceedings in Scotland, subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section. 1952 c. 55.
1954 c. 48.

(9) Where a person is convicted of an offence under this section by reason of the contravention of a condition or limitation attached to a licence, the Minister may revoke the licence,

but shall not do so until the time for bringing an appeal against the conviction has expired or, if such an appeal is brought, until it is abandoned or finally determined.

(10) Where a person is required by or under any enactment to carry out any work the carrying out of which is restricted by this section and duly makes an application for a licence under this section in respect of the carrying out of that work, then—

- (a) in reckoning any period within which he is required to carry out that work, no account shall be taken of the time during which his application is pending; and
- (b) he shall not be treated as having acted in contravention of that enactment by reason of his failure to carry out that work in so far as the failure to carry it out is attributable to the refusal of his application or to any condition or limitation subject to which the licence applied for is granted.

(11) Where a person contracts to carry out any work to which this Act applies, that person shall not be precluded from recovering payment for the work under the contract by reason only that it was carried out in contravention of this section or of the terms of a licence issued under this Act if he proves that at the time when the work was carried out he did not know, and could not reasonably have known, that it was being carried out in contravention of this section or, as the case may be, of the terms of the licence.

(12) Any reference in this section to contravention of a condition includes a reference to failure to comply with a condition.

Exemptions from control

Work below
cost limit.

2.—(1) Work shall be exempt from control under this Act if—

- (a) in the case of work done in the construction of a building or of any works, the cost of constructing the building or works; or
- (b) in the case of work done in the alteration of a building or of any works, the cost of making the alteration,

together in either case with any other cost required to be added thereto by subsection (2) or (3) of this section, is less than £100,000.

(2) If in a case falling within paragraph (a) of the foregoing subsection—

- (a) any work has been done in the construction of another building or other works contiguous or adjacent to the building or works mentioned in that paragraph hereafter in this subsection referred to as the “relevant building or works”); and

- (b) that work was done not earlier than two years before the work mentioned in that paragraph ; and
- (c) the other building or works and the relevant building or works—
 - (i) are, or are to be, used for the purposes of the same undertaking ; or
 - (ii) have been, or are to be, constructed at the expense of the same person,

there shall be added to the cost mentioned in that paragraph the cost of constructing that other building or those other works.

(3) If in a case falling within paragraph (b) of subsection (1) of this section, any other work has been done in the construction or alteration of the building or works mentioned in that paragraph not earlier than two years before the work mentioned in that paragraph, there shall be added to the cost mentioned in that paragraph, where the other work was done in the construction of the building or works, the cost of constructing the building or works and, where it was done in the alteration of the building or works, the cost of making the alteration.

(4) In computing, for the purposes of this section, the cost of constructing or altering a building or any works, there shall be taken into account—

- (a) the cost of preparing the site of the building or works for the purposes of the construction or alteration, exclusive of the cost of demolishing anything previously on the site ;
- (b) the cost of constructing on that site or on land to be occupied therewith any ancillary works required for the building or works, including, in particular, works required for the purpose of providing water, light, heating or other services, fences and means of access ;

and regard shall be had to the value of any materials used for the purpose of constructing or altering the building or works and of the use for that purpose of any services or equipment, notwithstanding that the provision of the materials, services or equipment did not involve the expenditure of money solely or primarily for that purpose.

(5) In computing, for the purposes of this section, the cost of constructing or altering a building or any works, there shall be left out of account—

- (a) the cost of the land on which the building or works are, or are to be, situated ; and
- (b) any fees paid to an architect, engineer or surveyor or otherwise in respect of professional services.

(6) For the purposes of subsections (2) and (3) of this section there shall be disregarded any work in respect of another building or other works or, as the case may be, any other work in respect of the same building or works if that work—

- (a) is exempt from control by virtue of section 3, 4, 5, 6 or 7(1) of this Act ; or
- (b) was carried out before 28th July 1965 ; or
- (c) would have been exempt from control by virtue of any of the provisions mentioned in paragraph (a) of this subsection if this Act had come into force on the date mentioned in paragraph (b) of this subsection ;

but, except as aforesaid, regard shall be had to all such work as is mentioned in the said subsections (2) and (3), including work carried out before the commencement of this Act and work which has been authorised by a licence issued under this Act or which is exempt from control by virtue of this section or section 7(4) of this Act.

(7) For the purposes of subsection (2)(c)(ii) of this section members of a group of bodies corporate shall be treated as being one person, and in this subsection “group” means a body corporate and all other bodies corporate which are subsidiaries thereof within the meaning of section 154 of the Companies Act 1948.

1948 c. 38.

Housing and industrial and research premises.

3.—(1) There shall be exempt from control under this Act any work done in the construction or alteration of a building which, when constructed or altered, is to be used wholly or mainly for one or more of the following purposes (in this section referred to as “exempted purposes”), that is to say—

- (a) as one or more private dwellings ;
- (b) for carrying on any such process as is mentioned in section 21 of the Local Employment Act 1960 (definition of “industrial building”);
- (c) for carrying on scientific research in the course of a trade or business.

1960 c. 18.

(2) For the purposes of this section there shall be treated as used for exempted purposes—

- (a) any part of a building which is used for providing services or facilities reasonably required for the use of the remainder of the building as mentioned in the foregoing subsection ; and
- (b) any building which is used wholly or mainly for providing services or facilities reasonably required for the use as mentioned in that subsection of a building contiguous or adjacent to it.

(3) For the purposes of this section, a building shall be treated as mainly used for exempted purposes, or for providing such services or facilities as are mentioned in subsection (2)(b) of this section, if (and only if) the gross floor space of the building (ascertained by external measurement) used otherwise than for exempted purposes or, as the case may be, used otherwise than for providing such services or facilities does not exceed twenty per cent. of the gross floor space of the building (ascertained as aforesaid) or 20,000 square feet, whichever is the less.

(4) In any case in which work done in the construction or alteration of a building is exempt from control by virtue of subsection (1) of this section there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for the building.

(5) The provisions of this section (except subsection (3)) shall, so far as applicable, have effect in relation to works other than buildings as they have effect in relation to buildings.

4.—(1) There shall be exempt from control under this Act Development any work done in the construction or alteration of a building districts. or of any works in a locality which is specified by the Board of Trade as being a development district for the purposes of the Local Employment Act 1960 at the time when the work 1960 c. 18. is carried out.

(2) Where a locality has ceased to be so specified, there shall be exempt from control under this Act any work done in the construction or alteration of a building, or of any works, in that locality if—

- (a) the construction or alteration was begun before the date on which the locality ceased to be so specified ; or
- (b) a contract for the work in question, or for other work in the construction or alteration, was made before that date.

(3) Work shall not be exempt from control by virtue of paragraph (a) of subsection (2) of this section if the construction or alteration has been interrupted for a continuous period of twelve months or more.

(4) Nothing in subsection (2) of this section shall be taken as conferring any exemption on work in respect of a building or any works by reason only that the construction of any ancillary works for the building or works in question was begun, or that a contract for work in the construction of such ancillary works was made, before the date mentioned in that subsection ; but where work done in the construction or alteration of a building

or of any works is exempt from control by virtue of that subsection there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for that building or those works.

(5) In this section “specified by the Board of Trade” means specified in the Board of Trade Journal by a notice which has not at the material time been withdrawn by a further notice in that Journal.

- Public works. 5.—(1) There shall be exempt from control under this Act any work carried out at the expense of—
- 1933 c. 51. (a) a local authority as defined in the Local Government Act 1933, any other authority having power, within the meaning of the Local Loans Act 1875, to levy a rate, a committee of any such authority or any joint board or joint committee constituted under any enactment to discharge the functions of two or more such authorities ;
- 1875 c. 83.
- 1947 c. 43. (b) a local authority as defined in the Local Government (Scotland) Act 1947 (including, in relation to the purposes mentioned in section 118 of that Act, a joint county council for any combined county to which that section applies) or any statutory authority, body of Commissioners or body of trustees (not being a local authority) to which section 270 of that Act applies, or any joint board or joint committee constituted under any enactment to discharge the functions of two or more such authorities or bodies ;
- (c) the development corporation established for a new town or the Commission for the New Towns ;
- (d) a harbour authority as defined in section 57(1) of the Harbours Act 1964, so far as the work consists of work done in the execution of any such works as are mentioned in section 9(1)(a) or (b) of that Act (harbour development works) ;
- 1964 c. 40. (e) any of the bodies mentioned in the Schedule to this Act ;
- (f) without prejudice to paragraph (a) above, any statutory water undertakers as defined in the Water Act 1945 ;
- 1945 c. 42. (g) a university or any school or other establishment of education, being a school or establishment which is in receipt of grants out of moneys provided by Parliament ;
- (h) any body corporate constituted under section 11 of the National Health Service Act 1946 or section 11 of the
- 1946 c. 81.

National Health Service (Scotland) Act 1947 (hospital authorities), so far as the work consists of work in respect of a building which is, or is to be, used—

- (i) as part of or in connection with any hospital to which the functions of that body relate, or
- (ii) for conducting research,

or in respect of any works which are, or are to be, used as aforesaid ;

- (i) any body not mentioned above in this subsection whose income consists wholly or mainly of moneys provided by Parliament.

(2) Without prejudice to subsection (1) of this section, there shall be exempt from control under this Act any work carried out on behalf of, or in pursuance of a contract for the execution of the work made with, the Crown.

6.—(1) There shall be exempt from control under this Act any work done in the construction or alteration of a building if—

- (a) an office development permit has been issued under Part I of the Control of Office and Industrial Development Act 1965 in respect of development which consists of that construction or alteration ; or
- (b) such a permit has been issued in respect of development which includes that construction or alteration and the office floor space (as defined and ascertained for the purposes of the said Part I) to be created by so much of the development as consists of that construction or alteration exceeds an area equal to the prescribed exemption limit for the time being in force under section 2 of that Act in relation to the locality in which the building is situated.

(2) There shall be exempt from control under this Act any work done in the construction or alteration of a building or of any works if—

- (a) on the completion of the work and on a claim or application duly made in that behalf, a payment of cost of works under Part I of the War Damage Act 1943 or a payment under the special arrangements relating to war damage to church buildings may be made in respect of the cost of that work or, in the case of work done after the end of the terminal period for the purposes of sections 1(1) and 4 of the War Damage Act 1964 (time limit for war damage payments) in a construction or alteration which was begun before the end of that period, such a payment could have been made but for the said section 1(1) or 4 ; or

(b) such a payment as aforesaid has been made in respect of any other work done in the construction or alteration in question or paragraph (a) of this subsection is satisfied as respects any such other work.

(3) In any case in which work done in the construction or alteration of a building or of any works is exempt from control by virtue of subsection (1) or (2) of this section there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for that building or those works.

(4) There shall be exempt from control under this Act any work in respect of which a pipe-line construction authorisation has been granted under the Pipe-lines Act 1962.

1962 c. 58.

Work begun or contracted for before commencement of Act.

7.—(1) There shall be exempt from control under this Act any work done in the construction or alteration of a building or of any works if—

(a) the construction or alteration was begun before 28th July 1965 ; or

(b) a contract for the work in question, or for other work in the construction or alteration, was made before that date.

(2) Work shall not be exempt from control by virtue of paragraph (a) of subsection (1) of this section if the construction or alteration has been interrupted for a continuous period of twelve months or more.

(3) Nothing in subsection (1) of this section shall be taken as conferring any exemption on work in respect of a building or any works by reason only that the construction of any ancillary works for the building or works in question was begun, or that a contract for work in the construction of such ancillary works was made, before the date mentioned in that subsection ; but where work done in the construction or alteration of a building or of any works is exempt from control by virtue of that subsection there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for that building or those works.

(4) There shall be exempt from control under this Act any work which has been approved in writing by the Minister before the commencement of this Act.

Supplementary provisions

8.—(1) The Minister may by order—

(a) direct that, in relation to all work or to work of any description, section 2(1) of this Act shall have effect

Power to extend or restrict control.

with the substitution for the amount of £100,000 of such other amount (whether higher or lower, but not being less than £50,000) as may be specified in the order ;

(b) direct that there shall be exempt from control under this Act—

(i) work of any description specified in the order ;

(ii) all work carried out during such period as may be specified in the order or until a further order under this sub-paragraph ;

(c) direct that there shall not be exempt from control under this Act all work, or work of any description, which would otherwise be exempt from such control by virtue of section 3(1)(b) or (c), 4 or 5(1)(d) to (i) of this Act.

(2) An order under this section may describe the work to which it applies by reference to the nature of the work or to the place where, the period during which, or the class of property in respect of which, it is carried out, and different provision may be made for different cases or classes of case.

(3) An order under this section may contain such transitional, supplementary and incidental provisions as appear to the Minister to be appropriate, and any such order whereby any work will cease to be exempt from control under this Act shall contain such provisions as appear to him to be appropriate for preserving the exemption in relation to work done after the date on which the order comes into force which was contracted for, or forms part of an operation begun, before that date.

(4) Any power conferred by this section to make an order shall be exercisable by statutory instrument, and shall include power to vary or revoke the order by a subsequent order.

(5) Any order under this section whereby any work will cease to be exempt from control under this Act shall cease to have effect at the end of the period of twenty-eight days beginning with the day on which the order is made (but without prejudice to anything previously done under the order or to the making of a new order) unless before the end of that period the order is approved by a resolution of each House of Parliament.

(6) In reckoning any period for the purposes of the last foregoing subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(7) A statutory instrument containing any order under this section to which subsection (5) of this section does not apply shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Enforcement.

9.—(1) Where it appears to the Minister that any such work as is mentioned in section 1(1) of this Act is being, or has at any time within the preceding year been, carried out on any land, the Minister may—

- (a) authorise any person to enter and inspect the land and any such work for the purpose of ascertaining whether the provisions of this Act are applicable to the work and whether those provisions, or the provisions of any licence issued under this Act, are being or have been complied with ;
- (b) for the said purpose, by notice require the person at whose expense the work is being or has been carried out, and any person who is or has been engaged in the carrying out of the work, to furnish to the Minister or the person specified in the notice such information, and to produce for examination on behalf of the Minister such books, estimates, returns, accounts or other documents in his possession or control, as may be so specified.

(2) A person claiming to exercise a power of entry under subsection (1)(a) of this section shall, if so required, produce written evidence of his authority.

(3) Any person who wilfully obstructs any person in the exercise of a power of entry under paragraph (a) of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds ; and any person who refuses or without reasonable excuse fails to comply with a notice under paragraph (b) of that subsection shall be guilty of an offence and 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) Any person who in purported compliance with a notice under subsection (1)(b) of this section or in connection with an application for a licence under this Act—

- (a) produces, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, sends or otherwise makes use of a document which is false in a material particular ;
or
- (b) makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence and liable—

- (i) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (ii) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

(5) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) In the last foregoing subsection “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 undertaking 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.

(7) Proceedings in respect of an offence under this Act shall not be instituted in England or Wales except by or with the consent of the Director of Public Prosecutions.

10. As soon as may be after the end of March 1968 and after the end of March in each subsequent year the Minister shall prepare a report on the performance of his functions under this Act, and shall lay the report before Parliament. Annual reports.

11. Any administrative expenses incurred by the Minister in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament. Expenses.

12.—(1) This Act may be cited as the Building Control Act 1966. Short title, interpretation and extent.

(2) In this Act references to the alteration of a building or of any works include references to the reconstruction or extension of, or of a part of, a building or any works, and references to fixed works of construction or civil engineering include references to a road.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

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

Section (5)1.

SCHEDULE**NATIONALISED INDUSTRIES AND UNDERTAKINGS: EXEMPTED BODIES****The British Railways Board.****The London Transport Board.****The British Transport Docks Board.****The British Waterways Board.****The Transport Holding Company.**

1962 c. 46. **Any subsidiary (as defined in the Transport Act 1962) of any of the bodies mentioned above.**

The British Overseas Airways Corporation.**The British European Airways Corporation.****The British Airports Authority.****The National Coal Board.****An Area Electricity Board.****The North of Scotland Hydro-Electric Board.****The South of Scotland Electricity Board.****The Central Electricity Generating Board.****The Electricity Council.****The Gas Council.****An Area Gas Board.****The United Kingdom Atomic Energy Authority.**



Docks and Harbours Act 1966

1966 CHAPTER 28

An Act to make further provision for regulating the employment of dock workers, including provision for compensating persons prohibited from employing, or working on their own account as, dock workers and for raising sums required for paying such compensation; to make provision for welfare amenities in ports; to confer additional powers on harbour authorities; to provide for the assumption by harbour authorities as successors to certain other harbour authorities of a proportion of the debts of those other authorities; to make further provision for giving financial assistance in connection with the construction and improvement of harbours and the carrying out of harbour operations, and with respect to the orders and schemes which may be made under the Harbours Act 1964, the charges which may be made by certain harbour authorities and lighthouse authorities, the policing of harbours and the furnishing of information and forecasts and the promotion of research, training and education under that Act; and for purposes connected with the matters aforesaid. [9th August 1966]

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 EMPLOYMENT OF DOCK WORKERS

Licensing of employers

1.—(1) No person shall engage any other person for employment, or employ any other person, as a dock worker in a port specified in Schedule 1 to this Act unless he holds a licence for the purpose and except in accordance with the terms of the licence: Additional control of employment of dock workers.

PART I

Provided that the foregoing provision shall not apply—

- (a) to the engagement for employment, or the employment, of a person in any port by the licensing authority for the port ; or
- (b) to the employment of a person by the Board in pursuance of the provisions of any labour scheme.

(2) A licensing authority shall not engage any person for employment, or employ any person, as a dock worker in a port so specified for which it is the licensing authority unless the authority has in accordance with the following provisions of this Part of this Act made a proposal to employ dock workers in that port and is entitled under those provisions to carry out the proposal.

(3) No person shall work as a dock worker in a port so specified unless—

- (a) he does so in the employment of another person ; or
- (b) at the time he does so, he employs some other person as a permanent worker in that port.

(4) Any person who contravenes any of the foregoing provisions of this section shall be liable on summary conviction—

- (a) if an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 or both ;
- (b) if a body corporate, to a fine not exceeding £500.

Licensing
authorities
and their
ports.

2.—(1) Subject to subsection (3) of this section, for the purposes of this Act the licensing authority having the function of issuing licences authorising the employment of dock workers in any port specified in Schedule 1 to this Act shall be the body specified in relation to that port in column 2 of that Schedule.

(2) For the purposes of this Act the area of a port shall, subject to the provisions of any order made under paragraph (d) of the next following subsection, be taken to be the area of the port as designated for the purposes of any labour scheme for the time being applicable to the port.

(3) The Minister may by order—

- (a) substitute for any body specified in relation to any port in Schedule 1 to this Act any other body specified in the order ;
- (b) add to that Schedule a port to which a labour scheme for the time being applies, specifying the body which is to be the licensing authority therefor ;
- (c) remove a port from that Schedule ;
- (d) vary the limits of a port specified in that Schedule.

Applications
for licences.

3.—(1) An application for a licence shall be made in the prescribed manner and shall be accompanied by the prescribed particulars.

(2) Any such application made before the commencement of section 1 of this Act shall be made within the prescribed time, and any such application made after that time shall not be entertained until after the commencement of that section and shall be treated for the purposes of this Part of this Act as having been made after the commencement of that section.

(3) An applicant for a licence shall give the licensing authority such information in addition to the prescribed particulars as the licensing authority may reasonably require for enabling the authority to come to a decision on the application.

(4) The particulars which may be prescribed by regulations made for the purposes of this section may be particulars which are to accompany all applications for a licence or applications of a prescribed class, and any such regulations may prescribe different times for the purposes of subsection (2) of this section for different ports.

4.—(1) The licensing authority shall consider every application for a licence made to the authority and shall make a decision on every such application in accordance with the following provisions of this section and the provisions of the next following section. Consideration of applications for licences, etc.

(2) Where it appears to the Minister that a licensing authority has failed to deal with any application for a licence within a reasonable time, he may by notice given to the licensing authority direct that that application and, if that application is made before the commencement of section 1 of this Act, all the other applications for a licence so made for the port in question, be referred to him instead of being dealt with by the licensing authority; and—

(a) any decisions taken or other things done by a licensing authority in relation to those applications shall be of no effect; and

(b) the Minister shall have the like powers and duties in relation to all applications so made for the port in question as he has in relation to appeals from decisions on applications for licences and the like consequences shall ensue as in the case of such appeals.

(3) In deciding whether or not to grant a licence to an applicant and in deciding the conditions on which a licence is to be granted to him the licensing authority shall have regard to any material considerations and in particular to the following considerations:—

(a) whether the applicant efficiently manages or is likely so to manage his business or undertaking so far as it relates to the employment of dock workers and, in particular, whether he makes or is likely to make efficient use of the services of the dock workers employed by him and whether he provides or is likely to provide all

PART I

- necessary and proper equipment for use in connection with their work ;
- (b) in the case of an application made before the commencement of section 1 of this Act, whether the applicant is willing and able to employ as permanent workers, in accordance with the provisions of any labour scheme for the time being applicable to the port to which the licence will relate, such a proportion of the registered dock workers in that port (other than supplementary workers and unavailable workers) as is proper and reasonable having regard to the authority's obligation under section 5(4) of this Act to secure that all dock workers (other than as aforesaid) in the port are employed there as permanent workers and to the extent (if any) to which the applicant has as a registered employer employed registered dock workers (other than supplementary workers) and to his future capacity to employ dock workers ;
- (c) whether the applicant is willing and able—
- (i) to give employment as a permanent worker to every dock worker (other than a supplementary worker) employed by him and to employ every such worker at the rates of remuneration and on the conditions of service for the time being applicable in the port in question under any national or local agreement ; and
- (ii) except where the licensing authority is satisfied that it is the normal practice in the port to which the licence will relate to transfer to a substantial extent dock workers employed there to work temporarily in another port, to give such employment for such a proportion of the working time of every worker (other than supplementary workers) employed by the applicant that no such worker is likely to be made available in any period of twelve months for temporary transfer to work for another employer for more than one-fifth of that time in that period ;
- (d) the desirability of securing that the number of employers of dock workers (including the licensing authority) in the port to which the licence will relate is brought or kept within a limit which in the opinion of the licensing authority is the maximum number which is compatible with the efficient working of the port having regard to all the circumstances, including—
- (i) the need for any special provision for the efficient handling of particular descriptions of cargo and for the efficient performance of particular descriptions of cargo handling operations ;

(ii) the need for the provision of services ancillary to the handling of cargoes ;

(iii) the possibility of special difficulties being caused to an applicant if he is not allowed to engage in the handling of cargoes for use for the purposes of a business or undertaking carried on by him.

(4) The Minister may by regulations—

(a) prescribe other considerations in addition to those specified in the last foregoing subsection as considerations to which the licensing authority is to have regard in deciding whether to grant a licence ; and

(b) modify any considerations specified in the last foregoing subsection.

(5) No regulations shall be made under the last foregoing subsection unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

5.—(1) Without prejudice to subsection (4) of this section, but subject to section 10(2) of this Act, a licence for any port may be granted subject to conditions—

Conditions
and duration
of licences.

(a) specifying the number of dock workers (other than supplementary workers) who are to be employed by the applicant as permanent workers in that port on the relevant date ;

(b) restricting the employment of dock workers by the applicant to a specified berth or a specified part of that port ;

(c) restricting the operations in which the applicant may engage to—

(i) the handling of cargoes of a specified description ;

(ii) cargo handling operations of a specified description ;

(iii) the provision of ancillary services of a specified description ; or

(iv) without prejudice to the foregoing provisions of this paragraph, the handling of cargoes for use for the purposes of a business or undertaking carried on by the applicant.

(2) The Minister may by regulations—

(a) prescribe conditions in substitution for or in addition to those specified in the foregoing subsection as conditions subject to which licences may be granted ;

(b) vary any description of condition so specified or prescribed ; or

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(c) prohibit the inclusion in a licence of any description of condition so specified or prescribed.

(3) Where regulations under the last foregoing subsection prohibit the inclusion of any description of condition in a licence, any condition of that description subject to which any licence has been granted shall cease to have effect on the coming into force of the regulations.

(4) It shall be the duty of the licensing authority, on granting licences for any port on applications made before the commencement of section 1 of this Act, to grant them subject to conditions which will secure that all dock workers in that port (other than supplementary workers and unavailable workers) will not later than the commencement of that section be employed as permanent workers by one or more of the employers to whom the licences are to be granted or by the licensing authority.

(5) A licence shall be granted for a period specified in the licence, being not less than three years nor more than seven years from the date of the coming into force of the licence.

(6) In this section "the relevant date", in relation to a licence, means—

(a) in the case of a licence issued before the commencement of section 1 of this Act, the commencement of that section ; and

(b) in any other case, a date specified in the licence, not being more than three months from the coming into force of the licence.

(7) Before deciding whether to grant or refuse a licence or deciding the conditions to be included in a licence the licensing authority shall consult with the Board.

Notification of decisions and proposals.

6.—(1) The licensing authority shall, on making a decision on an application for a licence to the authority, give notice in writing of the decision to the applicant, the Council and the Board and, in the case of an application made before the commencement of section 1 of this Act, to all other persons by whom applications have been so made for licences for the port in question, stating—

(a) in the case of a decision to grant a licence, any conditions subject to which and the period for which the licence is to be granted ;

(b) in the case of a decision to refuse a licence, the reasons for the refusal.

(2) The licensing authority for any port shall so far as practicable secure that all the notices required by the foregoing subsection to be given on decisions on applications made before

the commencement of section 1 of this Act for licences for that port are given on the same day.

(3) If the licensing authority for any port proposes before the commencement of section 1 of this Act to employ dock workers in that port on the commencement of that section or proposes after the commencement of that section to employ dock workers there, not having previously employed them there, the authority shall give notice in writing of the proposal in any event to the Council and the Board, in the case of a proposal made before the commencement of section 1 of this Act to all persons by whom applications for a licence for the port have been made before the commencement of that section and in the case of a proposal made after the commencement of that section to every holder of a licence for the port and any person who has made an application for such a licence which has not been disposed of, stating—

- (a) the number of dock workers (other than supplementary workers) it proposes to employ as permanent workers there on the relevant date ; and
- (b) whether or not it proposes to employ dock workers only at a particular berth or in a particular part of the port and, if it so proposes, the berth or part of the port where it proposes to employ them.

(4) Where a proposal is made before the commencement of section 1 of this Act for any port and any application has been made for a licence for that port before the commencement of that section, the notice of the proposal required to be given to any person under the last foregoing subsection shall be combined with the notice of the licensing authority's decision on that application required to be given to that person under subsection (1) of this section ; and where no proposal has been so made, but an application has been so made for any port, the notice under the said subsection (1) shall state that the authority does not propose to employ dock workers in that port.

(5) If after the commencement of section 1 of this Act the licensing authority for any port which is entitled to employ permanent workers only at a particular berth or in a particular part of the port proposes to employ permanent workers at a berth or in a part of the port where it was not previously entitled to employ them, the authority shall give notice in writing of the proposal to the persons specified in subsection (3) of this section specifying the berth or part of the port.

(6) In this section "the relevant date" in relation to a proposal means—

- (a) in the case of a proposal made before the commencement of section 1 of this Act, the commencement of that section ; and

PART I

(b) in any other case, a date specified in the proposal, being not earlier than twenty-eight days nor later than three months from the giving of notice of the proposal.

Appeals and objections.

7.—(1) Any applicant for a licence who is aggrieved by a decision of the licensing authority on his application, or an applicant for or holder of a licence who is aggrieved by a proposal of the licensing authority with respect to the employment of dock workers, may within twenty-eight days of the giving of notice of the decision or proposal under the last foregoing section appeal in the prescribed manner, giving the prescribed particulars, to the Minister.

(2) On an appeal being made to the Minister under the foregoing subsection the Minister shall give notice of the appeal and of the grounds thereof to the licensing authority and the Council.

(3) The Council may within twenty-eight days of the giving of notice of a decision or proposal under the last foregoing section make an objection in writing to the Minister to the decision or proposal stating the grounds thereof, being an objection to the decision or proposal, generally or to particular matters stated in the notice, and shall give a copy of the objection to the licensing authority.

(4) In the case of decisions on applications for licences made before the commencement of section 1 of this Act the Council may, within twenty-eight days of the giving of notice of the last of the decisions for any port, make a general objection in writing to the Minister to the decisions for that port on the ground that in the opinion of the Council the number of licences which the licensing authority proposes to grant for the port exceeds the maximum number which is compatible with the efficient working of the port having regard to all the circumstances, stating the reasons for its opinion, and shall give a copy of the objection to the licensing authority; and an objection under this subsection shall be treated for the purposes of the following provisions of this Part of this Act as an objection to all the decisions to grant licences for that port.

(5) The Council may within twenty-eight days of the giving of notice to it of an appeal under subsection (1) of this section make representations with respect to the appeal to the Minister and shall give a copy of the representations to the licensing authority.

(6) The Minister may in any particular case extend the time for giving notice of appeal or making an objection or representations under the foregoing provisions of this section and, where he does so, shall give notice of the extension to the licensing authority.

(7) Where the licensing authority receives notice of an appeal against a decision on an application or proposal made before the commencement of section 1 of this Act or a copy of an objection to a decision or proposal so made or of representations made with respect to any such appeal, the authority shall give copies of the notice of appeal, objection or representations to all applicants for a licence in the port in question, but need not give a copy of the notice to the appellant who gave the notice.

(8) Where the licensing authority receives notice of an appeal against a proposal made after the commencement of section 1 of this Act, or a copy of an objection to a proposal so made or of representations with respect to such an appeal, the authority shall give copies of the notice of appeal, objection or representations to all persons then holding licences for the port in question and any applicants for licences whose applications are then awaiting disposal, but need not give a copy of the notice to the appellant who gave the notice.

(9) Where the licensing authority receives a copy of an objection to a decision on an application made after the commencement of section 1 of this Act or of representations with respect to an appeal against such a decision, it shall give a copy of the objection or representations to the applicant.

(10) Where an appeal is brought under this section against, or an objection is made thereunder to, a decision of the licensing authority on an application for a licence or a proposal of the licensing authority with respect to the employment of dock workers, the authority shall if so required by the Minister give the Minister a copy of the notice given under the last foregoing section to the applicant and—

- (a) in the case of an appeal against or objection to a decision or proposal made at any time, such information in the possession of the authority relating to the application or proposal as the Minister may require; and
- (b) in the case of an appeal against or objection to a decision or proposal made before the commencement of section 1 of this Act, copies of the notices given to the other applicants for licences in the port in question, together with such information in the possession of the authority relating to their applications as the Minister may require.

(11) If after receiving a notice under the last foregoing section of any decision on an application or proposal the Council by notice in writing so requests a licensing authority, the authority shall give the Council a copy of the application or proposal, together with such information in the possession of the authority relating to the application or proposal as the Council may require.

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(12) Where the Minister gives a notice under section 4(2) of this Act directing that any application be referred to him, he shall give a copy of the notice to the Council ; and—

(a) the Council may, within twenty-eight days of the giving of the said copy to it, make representations to the Minister with respect to—

(i) any application to which the notice relates ;

(ii) where the notice was given before the commencement of section 1 of this Act, any proposal made by the licensing authority for the port in question ; and

(iii) whenever the notice was given, the maximum number of licences which the Council considers should be granted for the port in question ;

and shall give a copy of the representations to the licensing authority ;

(b) subsection (6) of this section shall apply in relation to any representations under the foregoing paragraph as it applies in relation to representations under subsection (5) of this section ;

(c) the Minister shall give copies of any notice under section 4(2) of this Act and any representations under paragraph (a) of this subsection to all applicants whose applications are referred to the Minister ; and

(d) if after receiving a copy of a notice under section 4(2) of this Act relating to any application the Council by notice in writing so requests a licensing authority, the authority shall give the Council a copy of the application and, in the case of a notice given before the commencement of section 1 of this Act, of any proposal of the authority made in relation to the port in question, with such information in the possession of the authority relating to the application or proposal as the Council may require.

Determination
of appeals and
objections.

8.—(1) Where an appeal is brought under the last foregoing section against, or an objection is made thereunder to, the decision of a licensing authority on an application for a licence, the Minister shall consider the matter and, after consultation with the Minister of Labour, give such decision in the matter as he thinks fit.

(2) For the purpose of disposing of any such appeal or objection the Minister—

(a) shall have the like powers and duties in relation to the appeal or objection as the licensing authority had in relation to the application which gave rise to the

decision appealed from or objected to (except the duty under section 5(7) of this Act to consult the Board); and

- (b) where the appeal is brought against, or the objection is made to, a decision on an application in relation to any port made before the commencement of section 1 of this Act, may direct that all applications so made in relation to that port be referred to him and may reconsider any decision on those applications and any proposal so made in relation to that port by the licensing authority, and shall accordingly have the like powers and duties in relation to those applications as the licensing authority had (except the said duty).

(3) Where an appeal is brought against, or an objection made to, any proposal of a licensing authority for any port under section 6(3) of this Act, the Minister shall, after consultation with the Minister of Labour, decide whether or not the authority should employ dock workers in that port and, if so—

- (a) the number of permanent workers which it should employ there;
- (b) the date by which it should employ them (which, in the case of a proposal made before the commencement of section 1 of this Act, shall be the commencement of that section); and
- (c) whether or not it should employ dock workers only at a particular berth or in a particular part of the port and, if the Minister decides that it should, the berth or part of the port where it should employ them.

(4) For the purpose of disposing of any appeal against, or objection to, any such proposal made before the commencement of section 1 of this Act, the Minister may direct that all applications so made in relation to the port in question be referred to him and may reconsider any decision on those applications, and shall accordingly have the like powers and duties in relation to those applications as the licensing authority had (except the duty under section 5(7) of this Act to consult the Board).

(5) Where an appeal is brought against, or an objection made to, any proposal of a licensing authority for any port to employ dock workers at a berth or in a part of the port where it was not previously entitled to employ them, the Minister shall decide whether or not the authority should employ them there.

(6) Where the Minister makes a decision under this section on an appeal or objection, he shall give notice in writing of the decision and the reasons therefor—

- (a) in the case of a decision relating to an appeal on an application made before the commencement of section 1

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of this Act, or on a proposal so made by a licensing authority, to all the applicants for a licence for the port in question ;

- (b) in the case of a decision relating to any subsequent application for a licence, to the applicant ; and
- (c) in every case to the licensing authority, the Council and the Board.

(7) A licensing authority who is notified of a decision of the Minister under this section on a proposal of the licensing authority made after the commencement of section 1 of this Act shall give notice in writing of the decision to every holder of a licence for the port and any person who has made an application for such a licence which has not been disposed of.

Implementa-
tion of
decisions.

9.—(1) A licence shall, subject to the next following subsection, be issued before, and shall come into force on, a date specified in the licence which, in the case of a licence for which application is made before the commencement of section 1 of this Act, shall be the commencement of that section.

(2) No licence shall be issued until the expiration of the time limited by section 7 of this Act for appealing against or objecting to the decision on the application for the licence, or where an appeal is brought against or an objection is made to that decision, until the appeal or objection and, in the case of a licence for which application is made before the commencement of section 1 of this Act, any appeals against or objections to decisions on other applications so made in the port in question and any proposal of the licensing authority with respect to the employment of dock workers there have been finally disposed of.

(3) On issuing a licence, the licensing authority shall send a copy of the licence to the Council and the Board.

(4) If an appeal is brought against or an objection made to a proposal made after the commencement of section 1 of this Act, the proposal shall not have effect until the appeal or objection is disposed of and, whether or not the Minister decides the appeal or objection, he may substitute another date for the relevant date specified in the proposal.

(5) It shall be the duty of the licensing authority to do all things necessary for the purpose of giving effect to any decision of the Minister under the last foregoing section on any appeal or objection and, in particular, forthwith after receiving notice of the decision to issue licences to applicants to whom it has been decided to grant them.

Renewal of
licences.

10.—(1) An application for the renewal of a licence may be made during the two years or such other period as may be prescribed preceding the expiration of the licence.

(2) The foregoing provisions of this Act, other than section 5(1)(a) thereof, shall apply in relation to such an application as they apply in relation to an application for a licence made after the commencement of section 1 of this Act.

(3) When an application is made for the renewal of a licence, the licence sought to be renewed shall, notwithstanding the expiration of the period for which it was granted, continue in force—

- (a) where the licensing authority renews the licence without alteration, until the date when the renewal takes effect ;
- (b) where the licensing authority decides to alter the conditions of the licence, until the expiration of the period of three months from the time limited for appealing against or objecting to the decision or, where an appeal is brought against or an objection is made to the decision, from the disposal of the appeal or objection ;
- (c) where the licensing authority decides not to grant the licence, until the expiration of the period of six months from the time so limited or, where an appeal is brought against or an objection is made to a decision, from the disposal of the appeal or objection.

11.—(1) While a licence is in force a licensing authority may, subject to and in accordance with the following provisions of this section, of its own motion—

- (a) revoke any condition of the licence ;
- (b) vary any condition of the licence or impose any additional condition (in either case without exceeding the powers conferred by or by virtue of section 5 of this Act and in the latter case without imposing a condition with respect to the number of dock workers to be employed by the holder of the licence) ;
- (c) if the authority is satisfied that there has been a serious or persistent failure on the part of the holder of the licence to comply with one or more of the conditions of the licence or it appears to the authority that the licence was granted to him, renewed or transferred to him in reliance on a statement or document in respect of which any person has been convicted of an offence under section 23 of this Act, revoke the licence.

Variation and revocation of conditions of licences and revocation of licences.

(2) The licensing authority shall not revoke a licence on the ground that the holder of the licence has failed to comply with a condition with respect to the number of dock workers to be employed by the applicant if the authority is satisfied that the failure was due solely to the failure of the Board to transfer sufficient numbers of dock workers to or from the holder of the

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PART I licence under the labour scheme applicable to the port in question, or to circumstances beyond his control, or to both.

(3) A licensing authority shall not act under subsection (1) of this section unless it has given one month's written notice of its proposal so to act to the holder of the licence, giving particulars of and the reasons for the proposal, and has considered any representations in writing made by the holder within one month of the receipt of that notice or such longer time as the authority may allow.

(4) On deciding to act under subsection (1) of this section the licensing authority shall give notice in writing of its decision to the holder of the licence, the Council and the Board stating—

- (a) in the case of a decision to revoke a licence, the reasons for the proposed revocation ; and
- (b) in any case, the date on which the decision will come into force in accordance with the provisions of the next following subsection.

(5) The decision shall come into force on the expiration of the period of three months or, in the case of a decision to revoke a licence, six months from the date of the giving of notice of the decision or if an appeal is brought or an objection made to the decision, from the disposal of the appeal or objection.

(6) Before deciding to act under subsection (1) of this section the licensing authority shall consult with the Board.

(7) While a licence is in force, the licensing authority may on the written application of the holder of the licence vary or revoke any condition of the licence or rectify the licence.

(8) The licensing authority shall consider and make a decision on every application under the last foregoing subsection, and shall give notice in writing of its decision to the holder of the licence, the Council and the Board stating—

- (a) in the case of a decision to refuse the application, the reasons for the refusal ;
- (b) in the case of a decision to vary or revoke a condition of a licence, the date on which the decision will (if no objection is made thereto) come into force in accordance with the provisions of subsection (10) of this section.

(9) A holder of a licence who is aggrieved by a decision to which this subsection applies shall have the like right of appeal against the decision as a person applying for a licence after the commencement of section 1 of this Act has against a decision of the licensing authority on his application, and the Council

shall have the like right of making objections to a decision to which this subsection applies and of making representations with respect to any appeal against such a decision as it has against a decision on an application for a licence and an appeal against that decision; and sections 7, 8 and 9(5) of this Act shall apply in relation to any decision to which this subsection applies or any appeal or objection under this section as they apply in relation to any decision, appeal or objection on an application for a licence made after the commencement of section 1 of this Act—

- (a) with the substitution for any reference in section 7 of this Act to a notice of a decision under section 6 of this Act of a reference to a notice of a decision under subsection (4) or, as the case may be, subsection (8) of this section; and
- (b) with all other necessary modifications.

This subsection applies to any decision of the licensing authority under this section, except a decision to rectify or not to rectify a licence.

(10) A decision under subsection (8) of this section to vary or revoke any condition of a licence shall come into force on a date not earlier than the expiration of the period of twenty-eight days from the giving of notice of the decision; and if an objection is made by the Council to the decision, the decision shall not have effect until the objection is disposed of and, whether or not the Minister decides the objection, he may substitute another date for that specified in the notice of the decision.

(11) Where a registered employer is suspended from a labour scheme, any licence held or obtained by him shall be of no effect while the suspension continues.

12.—(1) With the consent of the licensing authority a licence may be transferred from one person to another or from a person in one capacity to the same person in another capacity. Transfer of licences.

(2) Any application for consent under this section shall be made in writing and the applicant shall give the licensing authority such information as the authority may reasonably require for enabling it to come to a decision on the application.

(3) The licensing authority shall consider and make a decision on every such application and shall give notice in writing of its decision to the applicant, the Council and the Board stating, in the case of a decision to refuse the application, the reasons for the refusal; and sections 7, 8 and 9(5) of this Act shall apply in relation to a decision on any such application as they apply

PART I

in relation to a decision on an application for a licence made after the commencement of section 1 of this Act—

- (a) with the substitution for any reference in section 7 of this Act to notice of a decision under section 6 of this Act of a reference to notice of a decision under this section ; and
- (b) with all other necessary modifications.

(4) Where an individual who is the sole holder of a licence dies, the licence shall be deemed to have been transferred on his death to his legal personal representatives, but shall not remain in force, unless previously transferred under subsection (1) of this section, after whichever of the following events is relevant, that is to say, the expiration of the period of forty days from the grant of probate or letters of administration or such later date as the licensing authority may during that period allow.

(5) Where an individual who is joint holder of a licence dies, the licence shall be deemed to have been transferred on his death to the other joint holder or holders of the licence.

Compensation of employers

Compensation
for refusal,
etc., of
licence.

13.—(1) Subject to the provisions of this and the two next following sections, if an application for a licence made before the commencement of section 1 of this Act or a subsequent application for the renewal of a licence made by the holder of a licence is refused, the applicant shall be entitled to receive from the licensing authority compensation computed in accordance with the following provisions of this section in respect of—

- (a) any diminution in the value of the assets of his dock business in the port to which the application relates ; and
- (b) any expenditure, other than payments of income tax (including surtax), capital gains tax or corporation tax, incurred in winding up his dock business in that port,

which is directly attributable to the refusal.

(2) Subject as aforesaid, if a person who was both a registered employer and a registered dock worker immediately before the commencement of section 1 of this Act is not granted a licence before the commencement of that section, he shall, notwithstanding that he has made no application for a licence, be entitled to compensation computed in accordance with the following provisions of this section in respect of any such diminution or expenditure as aforesaid which is directly attributable to the omission to grant him a licence.

(3) The amount of compensation payable under this section in respect of the diminution in value of the assets of a person's

dock business shall be an amount equal to the difference between their market value immediately before the refusal or omission to grant a licence and their market value immediately after the refusal or omission; and the market value immediately before the refusal or omission shall be computed—

- (a) in the case of a refusal or omission before the commencement of section 1 of this Act, on the assumption that this Part of this Act had not been enacted; and
- (b) in the case of a subsequent refusal to renew a licence, on the assumption that the licence would have been renewed on the same terms as before, but without any condition as to the number of dock workers to be employed by the holder of the licence.

(4) No compensation shall be given in respect of any expenditure incurred in winding up a person's dock business, in so far as that expenditure is taken into account in computing the amount of compensation payable to him under the last foregoing subsection.

(5) For the purposes of subsection (3) of this section a refusal or omission to grant a licence before the commencement of section 1 of this Act shall be treated as taking place on the date on which notice is given of the final decision on all applications for licences and proposals for the port in question, and a refusal to renew a licence after the commencement of that section shall be treated as taking place on the date on which notice is given of the final decision on the application for the renewal of the licence.

(6) In this section—

“assets” means assets of any description, including goodwill;

“market value”, in relation to any assets, means the amount which they would have fetched if sold in the open market by a willing seller to a willing buyer.

14.—(1) No person shall be entitled to compensation under the last foregoing section unless he has as a registered employer employed dock workers in the port in question for some time during each of not less than eighty weeks during the qualifying period or for not less than five hundred man-days during that period. Qualification for compensation.

(2) In this section—

“the qualifying period” means the period of one hundred and four weeks ending with whichever of the following dates is relevant, that is to say—

- (a) in the case of a person whose application for a licence was made, or a person who was both a

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registered employer and a registered dock worker, before the commencement of section 1 of this Act, the date of the expiration of the prescribed time for making the application for the licence ;

(b) in the case of a person whose application for the renewal of a licence is refused, the date of the expiration of the period for which the licence was granted ;

“ week ” means the period between midnight on any Saturday night and midnight on the following Saturday night.

(3) For the purposes of this section the number of man-days for which a registered employer employs dock workers in any period shall be taken to be the aggregate of the number of dock workers employed by him on each of the days during that period, and without prejudice to the foregoing provision a person shall be treated for the purposes of this section as employing a dock worker on any day if on that day he works for himself on dock work or he or a partner of his works on dock work for a firm in which both are partners.

(4) If within the qualifying period the dock business of any person has been transferred by agreement or operation of law to another person, the person in whom it is vested at the end of that period shall be treated for the purposes of this section as if he had been a registered employer on those days on which any person in whom the business was vested during that period was a registered employer and as if he had employed the dock workers employed in the business on any of those days or, as the case may be, as if he had done any work done on any of those days by any registered employer in whom the business was then vested.

Applications
for
compensation.

15.—(1) An application for compensation under section 13 of this Act shall be made to the licensing authority within twenty-eight days, or such longer time as the licensing authority may allow, of whichever of the following dates is relevant, that is to say—

- (a) where the applicant was both a registered employer and a registered dock worker before the commencement of section 1 of this Act but did not apply for a licence within the prescribed time for making an application for a licence, the day on which that time expires ;
- (b) where the applicant made an application for a licence or the renewal of a licence which was refused, and there has been no appeal against or objection to the refusal, the last day on which an appeal or objection

could have been brought or made without an extension of the time for appealing or objecting ;

- (c) where the applicant made such an application and there has been such an appeal or objection, the date on which the Minister gives notice of his decision on the appeal or objection.

(2) An application for compensation shall be made in the prescribed manner and shall be accompanied by the prescribed particulars.

16.—(1) Within six months of the making of an application for compensation under section 13 of this Act the licensing authority shall determine whether any compensation is payable under that section and, if it determines that compensation is so payable, shall seek to agree or, in default of agreement, shall determine the amount of compensation payable. Determination of amount of compensation.

(2) Where the licensing authority agrees or determines the amount of any compensation it shall give the applicant notice in writing of the amount agreed or determined, and where the authority determines that no compensation is payable as aforesaid it shall give the applicant notice of the determination, together with the reasons therefor.

(3) Any applicant for compensation who is aggrieved by a determination whether compensation is payable to him or as to the amount of compensation payable may, within twenty-eight days of the authority's giving him notice of the determination, give the authority notice in writing that he disputes the determination.

(4) Upon receipt of such a notice the authority shall refer the dispute to the Minister and he shall refer it to the arbitration of an arbitrator or arbiter, as the case may be, appointed by him.

(5) Where no notice is given under subsection (3) of this section, the amount of compensation, if any, agreed or determined under this section shall be a debt due from the licensing authority to the person to whom compensation is to be paid, and shall be recoverable accordingly.

(6) In relation to an arbiter appointed under subsection (4) of this section the following provisions shall apply—

- (a) any arbiter so appointed shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the arbitration were under a submission ;
- (b) the arbiter may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings ; and

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- (c) any award of an arbiter so appointed in pursuance of this section may be recorded in the Books of Council and Session for execution, and may be enforced accordingly.

Loans to
licensing
authorities.

17.—(1) A licensing authority may borrow from the Minister or otherwise any sums required by the authority for the purpose of making payments of compensation and interest thereon and of meeting any costs and expenses of and incidental to any arbitration under the last foregoing section, and the Minister may, out of moneys provided by Parliament, lend such sums to the authority.

(2) Any loan made by the Minister under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, from time to time direct.

(3) Any loan so made shall be disregarded in determining whether any limit imposed by any enactment or any instrument under an enactment on the amount which the licensing authority may borrow has been exceeded.

Levy on
licensed
employers.

18.—(1) A licensing authority which has made any payment of compensation or interest thereon, or of any costs and expenses of and incidental to any arbitration under section 16 of this Act, may, subject to the following provisions of this section, recover the whole or any part of the sums so paid, together with a reasonable amount in respect of interest thereon from the date of payment, by means of a levy imposed on the persons holding licences for the port in question at the end of the relevant period.

The aggregate of the sums so paid and of the said amount of interest is hereafter in this section referred to as the potential amount of the levy.

(2) A person whose licence is revoked during the relevant period shall be treated for the purposes of this section as if the licence were in force at the end of that period.

(3) A levy imposed under this section—

- (a) may be required to be paid either in one sum or by instalments over such period, not exceeding five years, as the licensing authority thinks fit ; and
- (b) shall be charged with interest at a reasonable rate on the amount outstanding from the date of the decision to impose the levy ;

and interest on the levy shall be payable on the date of payment of the levy or each instalment thereof, as the case may be.

(4) Before determining whether to require a levy under this section to be paid in one sum or by instalments and, if by instalments, the period over which it is to be paid the licensing authority shall consult the persons liable to contribute to the levy.

(5) The amount payable by any person under the levy shall be calculated by reference to the total amount of gross wages paid by him during the relevant period to registered dock workers employed by him in the port in question and shall bear the same proportion to the potential amount of the levy as the total amount of those wages bears to the total amount of gross wages paid by all registered employers during that period in the port to registered dock workers employed by them there.

(6) If during the relevant period the dock business of any person has been transferred by agreement or by operation of law to another person, the person in whom it is vested at the end of that period shall be treated for the purposes of this section as if he had employed in the port in question the dock workers employed there in the business during that period and had paid the wages paid to them during that period.

(7) Not less than twenty-eight days before the levy or the first instalment thereof is to become payable the licensing authority shall serve on each person who is liable to pay the levy a notice stating—

- (a) the potential amount of the levy, showing separately the amounts of compensation or interest paid, of any costs and expenses paid, and of any interest on any such payments ;
- (b) the total amount of the gross wages paid during the relevant period in the port in question by all registered employers to registered dock workers employed by them there, the total amount of the gross wages paid during that period by the person on whom the notice is served to registered dock workers employed by him there and the proportion which the latter amount bears to the former ;
- (c) the total amount of the gross wages paid during that period by the licensing authority to registered dock workers employed by it in the port in question ;
- (d) the amount of the levy to be paid by the person on whom the notice is served and the share of the potential amount of the levy which is to be borne by the licensing authority ;
- (e) the date by which payment of the levy is required to be made or, if payment is to be allowed by instalments, the amount of each instalment, the date of

PART I

payment of the first instalment and the intervals thereafter on which subsequent instalments are to be paid and the rate of interest payable on the levy.

(8) If it appears to the licensing authority that any amount specified in a notice served on any person under the last foregoing subsection has been incorrectly calculated, the licensing authority may by a subsequent notice served on that person correct the amount so specified.

(9) Any sum payable under the levy shall be a debt due to the licensing authority from the person liable to pay it and shall be recoverable accordingly.

(10) A licensing authority shall keep a separate account in respect of each levy imposed by it, and every such account shall be open to inspection at all reasonable times by any person who is liable to contribute to the levy to which it relates.

(11) In this section "relevant period" means—

- (a) in relation to a levy to recover an amount paid for compensation for refusal or omission to grant a licence before the commencement of section 1 of this Act, or for interest thereon or costs and expenses incidental thereto, the period of twelve months beginning with the commencement of that section; and
- (b) in relation to a levy to recover the amount paid for compensation for refusal to renew a licence, or for interest thereon or costs and expenses incidental thereto, the period of twelve months beginning with the date of the refusal;

and the amount of any gross wages paid by a registered employer during any period shall be taken for the purposes of this section to be the amount specified in the return of gross wages paid by him during that period made by him to the local board in pursuance of any labour scheme.

Certificates.

19.—(1) The following certificates shall be evidence of the facts stated in them—

- (a) a certificate signed by an officer of the Board as to any of the matters mentioned in section 14(1) of this Act;
- (b) a certificate signed by an officer of the Board as to the total amount of gross wages paid by any person during the relevant period within the meaning of the last foregoing section to registered dock workers employed by him in any port; and
- (c) a certificate signed by an officer of a licensing authority that a copy of a notice under subsection (7) of the last foregoing section of this Act is a true copy.

(2) A document purporting to be such a certificate as is mentioned in the foregoing subsection shall be taken to be such a certificate as aforesaid and received in evidence accordingly unless it is proved not to be such a certificate.

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Miscellaneous

20. Without prejudice to its functions under any labour scheme, the Board shall take all reasonably practicable steps to secure— Duty of the Board.

- (a) that a person to whom a licence is granted is able to comply with any conditions of his licence with respect to the number of permanent workers to be employed by him ; and
- (b) that a licensing authority is able to carry out any proposal (in the form in which it is to be carried out) with respect to the number of such workers to be employed by the authority.

21.—(1) A licensing authority shall keep at its office—

Records and information.

- (a) a record of all licences issued by it under this Act, showing the name and address of each licence holder, the date on which each licence came or will come into force, the conditions subject to which it is from time to time held, the period for which it was issued and such other particulars of the licence as may be prescribed ; and
- (b) a record of any proposal of the authority which has come into force and the terms of the proposal as it is to be carried out from time to time ;

and the record shall be open to inspection by any person at any reasonable hour free of charge.

(2) The Board shall give a licensing authority such information as the licensing authority may from time to time require for the purpose of any of its functions under this Act as to the number of dock workers and licensed employers on the registers under the labour scheme relating to any port for which it is the licensing authority and such other particulars which the Board can provide as the licensing authority may require for that purpose.

22. A licensing authority may delegate to a committee of the authority any of the authority's functions under this Act, except the authority's power to decide whether to grant, renew or revoke a licence and to decide the period for which a licence is to be granted or renewed. Delegation of functions of licensing authority.

PART I
False
statements.

23. Any person who, for the purpose of procuring the issue, renewal, transfer or revocation of a licence or the variation or revocation of a condition imposed on a licence—

- (a) 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
- (b) produces, furnishes, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular ;

shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding £100 or both.

Inter-relation
of
requirements
of this Part of
this Act and
other Acts and
instruments.

24.—(1) Nothing in this Part of this Act shall be construed as prejudicing the obligation of any person to comply with a requirement imposed by or under any labour scheme.

(2) Nothing in any other Act or any instrument made under any other Act shall be construed as derogating from any requirement imposed by this Part of this Act.

(3) A licence shall be sufficient authority to employ dock workers in a port to which the licence relates, notwithstanding any restriction on the carrying out of dock work or the employment of dock workers in that port, or in ports generally, imposed by any other enactment or any instrument made under an enactment, other than a labour scheme.

PART II

WELFARE AMENITIES

Welfare
amenity
schemes.

25.—(1) The Board shall prepare for each port specified in Schedule 1 to this Act a scheme (hereafter in this Act referred to as a “welfare amenity scheme”) for the provision and maintenance, whether by registered employers or by harbour authorities in the port, of such welfare amenities as the Board thinks ought to be provided and maintained for that port, and any such scheme—

- (a) shall specify the persons who are to provide and maintain the several amenities to which the scheme relates and the area within which or, in the case of a supply of protective clothing, the persons for whom any such amenity is to be provided, and in any case the time within which it is to be provided ; and
- (b) in relation to any amenity required to be provided within a specified area, may require the person who is to provide and maintain it to ensure that a suitable person

is in attendance at specified times at the place where it is provided.

PART II

(2) In deciding the area within which welfare amenities of any description are to be provided under a welfare amenity scheme, the Board shall secure so far as possible that those amenities are conveniently accessible to the persons who in the Board's opinion are likely to use them.

(3) The Board shall submit any welfare amenity scheme prepared under subsection (1) of this section to the Minister and the Minister may make such modifications of the scheme as he thinks fit and shall give notice of the scheme as so modified to all persons on whom it is proposed to impose requirements, specifying the time within which objections may be made to the scheme and the place where a copy of the scheme may be inspected.

(4) A person aggrieved by a requirement to provide or maintain welfare amenities which it is proposed to impose on him in a welfare amenity scheme may make an objection to the scheme to the Minister in the prescribed manner within forty days of the giving of notice to him under the last foregoing subsection or such longer time as the Minister may allow.

(5) After considering any objections duly made to any proposed welfare amenity scheme, the Minister may approve the scheme, with or without modifications, but shall only make further modifications of the scheme in the light of objections made to it.

(6) On approving a welfare amenity scheme the Minister shall send a copy of the scheme to the Board and the Board shall give the persons on whom requirements are imposed by the scheme a written notice setting out the requirements imposed on them.

(7) Any regulations made by the Minister under section 62 of the Factories Act 1961 (welfare regulations) may wholly or partly revoke any welfare amenity scheme. 1961 c. 34.

(8) A welfare amenity scheme which the Minister has approved for a port shall cease to have effect if the port is removed from Schedule 1 to this Act.

(9) A copy of the welfare amenity scheme for any port shall be kept available for inspection at all reasonable times at the office of the local board.

26. The Board may at any time after a welfare amenity scheme has been approved prepare an amendment of the scheme, and subsections (2) to (6) of the last foregoing section shall apply in relation to an amendment prepared by the Board under this section as they apply in relation to a welfare amenity scheme prepared by the Board under subsection (1) of that section.

Amendment of welfare amenity schemes at the instance of the Board.

PART II
 Amendment
 of welfare
 amenity
 schemes at the
 instance of
 other persons.

27.—(1) The Board may on the application of any person on whom any requirement is imposed by a welfare amenity scheme amend the scheme, so far as it affects the applicant, in accordance with the proposals specified in the application or with such modifications of those proposals as the Board thinks expedient, if the Board is satisfied that there has been a change of circumstances relating to the applicant or to the port to which the scheme relates since the scheme was made or since the scheme was last amended in some respect affecting the applicant.

(2) The Board shall give notice in writing of its decision on an application under the foregoing subsection to the applicant and to the Minister, stating, in the case of a refusal to amend the scheme or a decision to amend it with modifications of the proposals specified in the application, the reasons for its decision.

(3) If any person who has made an application under subsection (1) of this section is aggrieved by the decision of the Board on his application, he may appeal in the prescribed manner and within the prescribed time to the Minister who may make such decision in the matter as he thinks fit.

(4) The Minister shall give notice in writing of any decision of his under the last foregoing subsection, together with the reasons therefor, to the Board who shall do all things necessary for giving effect to the decision and, in particular, shall give the applicant notice in writing of the decision and of those reasons.

(5) If the whole or part of a business or undertaking of a registered employer on whom requirements are imposed by a welfare amenity scheme is transferred from one person to another, the Board may on the application of the transferee amend the scheme by substituting references to him for references to the transferor.

(6) If an individual who is a registered employer dies, the Board may—

- (a) on the application of the surviving partners if he was a partner in a firm ; and
- (b) on the application of his legal personal representatives in that or any other case ;

amend the scheme by substituting references to the surviving partners or the legal personal representatives, as the case may be, for references to the deceased.

28.—(1) A harbour authority who has provided or is maintaining welfare amenities in pursuance of a welfare amenity scheme may make and recover from the employers of persons using the amenities reasonable charges for their use by those persons.

PART II
Power of
harbour
authorities
to charge for
welfare
amenities.

(2) This section shall, except as provided by subsections (4) and (5) thereof, be without prejudice to any other enactment or any instrument under an enactment which authorises a harbour authority to make and recover charges for the use of any welfare amenities.

(3) For the purpose of defraying expenditure incurred by a harbour authority in providing or maintaining welfare amenities in pursuance of a welfare amenity scheme the authority may exercise any power conferred on it by any other enactment or any instrument made under an enactment to make and recover charges, whether by dues or otherwise, notwithstanding any limitation on the purposes for which the power is exercisable.

(4) Any enactment or instrument made under an enactment which authorises a harbour authority to make and recover charges for the use of any welfare amenities shall on the coming into force of a welfare amenity scheme requiring the provision or maintenance of those amenities in the area of the authority, cease to have effect so far as it authorises their recovery from dock workers using those amenities.

(5) Any enactment or instrument made under an enactment which confers power on a harbour authority to make or recover charges for the use of any welfare amenities, without imposing a requirement that the charges shall be reasonable, shall be construed as conferring power on the authority to make and recover reasonable charges for the use of those amenities.

29.—(1) If it appears to the Minister that any person has failed to comply with a requirement imposed on and notified to him under section 25 of this Act the Minister may, subject to the provisions of the next following subsection, make an order declaring that person to be in default and authorising the Board to execute any works or do any other thing necessary or expedient for the purpose of remedying the default.

Default
orders.

(2) The Minister shall not make an order under this section unless he has given one month's written notice of his intention to do so to the person who is alleged to be in default, giving particulars of the alleged default and of the works and other things which he proposes to authorise the Board to execute or do, and has considered any representations made by that

PART II

person within one month of the receipt of the notice or such longer time as the Minister may allow.

(3) The Board may authorise its servants and agents to enter upon any land for the purpose of executing any works or doing any other thing thereon which has been authorised to be executed or done under subsection (1) of this section.

(4) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before entering; and a person shall not under this section demand admission as of right to any land which is occupied unless at least seven days' notice of the intended entry has been given to the occupier.

(5) A person who obstructs another person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding £20.

(6) Any expenses incurred by the Board in carrying out an order under this section shall be a debt due from the person in default to the Board and shall be recoverable accordingly.

(7) For the purpose of enabling the Board to carry out any works or do any other thing authorised by an order under this section the Minister may, out of moneys provided by Parliament, make loans to the Board on such terms and conditions as he may with the approval of the Treasury determine.

Revocation of licence on failure to comply with welfare amenity scheme.

30.—(1) If it appears to the Minister that there has been a serious or persistent failure on the part of any person to comply with one or more of the requirements imposed on and notified to that person under section 25 of this Act, the Minister may, after consultation with the Minister of Transport, revoke any licence for the time being held by that person.

(2) On deciding to act under the foregoing subsection the Minister shall give notice in writing of his decision to the holder of the licence, the Board and the licensing authority, stating the reasons for the proposed revocation and the date on which the decision will come into force in accordance with the next following subsection.

(3) The decision shall come into force on the expiration of the period of six months from the date of the giving of the notice of the decision.

Punishment for failure to comply with welfare amenity schemes.

31.—(1) Without prejudice to the two last foregoing sections, a person who fails to comply with any requirement of a welfare amenity scheme shall be liable on summary conviction to a fine not exceeding £200.

(2) Where any person is convicted of an offence under this section, the court may, in addition to or instead of inflicting a

fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under the foregoing subsection in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, he shall be liable on summary conviction to a fine not exceeding £10 for each day on which the non-compliance continues.

32.—(1) While a welfare amenity scheme is in force in a port a factory inspector may, for the purpose of ascertaining whether the requirements of the scheme are being complied with, enter and inspect at all reasonable times, by night and day, any place in the port where welfare amenities are required by the scheme to be provided or maintained and exercise such other powers as may be necessary for carrying this Part of this Act into effect. Powers of inspectors.

(2) On visiting any premises in the exercise of powers conferred by this section a factory inspector shall, if so required, produce to the occupier or some other person holding a responsible position of management at the premises the certificate of appointment furnished to him under section 150 of the Factories Act 1961. 1961 c. 34.

(3) A person who obstructs a factory inspector in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding £20.

(4) A factory inspector, if authorised under section 149 of the Factories Act 1961 to prosecute or conduct proceedings under that Act, may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court or before a sheriff proceedings for an offence under this Part of this Act.

(5) Notwithstanding any rule of law in Scotland, it shall not be an objection to the competence of a factory inspector to give evidence as a witness in any prosecution for an offence under this section that the prosecution is brought at his instance or conducted by him.

33. The Board may delegate to a committee of the Board any of its functions under this Part of this Act and may delegate to the local board for any port any of its functions under this Part of this Act so far as relating to welfare amenities in that port, except in either case the functions of submitting welfare amenity schemes and amendments thereof to the Minister for approval. Delegation of functions by the Board.

PART II
Modification
of leases and
agreements.

34.—(1) Any person who, by reason of the terms of a lease or other agreement relating to any premises, is prevented from erecting any building or structure or doing any structural or other alterations or other thing requisite in order to secure compliance with a requirement of a welfare amenity scheme may apply to the county court and the court may make such an order setting aside or modifying any terms of the agreement as the court considers just and equitable in the circumstances of the case.

(2) Where as a result of the erection of any building or other structure or the carrying out or doing in any premises of any structural or other alterations or other thing requisite in order to secure such compliance as aforesaid any person having an interest in the premises incurs expense which he would not otherwise have incurred and alleges that that expense or some part thereof ought to be borne by some other person, he may apply to the county court and the court, having regard to the terms of any lease or other agreement relating to the premises, may by order give such directions with respect to the payment of the expense and for the modification of the terms of any agreement relating to rent payable in respect of the premises as the court considers just and equitable in the circumstances of the case.

(3) This section applies to agreements entered into before as well as after the passing of this Act.

(4) In the application of this section to Scotland, for references to the county court there shall be substituted references to the sheriff.

Meaning of
expression
“welfare
amenities”.

35. In this Part of this Act the expression “welfare amenities” means—

- (a) sanitary conveniences ;
- (b) baths and shower baths ;
- (c) washing facilities (including wash basins, hot and cold running water and soap and clean towels or other suitable means of cleaning and drying) ;
- (d) a supply of wholesome drinking water ;
- (e) a supply of protective clothing, that is to say, clothing suitable for the protection of the wearer against inclement weather or against dirt from handling dirty cargoes ;
- (f) accommodation and facilities for changing into clothing worn during working hours and for storing and drying clothing so worn and clothing not so worn ;
- (g) canteens, and accommodation and facilities (including facilities for heating food and boiling water) for dock workers to partake of meals provided by themselves ;
- (h) shelters for use during inclement weather.

PART III

HARBOURS

36.—(1) A harbour authority may provide, maintain and operate, either alone or together with any other person and either on harbour land or with the consent of the Minister elsewhere, depots for the sorting of goods, with facilities for the reception, storage, weighing and handling of goods, and may do anything appearing to the authority to be requisite, convenient or advantageous for or in connection with the discharge of the foregoing function.

Power of
harbour
authorities
to provide
inland
clearance
depots.

(2) Notwithstanding anything in section 14(2)(b) or section 16(5) of the 1964 Act (conditions precedent for making harbour revision orders and harbour empowerment orders) a harbour revision order or a harbour empowerment order may be made if the Minister proposing to make it is satisfied that the making of the order is desirable in the interests of securing the efficient operation of a depot for the sorting of goods which are to be loaded or have been unloaded in the harbour to which the order relates and, in the case of a harbour revision order, that there has been such an application for the order as is mentioned in section 14(2)(a) of that Act.

(3) A harbour authority which is maintaining a depot for the sorting of goods may make and recover from the persons using the depot or any services or facilities provided thereat reasonable charges for their use.

(4) In the following provisions of the 1964 Act, that is to say, sections 14 (harbour revision orders) and 18 (harbour re-organisation schemes) and Schedule 2 (objects for which harbour revision orders may be made), references to a harbour shall be construed as including references to a depot provided under this section.

(5) Nothing in this section shall affect the power of the Commissioners of Customs and Excise under the enactments relating to customs and excise to approve places for the loading, unloading, deposit, keeping or securing of goods or the conditions and restrictions subject to which approval may be given to any such places.

37.—(1) Subject to the provisions of this section, a harbour authority, not being one of the Boards, may acquire by agreement any business or undertaking which consists wholly or mainly of the carrying out of harbour operations or of the provision, maintenance or operation of any such depot as is mentioned in the last foregoing section, or so much of any business or undertaking as consists of the carrying out of such operations or of the provision, maintenance or operation of any such depot.

Power of
harbour
authorities
to acquire a
harbour
business or
shares in
a harbour
business.

PART III

(2) Subject as aforesaid, a harbour authority, not being one of the Boards, may subscribe for or acquire any securities of a body corporate which is wholly or mainly engaged or which it is proposed should become wholly or mainly engaged in carrying out harbour operations or in providing, maintaining or operating any such depot.

(3) A harbour authority shall not by virtue of this section acquire a business or undertaking which consists of or includes the provision, maintenance or operation of any such depot, or subscribe for or acquire any securities of a body corporate which is engaged or which it is proposed should become engaged in providing, maintaining or operating any such depot, without the consent of the Minister.

(4) In this section "securities", in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate.

Miscellaneous powers of harbour authorities.

38.—(1) A harbour authority may for the purpose of any of its statutory powers or statutory duties acquire by agreement any land wherever situated.

(2) A harbour authority may carry out any harbour operations except the marking or lighting of a harbour or any part thereof, either within the limits within which the authority has jurisdiction or on harbour land.

Borrowing powers of harbour authorities.

39.—(1) The purposes for which a harbour authority, not being one of the Boards, may borrow money under any statutory provision shall include power to borrow it for any of the following purposes:—

- (a) meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with any activity in which the authority has power to engage;
- (b) acquiring a business or undertaking or part of a business or undertaking in the exercise of powers conferred by section 37 of this Act or any other statutory provision;
- (c) subscribing for or acquiring any securities (within the meaning of that section) of a body corporate in the exercise of any such powers as aforesaid.

(2) So much of any statutory provision of local application as limits the rate of interest at which a harbour authority may borrow money shall cease to have effect; and accordingly section 28 of the Sea Fish Industry Act 1962 (power of appropriate Minister to authorise harbour authorities for fishery

harbours and marine works to borrow money at a rate above that specified in any such provision) shall cease to have effect. PART III

40.—(1) The power of the Minister to give assistance by way of grant under section 12(1) of the 1964 Act (grants to harbour authorities for execution of harbour works, etc.) shall include power to give such assistance to any person (whether or not a harbour authority) engaged in, or proposing to become engaged in, the improvement, maintenance or management of a harbour or the carrying out of harbour operations, and references in that section to a harbour authority shall be construed accordingly. Extension of power to make grants and loans for execution of harbour works, etc.

(2) The expenses in respect of which such assistance may be given under the said section 12(1) shall include—

- (a) expenses incurred, by any person proposing to become engaged in the improvement, maintenance or management of a harbour, in executing works for the construction of the harbour ;
- (b) expenses incurred, by any person so engaged or proposing to become so engaged, in executing works for the improvement, maintenance or management of the harbour or in acquiring plant or equipment required for the carrying out at the harbour of harbour operations ;
- (c) expenses incurred, by a harbour authority which is or proposes to become so engaged in the exercise and performance of statutory powers and duties, in acquiring land required for the purposes of the harbour or an extension thereof or in constructing a harbour ;
- (d) expenses incurred, by any person engaged or proposing to become engaged in carrying out harbour operations at a harbour, in executing works required for the carrying out of harbour operations there or in acquiring plant or equipment so required.

(3) In accordance with the last foregoing subsection paragraph (a) of section 12(1) of the 1964 Act (expenses in respect of which assistance may be given) shall cease to have effect, and in paragraph (b) of that subsection for the words “ that paragraph ” there shall be substituted the words “ paragraph (a) of section 11(1) of this Act as amended by any subsequent enactment ”.

(4) Any grant under the said section 12 may be made on such terms and conditions (including conditions for repayment in specified circumstances) as the Minister may think fit to impose.

(5) The expenses in respect of which loans may be made to a harbour authority under section 11(1) of the 1964 Act (loans to

PART III harbour authorities for the execution of harbour works, etc.) shall include expenses incurred by a harbour authority—

- (a) in executing works for the construction, in the exercise and performance of statutory powers and duties, of a harbour which the authority proposes to become engaged in improving, maintaining or managing ;
- (b) in acquiring plant or equipment required for the carrying out of harbour operations at a harbour which the authority is constructing or proposing to construct as aforesaid ;
- (c) in acquiring land for the purpose of so constructing a harbour.

Transfer of the Boards' debts to other harbour authorities.

41.—(1) Where a harbour revision order or harbour reorganisation scheme provides for the transfer of property, rights and liabilities of one of the Boards (hereafter in this section referred to as “ the Board ”) to some other authority or body (hereafter in this section referred to as “ the new authority ”), the Minister may, with the approval of the Treasury, direct that the new authority shall assume, as from the date of the transfer, a debt to him of an amount determined under the next following subsection.

(2) The amount of the said debt—

- (a) shall be determined by the Minister ; and
- (b) shall be equal to so much of the amounts outstanding of the Board's commencing capital debt, as determined under section 39 of the Transport Act 1962, and of the principal of any loan made to the Board by the Minister under section 20 of that Act as the Minister may think proper having regard to the property, rights and liabilities transferred from the Board by the order or scheme.

1962 c. 46.

(3) Where the Minister gives a direction under this section for the assumption of a debt by a new authority, the commencing capital debt of the Board under section 39 of the said Act of 1962 and the principal of any loan made to the Board by the Minister under section 20 of that Act shall be deemed to have been reduced, as from the date of the transfer of the property, rights and liabilities to which the order or scheme relates, by amounts equal in the aggregate to the amount of the debt assumed by the new authority.

(4) A direction under subsection (1) of this section may include such provision as the Minister thinks appropriate for making consequential alterations of the Board's obligations with respect to its commencing capital debt or any such loan as aforesaid or such provision as could be included in a direction under section 39(6) or, as the case may be, section 20(2)

of the said Act of 1962 (terms of repayment and the like) or provisions of both descriptions. PART III

(5) Subject to subsection (7) of this section, the rate of interest payable on the debt so assumed by the new authority, the time when the principal is to be paid off and the other terms of the debt shall be such as the Minister may with the approval of the Treasury from time to time direct.

(6) The Minister may require a new authority by whom a debt is so assumed to give such security for the debt as he may require, and the new authority may give such security.

(7) The Minister may, before giving any direction under this section for the assumption of a debt by a new authority, estimate the amount of the debt to be assumed by the authority and require the authority to make him, on dates specified in the requirement, provisional repayments of the principal of the debt and provisional payments by way of interest on the estimated amount of the debt; and the liability of the Board to make payments of principal or interest under sections 39(6) or 20(2) of the Transport Act 1962 shall be reduced on those respective dates by amounts equal respectively to the amounts of the payments on those dates. 1962 c. 46.

(8) Provisional payments under the last foregoing subsection shall be on account of the repayments of the principal and payments of interest under subsection (5) of this section; and directions under this section may impose such requirements on the Board and the new authority as appear to the Minister expedient for the purpose of making adjustments of sums underpaid or overpaid by way of principal or interest.

(9) Any sums received by the Minister by way of repayment of, or interest on, the debt assumed by the new authority under 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 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 thinks 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.

(10) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of any debt assumed by a new authority under this section and of the sums to be paid into the Exchequer under the last foregoing subsection and of the disposal by him of any sum so paid, and send it to the Comptroller and Auditor General not later than the end of November following that year; and

PART III 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.

Further provision as to harbour reorganisation schemes.

42.—(1) A harbour reorganisation scheme may include, as respects any harbour authority (including a body which is to be a harbour authority under the scheme) to which statutory powers or duties are transferred by the scheme or as respects any harbour which under the scheme is to be managed by that authority,—

- (a) provisions imposing duties or conferring powers for any of the objects specified in sub-paragraphs (a) to (c) of paragraph 3 of Schedule 2 to the 1964 Act (objects for which harbour revision orders may be made), including powers to make byelaws ;
- (b) provisions for any of the objects specified in paragraphs 6 to 17 of that Schedule ; and
- (c) provisions which may be included in a harbour revision order by virtue of section 14(3) of that Act (consequential and incidental provisions).

(2) A provision authorising the compulsory acquisition of land which is included by virtue of this section in a harbour reorganisation scheme shall be treated for the purposes of section 18(3) of the 1964 Act (maps) and Schedule 4 to that Act (submission and confirmation of such schemes) as a provision transferring an interest in land ; and—

- (a) the Minister may, if an objection is made to any provision authorising the compulsory purchase of land, instead of causing an inquiry to be held under sub-paragraph (3) or (5) of paragraph 3 of that Schedule, afford an opportunity to the objector, and if the latter avails himself of the opportunity, to the person who submitted the scheme and any other persons to whom it appears to the Minister expedient to afford it, of appearing before and being heard by a person appointed by the Minister for the purpose, and the said sub-paragraph (3) or (5), as the case may be, shall apply in relation to the report of a person so appointed as it applies in relation to the report of a person who held an inquiry under that sub-paragraph ; and
- (b) paragraph 6 of Schedule 3 to that Act (provision for compulsory acquisition of land of statutory undertakers in harbour revision orders) shall apply in relation to a submission of a harbour reorganisation scheme as it applies in relation to an application for a harbour revision order.

(3) If a provision authorising the execution of works on any land is included in a harbour reorganisation scheme by virtue of this section, the notice required to be published by paragraph 2(a) of Schedule 4 to that Act (publication of notice of such a scheme) shall contain, in addition to the other matters required to be contained in the notice, a general description of the nature of the works and the land on which it is proposed to execute them.

(4) In accordance with subsection (1) of this section—

- (a) the reference in paragraph (i) of section 18(2) of the 1964 Act to the foregoing paragraphs of that subsection shall be construed as including a reference to subsection (1) of this section ; and
- (b) the references in section 52 (application to the Crown) and section 53 (saving for telegraphic lines) of that Act to a harbour revision order shall be construed as including references to a harbour reorganisation scheme.

43.—(1) In paragraph (h) of section 18(2) of the 1964 Act (preservation (with or without adjustment) of pension and similar rights) after the word “adjustment” there shall be inserted the words “or otherwise securing”.

Provisions for pensions in, or in consequence of, harbour reorganisation schemes.

(2) The reference in that paragraph to rights as respects pensions, gratuities or other like benefits and any reference to pension rights in section 19 of that Act (compensation, among other things, for loss of pension rights) shall be construed as including a reference to all forms of right to or eligibility for the present or future payment of a pension, gratuity or other like benefit, and any expectation of the accruer of such a benefit under any customary practice, and any right of allocation in respect of the present or future payment of such a benefit and to the return of contributions to a pension fund.

(3) The provisions which may be contained in a harbour revision order or harbour reorganisation scheme by virtue of section 14(3) or 18(2)(i) of the 1964 Act (power to include supplementary provisions in such orders and schemes, including provisions repealing or amending statutory provisions of local application) shall include such provisions repealing or amending any general Act, or varying or revoking any order made under any general Act, or any trust or other arrangement, as appear to the Minister making or confirming the order or scheme to be necessary or expedient for the purpose of any provision of the order or scheme made by virtue of paragraph 15 of Schedule 2 to that Act (welfare and pensions and similar benefits of harbour authority's staff) or section 18(2)(h) of that Act, as the case may be.

PART III
 Right to
 challenge
 harbour
 revision
 orders, etc.,
 in legal
 proceedings.

44.—(1) Section 44 of the 1964 Act (which entitles persons to question certain orders and schemes under that Act on the ground that a requirement of the Act was not complied with in relation to a provision authorising compulsory acquisition of land, but limits the right to challenge those orders and schemes) shall be amended as provided by this section.

(2) In subsection (1), for the word “or” in the third place where it occurs there shall be substituted the words “on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order or who desires to question”, and after the word “ground” there shall be inserted the words “that there was no power to make the order or”.

(3) After subsection (1) there shall be inserted the following subsection:—

“(1A) On an application under the foregoing subsection relating to a harbour revision or empowerment order, the court—

(a) may, by interim order, suspend the operation of the order or of any provision thereof, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and

(b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.”

(4) In subsection (2) for the words “the foregoing subsection” there shall be substituted the words “subsection (1) of this section relating to an order under section 20 of this Act” and after the word “satisfied” there shall be inserted the words “that there was no power to make the order or”.

(5) In subsection (3), for the word “or” in the second place where it occurs there shall be substituted the words “shall not, either before or after it is made, be questioned in any legal proceedings whatever, and”.

(6) For subsection (4) there shall be substituted the following subsection—

“(4) The foregoing provisions of this section shall apply to a harbour reorganisation scheme confirmed by the Minister as they apply to a harbour revision order, with the substitution for references to the making of the order and to its being made of references respectively to the confirmation of the scheme and to its being confirmed.”

(7) In subsection (5), for the word “subsection” there shall be substituted the words “subsections (1A)(a) and”.

(8) The said section 44 shall accordingly have effect as set out in Schedule 2 to this Act.

45. It is hereby declared for the avoidance of doubt that the consequential or incidental provisions which may be included in a harbour revision order by virtue of section 14(3) of the 1964 Act, in a harbour empowerment order by virtue of section 16(6) of that Act or in a harbour reorganisation scheme by virtue of section 18(2)(i) of that Act include provision for the settlement by a court or otherwise of any dispute or other matter arising in connection with any of the other provisions of the order or scheme. Settlement of disputes under harbour revision orders, etc.

46.—(1) It is hereby declared that the first reference in section 27(1) of the 1964 Act (relaxation of limitations on harbour charges) to any limitation imposed on the discretion of a harbour authority as to charges of any description is a reference to such a limitation imposed by specifying or providing for specifying the charges to be levied, or fixing or providing for fixing charges, or otherwise, and the reference in section 29(1) of that Act (relaxation of limitations on local light dues) to limiting the like discretion of a local lighthouse authority shall be similarly construed. Harbour charges and local light dues.

(2) The repeal effected by the said section 29(1) in any statutory provision limiting any such discretion of a local lighthouse authority which is not a harbour authority shall extend to any statutory provision limiting any such discretion of a local lighthouse authority which is a harbour authority.

(3) Any charge exigible or imposed by a local lighthouse authority by virtue of or under a statutory provision not contained in the 1964 Act shall be treated for the purposes of the following provisions of that Act, that is to say, section 30 (keeping lists of charges), section 35 (objections to, and revision of, charges) and the provisions applied by the said section 35, as if it were exigible or imposed, as the case may be, by virtue of or under section 29 of that Act.

(4) In accordance with the foregoing provisions of this section the following words in the 1964 Act shall cease to have effect, that is to say—

- (a) in section 29(1), the words “if the authority are not a harbour authority”;
- (b) in section 30(2), the words “who are not a harbour authority”;
- (c) in section 35, the words “who are not a harbour authority”, wherever occurring.

PART III
Policing of
harbour
premises
by British
Transport
Police Force.

47.—(1) Where a harbour revision order or a harbour re-organisation scheme transfers any premises used by one of the Boards in connection with its statutory powers and duties relating to harbours to some other authority or body the British Railways Board may make an agreement with that authority or body for making available the services of the British Transport Police Force to that authority or body for such period, to such extent and on such terms as may be specified in the agreement.

1949 c. xxix.

(2) Where such an agreement has been made members of the British Transport Police Force may act, in accordance with the terms of the agreement, as constables in, on and in the vicinity of the premises transferred by the order or scheme, notwithstanding the provisions of section 53(1) of the British Transport Commission Act 1949 (which restricts them to so acting in, on and in the vicinity of premises belonging to, leased to or worked by one of the Boards).

1962 c. 46.

(3) In this section “the British Transport Police Force” means the force established by a scheme made under section 69 of the Transport Act 1962.

Extension of
the Council's
power to
obtain
information
and forecasts.

48. The power of the Council under section 41(1) of the 1964 Act to require a person engaged in improving, maintaining or managing a harbour to furnish information or forecasts to the Council shall extend to any such information or forecasts as may be specified in the notice, and accordingly in paragraph (a) of that section the words from “relating” to “harbour” in the third place where it occurs shall cease to have effect.

Council's
power to
give awards.

49. It is hereby declared for the avoidance of doubt that the power of the Council under section 3(1) of the 1964 Act (research, training and education) to promote research, training and education of any description includes power to give awards of any kind to any person for any activity connected with research, training and education of that description, and any reference in section 3(2) of that Act to the promotion of research or training or education shall be construed as including a reference to the giving of any such award.

Supple-
mentary.

50.—(1) This Part of this Act and the 1964 Act shall have effect of this Part of this Act were part of that Act.

(2) The powers conferred by this Part of this Act on harbour authorities shall be in addition to and not in derogation from any powers conferred on harbour authorities otherwise than by this Part of this Act.

PART IV

MISCELLANEOUS AND GENERAL

51.—(1) Where it appears to the Board or a licensing authority that there is a dispute between the Board or the licensing authority, as the case may be, and any other person about a question to which this section applies, or it appears to any person other than the Board or a licensing authority that there is such a dispute between him and the Board or a licensing authority about such a question, and—

References
of disputes
about
meaning of
“ dock work ”
to a tribunal.

- (a) there are for the time being no legal proceedings (including arbitrations) with reference to that question ; and
- (b) there has been no previous reference of that question the decision on which is binding under this section on the person to whom it appears as aforesaid ;

the question may, subject to the provisions of the next following subsection, be referred by the last-mentioned person to, and if so referred shall be determined by, a tribunal established under section 12 of the Industrial Training Act 1964.

1964 c. 16.

(2) Where the last-mentioned person is neither the Board, nor a licensing authority nor a person who employs others on dock work in, or in the vicinity of, a port or on work of any description to which, or at a place to which, the dispute relates, the question to which the dispute relates may only be referred to any such tribunal as aforesaid by a trade union on behalf of that person, but the fact that the question is so referred shall not make the trade union a party to the dispute or prevent that person from being such a party.

(3) This section applies to the following questions, that is to say—

- (a) whether any work is dock work ;
- (b) whether any place is in, or in the vicinity of, a port to which a labour scheme for the time being applies.

(4) Where any question to which this section applies arises in any proceedings before a magistrates' court or a sheriff or on an appeal to quarter sessions from a magistrates' court, the court shall, if there has been no previous reference of that question the decision on which is binding under this section on both parties to the proceedings, stay the proceedings and refer it to such a tribunal as aforesaid and the tribunal shall decide it.

(5) In addition to the parties to the dispute or proceedings, the following persons may appear and be heard before the tribunal on a reference under this section:—

- (a) the Board ;
- (b) the licensing authority for the port in question ;

Q 3

PART IV

(c) where the question referred is whether work of any description is dock work, any person who employs others on work of that description and any person employed on such work ;

(d) where the question referred is whether any place is in, or in the vicinity of, a port, any person who employs others or works at that place.

(6) The tribunal's decision on any reference under this section shall be binding on the following persons:—

(a) the parties to the dispute or proceedings which occasioned the reference ;

(b) the Board ;

(c) the licensing authority for the port in question ;

(d) any other persons entitled to appear and be heard on the reference who did so appear ;

(e) any court which or sheriff who referred the question to the tribunal and any court of quarter sessions having cognizance of the matter on appeal from any magistrates' court which so referred the question ;

but the foregoing provision shall not preclude any of the persons mentioned in paragraphs (a) to (d) of this subsection from challenging the decision on a subsequent reference under this section by any person not so mentioned or by any court.

(7) Where a question is referred under this section to the tribunal, the tribunal shall state the facts which it finds and the reasons for its decision.

(8) Subsection (4) of this section shall not apply to proceedings instituted before the day appointed for the coming into operation of this section.

(9) In this section " trade union " has the same meaning as in the Trade Union Act 1913.

1913 c. 30
(2 & 3 Geo. 5).

Inquiries.

52.—(1) Subject to the next following subsection, the relevant Minister shall direct an inquiry to be held in connection with—

(a) the consideration and determination by him of appeals or objections made under any provision of Part I or II of this Act ; and

(b) any proposal to exercise his power to revoke a licence under section 30 of this Act ;

and may direct an inquiry to be held in connection with any other matter about which he has functions under either of those Parts.

(2) The relevant Minister need not direct an inquiry to be held in connection with any appeal or objection if he obtains consent in writing to dispense with the inquiry—

- (a) in the case of an appeal or objection under Part I of this Act, from all the persons prescribed by regulations under this section as persons entitled to appear at the inquiry ;
- (b) in the case of an objection under section 25(4) of this Act to a welfare amenity scheme or any amendment of such a scheme, from the person who made the objection, the Board and all other persons whose obligations under the scheme might in the opinion of the relevant Minister be varied by any modifications of the scheme likely to be made in the light of the objection ;
- (c) in the case of an appeal under section 27(3) of this Act, from the appellant and the Board.

(3) Any number of matters may be dealt with at one inquiry.

(4) An inquiry held in pursuance of a direction under this section shall be held by a competent person appointed by the relevant Minister and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

(5) The person appointed to hold an inquiry under this section shall, after holding it, report to the relevant Minister on his findings at the inquiry and shall recommend to the Minister what decision the Minister should make in the matter.

(6) The relevant Minister shall by regulations make such provision as appears to him to be necessary or expedient with respect to the proceedings at or in connection with inquiries under this section including, in particular, provision—

- (a) for requiring notice to be given of the appointment of any person to hold any such inquiry, and of the date, time and place on which it will be held, to such persons as may be determined by or under the regulations ;
- (b) for prescribing or providing for determining the persons who may appear and be heard at any such inquiry ;
- (c) for requiring persons to attend to give evidence and produce documents (except evidence or documents which those persons could not be compelled to give or produce in proceedings before the High Court) ;
- (d) for authorising the administration of oaths to witnesses ;

PART IV

- (e) for requiring copies of documents to be furnished by persons entitled to appear at any such inquiry to other such persons ;
- (f) for prescribing the procedure to be followed at any such inquiry ;
- (g) for authorising the recovery by the relevant Minister of the whole or part of the expenses incurred by him in relation to any such inquiry from all or any of the following persons:—
 - (i) the persons appearing at the inquiry ;
 - (ii) any appellant or objector, whether appearing or not, whose appeal or objection occasioned the inquiry ;
 - (iii) in the case of an inquiry into a matter arising under Part I of this Act, the licensing authority ;
 - (iv) in the case of an inquiry into a matter arising under Part II of this Act, the Board ;
- (h) for the award of costs and expenses ; and
- (i) for taxing or otherwise settling any costs or expenses awarded by virtue of the last foregoing paragraph (and, in particular, in England and Wales, for enabling such costs to be taxed in the county court) and for the enforcement of any award of costs and expenses.

(7) Any person who without reasonable excuse fails to comply with any requirement imposed by regulations made by virtue of paragraph (c), (d) or (e) of the last foregoing subsection shall be liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or both.

(8) The relevant Minister may out of moneys provided by Parliament pay to persons appointed to hold inquiries under this Act and to assessors at such inquiries such fees and allowances, and to persons giving evidence before such inquiries such allowances, as he may with the consent of the Treasury determine.

(9) In this section “ the relevant Minister ” means, in relation to any matter or an inquiry into any matter arising under Part I of this Act, the Minister of Transport and, in relation to any matter or an inquiry into any matter arising under Part II of this Act, the Minister of Labour.

Penalties for
contravention
of labour
schemes.

53. The punishment which may be imposed on summary conviction under section 1(5) of the 1946 Act on a person guilty of an offence under that section (contravention of labour schemes) shall, instead of being that specified in that subsection, be—

- (a) in the case of an individual, imprisonment for a term not exceeding three months or a fine not exceeding £50 or both ;

(b) in the case of a body corporate, a fine not exceeding £500 ; PART IV

and accordingly in that subsection the words from “ and shall ” onwards shall cease to have effect.

54.—(1) Where an offence under this Act of section 1(5) of the 1946 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. Offences by bodies corporate.

(2) In the foregoing 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.

55.—(1) Subject to the provisions of this section, any notice required or authorised by or by virtue of Part I or II of this Act to be served on or given to any person may be served or given by delivering it to him, or by leaving it at his proper address, or by sending it to him by registered post or the recorded delivery service. Notices.

(2) Any such notice required or authorised to be served on or given to a corporation or firm shall be duly served or given if it is served on or given to, as the case may be, the secretary or clerk of the corporation or a partner in the firm.

(3) For the purposes of this section and of section 26 of the Interpretation Act 1889 in its application to this section the proper address of a person on or to whom any such notice as aforesaid is to be served or given shall, in the case of the secretary or the clerk of a corporation, be that of the registered or principal office of the corporation, in the case of a partner in a firm, be that of the principal office of the firm, and in any other case, be the last known address of the person to be served : 1889 c. 63.

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

(4) Any such notice required or authorised to be served on or given to the Board may be served or given by serving it on or giving it to their General Manager, whose proper address for this purpose shall be the principal office of the Board.

Q*

PART IV

(5) The foregoing provisions of this section shall apply to the sending of a document as they apply to the giving of a notice.

Regulations and orders.

56.—(1) The Minister of Transport and the Minister of Labour respectively may make regulations for any purpose for which regulations may be made under Part I or Part II of this Act, for prescribing anything which may be prescribed under the said Part I or the said Part II and generally for the purpose of carrying those Parts of this Act into effect.

(2) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision with respect to any of the following matters:—

- (a) the forms of licences, notices and other documents to be used for the purposes of Parts I and II of this Act and the particulars to be contained therein ;
- (b) application for, and the issue of, licences ;
- (c) the issue of replacements for licences lost or defaced ;
- (d) the extension of any period of time prescribed by the regulations ;

and different provision may be made by the regulations for different cases.

(3) Any power to make an order or regulations under this Act, other than a power conferred by section 29, 31 or 34 of this Act, shall be exercisable by statutory instrument, and any statutory instrument containing any such order or regulations shall, except in the case of regulations under section 4(4) or an order under section 60 of this Act, be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any order made by the Minister of Transport or the Minister of Labour under any provision of this Act may be varied or revoked by a subsequent order so made.

Expenses.

57. There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister in carrying this Act into effect ; and
- (b) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

Interpretation.

58.—(1) In this Act, except so far as the context otherwise requires—

“ the Board ”, except in Part III of this Act, means the National Dock Labour Board or any other body for

- the time being constituted or prescribed under the 1946 Act to be responsible for the administration of any labour scheme ;
- “ cargo ” includes anything carried or to be carried in a ship or other vessel ;
- “ the Council ” means the National Ports Council established under the 1964 Act ;
- “ dock business ” means so much of a business or undertaking as relates to dock work, including any ancillary activities which it is necessary to carry on in connection with dock work ;
- “ dock work ”, in relation to any port, means work which is treated for the purposes of any labour scheme as dock work at that port ;
- “ dock worker ” means a person employed or to be employed on dock work ;
- “ factory inspector ” means an inspector appointed under section 145 of the Factories Act 1961 ; 1961 c. 34.
- “ harbour authority ”, except in Part III of this Act, means any person engaged (whether or not in the exercise and performance of statutory powers and duties), or proposing to become engaged, in the improvement, maintenance or management of a harbour within the meaning of the 1964 Act ;
- “ labour scheme ” means a scheme for the time being in force under the 1946 Act ;
- “ licence ” means a licence under this Act ;
- “ local board ” means a board constituted under the 1946 Act to be responsible for the local administration of any labour scheme ;
- “ the Minister ” means in Part I and, without prejudice to section 50 of this Act, in Part III of this Act the Minister of Transport and in Part II of this Act the Minister of Labour ;
- “ the 1946 Act ” means the Dock Workers (Regulation of Employment) Act 1946 ; 1946 c. 22.
- “ the 1964 Act ” means the Harbours Act 1964 ; 1964 c. 40.
- “ permanent worker ” means a registered dock worker (other than a supplementary worker) who is employed under a contract which requires at least one week’s notice for its termination ;
- “ registered dock worker ” means a dock worker whose name is for the time being entered in the register of dock workers kept under a labour scheme and “ registered employer ” means an employer of dock workers whose name is for the time being entered in the employers’ register kept under any such scheme ;

PART IV

“supplementary worker” means a registered dock worker whose name is entered in the said register of dock workers for a limited period;

“unavailable worker” means a worker who under a labour scheme is not required to be allocated to, and taken into employment as a permanent worker by, a registered employer.

(2) Before making an order under section 2(3) of this Act as respects any port, or exercising as respects any port any functions under Part I of this Act or so much of this Part of this Act as relates to the said Part I, the Minister of Transport shall—

- (a) if the port is a marine work within the meaning of the 1964 Act, consult the Secretary of State; and
- (b) if the port is a fishery harbour within the meaning of that Act, consult the Minister of Agriculture, Fisheries and Food;

and Part I and this Part of this Act shall have effect accordingly.

(3) In this Act, except so far as the context otherwise requires, any reference to employment shall be construed as a reference to employment on dock work, and cognate expressions shall be construed accordingly.

(4) Any reference to a port in the provisions of Part I of this Act (other than section 2(2) or (3)) or of Part II of this Act or the next following section shall be construed as including a reference to any place in the vicinity of that port; but a place shall not be treated for the purposes of this Act as being in the vicinity of a port if it is in the area of another port.

(5) Where an appeal is brought or an objection is made to the Minister of Transport under any provision of Part I of this Act and is subsequently withdrawn, the appeal or objection shall be treated for the purposes of this Act as disposed of at the time it is withdrawn.

(6) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

Power to
amend Acts
of local
application.

59.—(1) The appropriate Minister may, after consultation with any harbour authority appearing to him to be concerned, by order repeal or amend any provision contained in a local Act passed before or in the same Session as this Act or in a provisional order confirmed or made before this Act, where it appears to him that the provision is inconsistent with, or has become unnecessary in consequence of, any provision of Part I or II of this Act.

(2) An order under this section may contain such transitional, supplemental or incidental provisions as appear to the appropriate Minister to be expedient.

(3) In this section "appropriate Minister" means, in relation to an order containing repeals or amendments consequential on a provision of Part I of this Act, the Minister of Transport and, in relation to an order containing repeals or amendments consequential on a provision of Part II of this Act, the Minister of Labour.

60.—(1) This Act may be cited as the Docks and Harbours Act 1966. Short title, commencement and extent.

(2) Part I of this Act shall come into operation on a day appointed by an order made by the Minister of Transport and Part II and section 51 of this Act shall come into operation on a day appointed by an order made by the Minister of Labour, and different days may be appointed under this section for different purposes and, in particular, different days may be so appointed for the coming into operation of the same provision in different ports.

(3) Any reference in Part I or II of this Act to the commencement of any provision thereof shall, in relation to any port, be construed as a reference to the day appointed for the coming into operation of that provision in that port.

(4) In determining the day to be appointed for the coming into operation of section 1 of this Act in any port the Minister of Transport shall have regard to any representations made to him by any person who has applied for, but will not be granted, a licence for that port.

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

SCHEDULES

SCHEDULE 1

PORTS AND LICENSING AUTHORITIES

<i>Port</i>	<i>Licensing Authority</i>
Blyth	Blyth Harbour Commissioners.
Dunston	Tyne Improvement Commissioners.
Gateshead	Tyne Improvement Commissioners.
Newcastle	Tyne Improvement Commissioners.
South Shields	Tyne Improvement Commissioners.
North Shields	Tyne Improvement Commissioners.
Sunderland	River Wear Commissioners.
Seaham Harbour	Seaham Harbour Dock Company.
Middlesbrough	Tees Conservancy Commissioners.
The Hartlepoons	British Transport Docks Board.
Hull	British Transport Docks Board.
Goole	British Transport Docks Board.
Grimsby	British Transport Docks Board.
Immingham	British Transport Docks Board.
Boston	Boston Corporation.
Sutton Bridge	Wisbech Corporation.
Wisbech	Wisbech Corporation.
King's Lynn	King's Lynn Conservancy Board.
Great Yarmouth	Great Yarmouth Port and Haven Commissioners.
Lowestoft	British Transport Docks Board.
Ipswich	Ipswich Dock Commission.
London	Port of London Authority.
The area of the Conservators of the River Medway.	Conservators of the River Medway.
The area of the Commissioners of the Faversham Navigation.	Conservators of the River Medway.
The area of the Conservators of Milton Creek.	Conservators of the River Medway.
The harbour area of the Queenborough Corporation.	Conservators of the River Medway.
Whitstable	Whitstable Urban District Council.
Southampton	British Transport Docks Board.
Poole and Hamworthy	Poole Harbour Commissioners.
Weymouth	Weymouth Corporation.
Plymouth	Cattewater Harbour Commissioners.
Charlestown	Charlestown Estate Limited.
Falmouth	Falmouth Harbour Commissioners.

<i>Port</i>	<i>Licensing Authority</i>
Fowey	Fowey Harbour Commissioners.
Hayle	Harvey and Co. Limited.
Newlyn	Newlyn Pier and Harbour Commissioners.
Par	Port of Par Limited.
Penryn	Penryn Borough Council.
Penzance	Penzance Borough Council.
Porthleven	Porthleven Harbour and Dock Co. Limited.
Portreath	A. C. Reynolds and Sons.
Truro	Truro City Council.
Bristol	Bristol Corporation.
Sharpness	British Waterways Board.
Gloucester	British Waterways Board.
Newport	British Transport Docks Board.
Cardiff and Penarth	British Transport Docks Board.
Barry	British Transport Docks Board.
Port Talbot	British Transport Docks Board.
Swansea	British Transport Docks Board.
Birkenhead	Mersey Docks and Harbour Board.
Bromborough	Mersey Docks and Harbour Board.
Liverpool	Mersey Docks and Harbour Board.
Garston	Mersey Docks and Harbour Board.
Widnes	Mersey Docks and Harbour Board.
Ellesmere Port	Manchester Ship Canal Company.
Manchester	Manchester Ship Canal Company.
Partington	Manchester Ship Canal Company.
Runcorn	Manchester Ship Canal Company.
Weston Point	British Waterways Board.
Preston	Preston Corporation.
Fleetwood	British Transport Docks Board.
Barrow-in-Furness	British Transport Docks Board.
Silloth	British Transport Docks Board.
Whitehaven	Whitehaven Harbour Commissioners.
Workington	Workington Harbour and Dock Co. Limited.
Maryport	Maryport Harbour Commissioners.
Ayr	British Transport Docks Board.
Troon	British Transport Docks Board.
Irvine	Irvine Harbour Company.
Ardrossan	Ardrossan Harbour Company.
Greenock	Clyde Port Authority.

SCH. 1

	<i>Port</i>	<i>Licensing Authority</i>
Glasgow		Clyde Port Authority.
Aberdeen		Aberdeen Harbour Board.
Dundee		Dundee Harbour Trustees.
Tayport		Dundee Harbour Trustees.
Kirkcaldy... ..		Kirkcaldy Royal Burgh Council.
Methil		British Transport Docks Board.
Burntisland		British Transport Docks Board.
Grangemouth		British Transport Docks Board.
Granton		The Commissioners for the Harbour and Docks of Leith.
Leith		The Commissioners for the Harbour and Docks of Leith.

Section 44.

SCHEDULE 2

SECTION 44 OF 1964 ACT AS AMENDED

1945 c. 18.

44.—(1) A person who desires to question any such order as follows, namely, a harbour revision or empowerment order (not being one confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, or under section 2(4), as read with section 10, of that Act) on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order, or who desires to question an order under section 20 of this Act, on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order so far as regards the inclusion therein of a provision authorising the compulsory acquisition of a parcel of land may, within six weeks from the date on which the order becomes operative under the said Act of 1945 (or, in the case of an order under the said section 20, six weeks from the date on which it is made), make an application for the purpose to the High Court or the Court of Session, as the case may be.

(1A) On an application under the foregoing subsection relating to a harbour revision or empowerment order, the court—

- (a) may, by interim order, suspend the operation of the order or of any provision thereof, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.

(2) On an application under subsection (1) of this section relating to an order under section 20 of this Act, the court—

- (a) may, by interim order, suspend the operation of the provision in question, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by failure to comply with a requirement of this Act so far as regards the inclusion in the order of that provision, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.

(3) Except as provided by this section, a harbour revision or empowerment order shall not, either before or after it is made, be questioned in any legal proceedings whatever, and an order under section 20 of this Act shall not, either before or after it is made, be questioned in any legal proceedings whatever so far as regards the inclusion therein of a provision authorising the compulsory acquisition of a parcel of land.

(4) The foregoing provisions of this section shall apply to a harbour reorganisation scheme confirmed by the Minister as they apply to a harbour revision order, with the substitution for references to the making of the order and to its being made of references respectively to the confirmation of the scheme and to its being confirmed.

(5) In relation to proceedings in Scotland, subsections (1A)(a) and (2)(a) of this section shall have effect as if the words “by interim order” were omitted.



Singapore Act 1966

1966 CHAPTER 29

An Act to make provision in connection with the establishment of Singapore as an independent sovereign state within the Commonwealth. [9th August 1966]

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:—

Effect on existing law of Singapore's becoming an independent sovereign Commonwealth state.

1.—(1) Subject to the provisions of this Act, 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, was in force immediately before 9th August, 1965 (being the day on which Singapore became an independent sovereign state separate from and independent of Malaysia) or, having been passed or made before that day comes or has come into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Singapore, and persons and things belonging to or connected with Singapore, as it would have, apart from this subsection, if Singapore had not become an independent sovereign state as aforesaid.

(2) The enactments specified in the Schedule to this Act (being enactments applicable to Commonwealth countries having fully responsible status) shall have effect in accordance with the provisions of that Schedule.

(3) Subsection (1) of this section applies to law of, or of any part of, the United Kingdom, the Channel Islands and the Isle of Man, and, in relation only to an enactment of the Parliament

of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Singapore, to law of any other country or territory to which that enactment or Order extends.

(4) This section shall be deemed to have had effect from 9th August, 1965.

2.—(1) In their operation by virtue of the foregoing section, the Colonial and Other Territories (Divorce Jurisdiction) Acts 1926 to 1950 shall not have effect so as to enable a court having jurisdiction under the law of Singapore to make a decree for the dissolution of a marriage, or, as incidental thereto, to make an order as to any matter, unless proceedings for the decree were instituted before the passing of this Act.

Cesser of jurisdiction of Singapore courts under Colonial and Other Territories (Divorce Jurisdiction) Acts 1926 to 1950.

(2) Except as provided by the foregoing subsection, and subject to any provision to the contrary having effect as part of the law of Singapore, all courts having jurisdiction under the law of Singapore shall, after the coming into force of this section, be treated, for the purpose of such law as is mentioned in subsection (3) of the foregoing section, as having the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(3) The rules referred to in section 1(4) of the Indian and Colonial Divorce Jurisdiction Act 1926 (which requires proceedings under that Act to be conducted in accordance with rules made by the Secretary of State with the concurrence of the Lord Chancellor) may, in the application of that Act to Singapore by virtue of the foregoing provisions of this Act, instead of being so made, be made by such authority as may be determined by the law of Singapore, and so much of the said section 1(4) and of any rules in force thereunder so made by the Secretary of State as requires the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

1926 c. 40.

(4) The references in subsection (1) above to proceedings for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of marriage as is authorised by section 14 of the Matrimonial Causes Act 1965.

1965 c. 72.

3.—(1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction and powers in respect of appeals from the Federal Court of Malaysia, acting on appeals from the High Court of Singapore, and in respect of appeals from any other court being a court having jurisdiction under the laws of Singapore, as appear to Her Majesty to be appropriate for giving effect to any arrangements made in

Judicial Committee of Privy Council.

that behalf between Her Majesty's Government in the United Kingdom and the government of Singapore in accordance with any provision of those laws.

(2) An Order in Council made under this section may determine the classes of cases in which, and the conditions as to leave and otherwise subject to which, any such appeal may be entertained by the said Committee and the practice and procedure to be followed on any such appeal, and may contain such incidental or supplemental provisions as appear to Her Majesty to be expedient.

1833 c. 41.

(3) Except as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall have effect in relation to appeals in respect of which jurisdiction is conferred under this section as it applies in relation to appeals to Her Majesty in Council.

(4) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

Power to make consequential adaptations.

4.—(1) Her Majesty may by Order in Council make such adaptations in any Act of Parliament passed before this Act as appear to Her necessary or expedient in consequence of Singapore's becoming an independent sovereign state within the Commonwealth.

(2) An Order in Council under this section and any Order in Council or other instrument made under any other enactment which varies or revokes a previous Order in Council or instrument in consequence of Singapore's becoming an independent sovereign state within the Commonwealth may be made so as to have effect from 9th August 1965.

(3) An Order in Council made under this section 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 so made.

Short title and interpretation.

5.—(1) This Act may be cited as the Singapore Act 1966.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULE

Section 1(2).

MODIFICATION OF ENACTMENTS

Nationality and Citizenship

1. The British Nationality Acts 1948 to 1965 shall have effect as if, in section 1(3) of the British Nationality Act 1948 (Commonwealth 1948 c. 56. countries having separate citizenship) there were added at the end the words " and Singapore ".

Armed Forces

2. The definitions of " Commonwealth forces " in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, 1955 c. 18. and the definition of " Commonwealth country " in section 135(1) of 1955 c. 19. the Naval Discipline Act 1957 shall each have effect with the addition 1957 c. 53. at the end, of the words " or Singapore ".

3. In the Visiting Forces (British Commonwealth) Act 1933, section 4 1933 c. 6. (attachment and mutual powers of command) shall have effect in relation to forces raised in Singapore as it has effect in relation to forces raised in Dominions within the meaning of the Statute of Westminister 1931. 1931 c. 4 (22 & 23 Geo. 5).

4. In the Visiting Forces Act 1952, at the end of section 1(1)(a) 1952 c. 67. (countries to which that Act applies) there shall be added the words " Singapore or " and, until express provision with respect to Singapore is made by Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Singapore.

5. In section 84(2) of the Offices, Shops and Railway Premises Act 1963 c. 41. 1963 (exclusion of application to visiting forces) before the words " and any country " there shall be inserted the word " Singapore ".

Diplomatic Immunities

6. In section 461 of the Income Tax Act 1952 (exemption from 1952 c. 10. income tax in the case of certain Commonwealth representatives and their staffs)—

- (a) in subsection (2), before the words " or any state " there shall be inserted the words " or Singapore ";
- (b) in subsection (3), before the words " and ' Agent-General ' " there shall be inserted the words " or Singapore ".

7. In section 1(6) of the Diplomatic Immunities (Commonwealth 1952 c. 18. Countries and the Republic of Ireland) Act 1952, before the words " and the Republic of Ireland " there shall be inserted the word " Singapore ".

8. In section 1(5) of the Diplomatic Immunities (Conferences with 1961 c. 11. Commonwealth Countries and Republic of Ireland) Act 1961, before the words " and the Republic of Ireland " there shall be inserted the word " Singapore ".

Financial

- 1958 c. 6. 9. In section 2(4) of the Import Duties Act 1958, before the words "together with" there shall be inserted the word "Singapore".

Ships and Aircraft

- 1894 c. 60.
1949 c. 43. 10. In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2(1) of the Merchant Shipping (Safety Convention) Act 1949, before the words "or in any" there shall be inserted the word "Singapore".
- 1948 c. 44. 11. At the end of the proviso to section 6(2) of the Merchant Shipping Act 1948 there shall be added the words "or Singapore".

Commonwealth Institute

- 1925 c. xvii. 12. At the end of section 8 of the Imperial Institute Act 1925 (which confers power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the Governments of territories which for the time being are contributing towards the expenses of the Commonwealth Institute and are specified in subsection (2) inserted in that section by the Commonwealth Institute Act 1958) there shall be added the words "and Singapore".
- 1958 c. 16.

Films

- 1960 c. 57. 13. In section 50(1) of the Films Act 1960, in the definition of "Commonwealth country", before the words "any colony" there shall be inserted the word "Singapore".

Companies

- 1948 c. 38.
S.I. 1964/911. 14. For purposes of section 119 of the Companies Act 1948 as it has effect by virtue of the Companies Registers (Malaysia) Order 1964, Singapore shall, at the end of the period of six months beginning with the day on which this Act is passed, cease to be treated as if it formed part of Malaysia, and, accordingly, shall thereafter for those purposes continue to be treated as if it were a part of Her Majesty's dominions but separate from Malaysia.



Reserve Forces Act 1966

1966 CHAPTER 30

An Act to make further provision with respect to reserve forces, associations established for the purposes of the Auxiliary Forces Act 1953, the discharge of men of the regular army and air force and the qualifications for appointment as deputy lieutenant; and for purposes connected with the matters aforesaid.

[9th August 1966]

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:—

Alteration of name and organisation of certain reserves

1.—(1) The territorial army and the royal marine forces volunteer reserve shall be known respectively as the territorial and army volunteer reserve and the royal marines reserve, and references to that army or marine volunteer reserve in any enactment or instrument shall be construed accordingly.

Change of name of territorial army and marine volunteer reserve.

(2) The territorial and army volunteer reserve is hereafter in this Act referred to as "the volunteer reserve".

2.—(1) There shall be established, as part of the volunteer reserve, a force for home service (hereafter in this section referred to as "the home service force") which shall consist of—

Establishment of home service force in volunteer reserve.

(a) persons who on the appointed day are members of any unit of the volunteer reserve which is designated by warrant of Her Majesty as a unit of the home service force; and

(b) persons who become officers of, or enlist or re-engage in, the volunteer reserve for service with the home service force; and

(c) members of the volunteer reserve who are not members of the home service force by virtue of the foregoing paragraphs and who are transferred to that force with their consent.

(2) Notwithstanding anything in this Act or any other enactment, a member of the home service force shall not—

(a) be required to serve, either on permanent service or otherwise, outside the United Kingdom, the Channel Islands and the Isle of Man ; or

(b) except in the case of the holder of a land forces commission, be transferred to any other part of the military forces without his consent ;

but a member of the home service force who is transferred to another part of the military forces shall cease to be a member of that force.

Abolition of naval volunteer reserve, certain reserve divisions and class 2 of army reserve etc.

3.—(1) The royal naval volunteer reserve is hereby abolished.

(2) There shall cease to be reserve divisions of the volunteer reserve and the royal auxiliary air force.

(3) There shall cease to be a second class of the army reserve ; and the first class of that reserve shall be the army reserve, shall cease to be called the first class of that reserve and shall not be divided into two divisions.

Change in maximum numbers of certain reserves.
1962 c. 10.

4.—(1) The aggregate number of persons for the time being liable to be called out by virtue of agreements made in pursuance of section 3 of the Army Reserve Act 1962 shall not exceed such number as may from time to time be provided by Parliament.

1950 c. 32.

(2) So much of section 3(6) of the Army Reserve Act 1962 as limits the aggregate number of the persons liable to be called out by virtue of agreements made in pursuance of paragraph (c) of section 6(1) of the Army Reserve Act 1950 and of the persons for the time being designated under paragraph (b) of the said section 6(1) shall cease to have effect.

1950 c. 33.

(3) Section 6(3) of the Air Force Reserve Act 1950 (which imposes limits on the numbers of persons liable to be called out or designated under provisions corresponding to those mentioned in the last foregoing subsection) shall cease to have effect.

Call out of reserves

Call out of reserves in case of national danger etc.

5.—(1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen She may, subject to the following provisions of this section, by order signified under the hand of the Secretary of State, authorise the calling out of any reserve force for permanent service in any part of the world.

(2) Where an order is made under subsection (1) of this section the occasion thereof shall forthwith be communicated to Parliament; and if Parliament is then separated by such adjournment or prorogation as will not expire within five days, a proclamation shall be issued for the meeting of Parliament within five days, and Parliament shall accordingly meet and sit upon the day appointed by the proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

(3) In relation to a man of the royal auxiliary air force in whose case it was agreed at the time of his enlistment that he was accepted for home service only,—

- (a) subsection (1) of this section shall have effect as if for the reference to any part of the world there were substituted a reference to the United Kingdom, the Channel Islands and the Isle of Man; and
- (b) section 43(2) of the Auxiliary Forces Act 1953 (which 1953 c. 50. relates to flights outside the countries aforesaid) shall have effect for the purposes of subsection (1) of this section as adapted by the foregoing paragraph as it has effect for the purposes mentioned in the said section 43(2).

(4) An order in force under subsection (1) of this section may be revoked by an order of Her Majesty signified as there mentioned; but the revocation shall not affect the liability for service of any person called into service by virtue of the order at the time of its revocation.

(5) In this section “reserve force” means any of the following bodies, that is to say—

- (a) the army reserve;
- (b) the volunteer reserve;
- (c) the air force reserve;
- (d) the royal auxiliary air force;
- (e) the royal naval reserve raised under the Royal Naval Reserve (Volunteer) Act 1859, including the royal fleet (22 & 23 Vict.) reserve raised under the Naval Reserve Act 1900 and 1900 c. 52. the special class of the fleet reserve;
- (f) the royal naval special reserve; and
- (g) the royal marines reserve.

6.—(1) Subject to subsections (2) and (6) of this section, a person to whom this section applies shall be liable to be called out for permanent service in any part of the world when operations are in preparation or progress. Call out of reservists for war-like operations.

(2) A member of the volunteer reserve shall not be liable to be called out under subsection (1) of this section unless there is in force an order of Her Majesty, signified under the hand of the Secretary of State, authorising the calling out under this section of members of that reserve.

(3) Subject to subsection (6) of this section, the persons to whom this section applies are—

(a) any member of the army reserve or the air force reserve who became such a member on or after the appointed day otherwise than—

(i) in pursuance of the National Service Acts 1948 to 1950 or the Navy, Army and Air Force Reserves Act 1954, or

(ii) in consequence of his having enlisted in the regular army or regular air force before the appointed day ;

(b) any member of the volunteer reserve who became such a member on or after the appointed day by enlisting or re-engaging in that reserve or by becoming an officer of that reserve ;

(c) any member of the special class of the fleet reserve who became such a member on or after the appointed day otherwise than in consequence of his having, before the appointed day, been entered for non-continuous service in the naval service of Her Majesty or enlisted to serve in the royal marine forces ; and

(d) any other member of a reserve or class mentioned in the foregoing paragraphs who has elected in pursuance of subsection (5) of this section to be a person to whom this section applies and has been notified in the prescribed manner that he has been accepted as such a person.

(4) References in paragraphs (a) and (c) of subsection (3) of this section to becoming a member of a reserve or class include references to remaining a member of it by virtue of a new engagement or other agreement, and a notification in pursuance of paragraph (d) of that subsection may be made to take effect on a day determined by the notification.

(5) Subject to subsection (6) of this section, a member of a reserve or class mentioned in subsection (3) of this section who is not a person to whom this section applies may elect irrevocably in the prescribed manner to be such a person, and a person who immediately before the appointed day was a man of the regular army or the regular air force or was serving by reason of his having been entered or enlisted as mentioned in subsection (3)(c)

1954 c. 10.

of this section may elect irrevocably in the prescribed manner that, on his becoming a member of such a reserve or class, he shall be a person to whom this section applies.

(6) A member of the force constituted by section 2 of this Act shall not be a person to whom this section applies; and the Secretary of State may by regulations make provision—

- (a) for securing that persons of such descriptions as may be prescribed who but for the regulations would be persons to whom this section applies shall not be such persons;
- (b) for relaxing, in such cases as may be prescribed, the liability imposed by subsection (1) of this section on persons to whom this section applies.

(7) An order in force under subsection (2) of this section may be revoked by an order of Her Majesty signified as there mentioned; but the revocation shall not affect the liability for service of any person called into service by virtue of the order at the time of its revocation.

7.—(1) Section 6(1)(b) and (c) of the Army Reserve Act 1950, section 6(1)(b) and (c) of the Air Force Reserve Act 1950 and section 10(2) of the Auxiliary and Reserve Forces Act 1949 (which respectively relate to the call out of men of the army reserve and air force reserve and the special class of the fleet reserve in connection with war-like operations) shall not apply to a man of that reserve or class who is a person to whom section 6 of this Act applies.

Provisions supplementary to section 6.
1950 c. 32.
1950 c. 33.
1949 c. 96.

(2) Any calling out of persons by virtue of section 6 of this Act shall be reported to Parliament forthwith.

(3) The number of persons for the time being called out by virtue of section 6 of this Act shall not be reckoned in the numbers for the time being authorised by Parliament for the regular army and the regular air force.

8.—(1) A member of any reserve of army officers or the army reserve may enter into an agreement in pursuance of section 3 of the Army Reserve Act 1962 to be called out for army service by the Secretary of State; and accordingly that Act shall have effect as if—

Call out of army reservists in pursuance of agreements.
1962 c. 10.

- (a) the reference to the volunteer reserve in section 3(1) included a reference to any reserve of army officers and the army reserve; and
- (b) the references to enlistment in and discharge from the volunteer reserve in section 3(5) included references to service in and discharge from the army reserve.

(2) An officer or man of the regular army may enter into such an agreement as is mentioned in the foregoing subsection, and where he does so—

- (a) the agreement shall not come into force until he becomes a member of a reserve of army officers or the army reserve or until such later date, if any, during his membership of that reserve as is provided by the agreement ; and
- (b) the power conferred by subsection (4) of the said section 3 to give notice of revocation of the agreement shall be exercisable both before and after the agreement comes into force ; and
- (c) when the agreement comes into force it shall be deemed to have been made in pursuance of the foregoing subsection.

Call-out notices.

9.—(1) In any case where an order is in force under section 5(1) of this Act authorising the calling out of a reserve force within the meaning of that section or persons are liable to be called into service by virtue of any other relevant enactment, any member of that force or person so liable (hereafter in this section referred to as a “reservist”) may be called into service by the Secretary of State by notice in writing.

(2) A notice under subsection (1) of this section (hereafter in this Act referred to as a “call-out notice”) shall—

- (a) specify the time and place at which the reservist is to present himself for service ; and
- (b) specify which of the relevant enactments is the enactment by virtue of which the reservist is called into service ;

and a call-out notice shall be deemed to be served on the reservist if it is delivered to him personally or sent by registered post or the recorded delivery service to him at his latest address known to the appropriate service authorities.

(3) A call-out notice may be revoked or varied by the Secretary of State by a subsequent notice in writing, and the last foregoing subsection shall apply to the service of such a notice as it applies to the service of a call-out notice.

(4) Where a reservist who is liable to be called into service by a call-out notice—

- (a) attends in person at such place as may be prescribed ; and
- (b) presents himself for service to such authority as may be prescribed ; and

(c) is informed by that authority that by virtue of this subsection he is accepted for service,

he shall be deemed to have been served with a call-out notice specifying as the time, place and enactment mentioned in subsection (2) of this section—

(i) the time at which he is informed and the place at which he attends as aforesaid ; and

(ii) such of the relevant enactments as is determined in the prescribed manner ;

and any call-out notice previously issued for him shall cease to have effect, without prejudice to any liability arising from his failure to comply with the notice before he attends as aforesaid.

(5) It is hereby declared that, for the purposes of the Reinstatement in Civil Employment Act 1950 and the 1950 c. 10 Reserve and Auxiliary Forces (Protection of Civil Interests) Act (14 & 15 Geo. 1951, service for which a person is accepted by virtue of the 6). last foregoing subsection is service in pursuance of a call-out 1951 c. 65. notice.

(6) Subject to section 11 of this Act, a reservist shall be deemed to be called into service by virtue of the enactment specified in a call-out notice served on him in pursuance of this section during the period beginning with the time so specified and ending with the date on which he is released from service in pursuance of section 12 of this Act or any earlier date on which his service is terminated by the appropriate service authorities.

(7) In this section “relevant enactment” means any of the following enactments, that is to say—

(a) section 5(1) of this Act ;

(b) section 6(1) of this Act ;

(c) any provision of section 6(1) of the Army Reserve Act 1950 c. 32. 1950 ;

(d) any provision of section 6(1) of the Air Force Reserve 1950 c. 33. Act 1950 ;

(e) any provision of section 10 of the Auxiliary and Reserve 1949 c. 96. Forces Act 1949 ;

(f) section 25(1) of the Auxiliary Forces Act 1953 ; 1953 c. 50.

(g) section 16 of the Naval Volunteers Act 1853 ; and 1853 c. 73.

(h) the said section 16 as incorporated by section 4 of the Naval Enlistment Act 1884. 1884 c. 46.

10.—(1) Subject to subsection (3) of this section and section Duration of service of 15 of this Act, a man of the volunteer reserve or the royal certain auxiliary air force who is called out on permanent service shall reservists be liable to serve until Her Majesty no longer requires his called out on services or until the expiration of his term of service in that permanent reserve or force, whichever first occurs. service.

(2) Subject to subsection (3) of this section and section 15 of this Act, a member of the special class of the fleet reserve who is called out on permanent service by virtue of section 6(1) of this Act shall be liable to serve until Her Majesty no longer requires his services or until the expiration of his term of service in that class, whichever first occurs.

(3) The period or aggregate of the periods during which a man is called out for service by virtue of section 6(1) of this Act during the term of his current engagement shall not without his consent exceed twelve months.

Service under other liabilities of reservists already called out.
1962 c. 10.

11.—(1) Where a person—

- (a) is in service in pursuance of a notice under section 3(1) of the Army Reserve Act 1962 or in pursuance of a call-out notice specifying an enactment mentioned in section 9(7) of this Act; and
- (b) if he were not in service would be liable to be called into service by a call-out notice or, as the case may be, by a call-out notice specifying a different enactment so mentioned,

the Secretary of State may direct that, on the date of the direction or a later date specified in the direction, he shall be deemed to be called into service by a call-out notice specifying such of those enactments applicable to him as is specified in the direction.

(2) When a person is deemed in pursuance of subsection (1) of this section to be called into service by virtue of an enactment specified in a direction under that subsection, his service under any other enactment by virtue of which he was previously serving shall cease.

(3) A direction under this section may be made in respect of persons of such descriptions as are specified in the direction or in respect of an individual.

End of service under call-out notices.

12.—(1) In any case where—

- (a) the services of a person called into service by a call-out notice are no longer required; or
- (b) a person is in service in pursuance of a call-out notice at the expiration of the period of his liability for service in pursuance of the enactment specified by the notice,

he shall be entitled to be released from whole-time service in the prescribed manner with all convenient speed.

(2) The reference in paragraph (b) of the foregoing subsection to a period of liability for service in pursuance of a particular enactment includes a reference to such a period as extended under any other enactment.

13.—(1) Subsections (4) and (5) of section 9 of this Act shall apply to a person liable to be recalled for service by a notice under section 3 of the Recall of Army and Air Force Pensioners Act 1948 or section 2 of the Navy, Army and Air Force Reserves Act 1964 as those subsections apply to a reservist within the meaning of the said section 9, but as if—

Pensioners and former soldiers reporting for service. 1948 c. 8. 1964 c. 11.

(a) for references in those subsections to a call-out notice there were substituted references to a notice under the said section 3 or the said section 2, as the case may be; and

(b) in the said subsection (4) the words “ as the time, place and enactment mentioned in subsection (2) of this section ” and paragraph (ii) were omitted.

(2) So much of subsection (1) of the said section 3 as—

(a) provides for a notice under that section to specify the authority to whom a man is to present himself; and

(b) requires the time of recall specified by such a notice to be not earlier than the third day after the service of the notice,

shall not apply to a notice which is deemed to be served under the said subsection (4) as applied by the foregoing subsection.

Enlistment, transfer and discharge of certain reservists and servicemen

14.—(1) A man of the army reserve may, with the consent of the prescribed authority, enlist in the volunteer reserve and shall on so enlisting cease to be a man of the army reserve.

Further provisions as to the enlistment and transfer etc. of reservists.

(2) If a man who has enlisted into the volunteer reserve in pursuance of the foregoing subsection ceases to be a member of that reserve before the date on which his term of service in the army reserve would have expired if he had not so enlisted, he shall, unless the prescribed authority otherwise directs, again be a man of the army reserve by virtue of this subsection for the residue of that term, without prejudice to the operation of any enactment under which that term may be extended.

(3) The power conferred by section 13(1) of the Army Reserve Act 1950 and section 13(1) of the Air Force Reserve Act 1950 to enlist men into the army reserve or air force reserve in certain territories outside the United Kingdom shall include power to enlist or re-engage British subjects and British protected

persons into that reserve in any country or territory outside the United Kingdom ; and British subjects and British protected persons may enlist or re-engage as men of the volunteer reserve or the royal auxiliary air force in any such country or territory as well as in the United Kingdom.

(4) The Secretary of State may make regulations providing for—

- 1950 c. 32.
- (a) the transfer to the volunteer reserve of militiamen within the meaning of the Army Reserve Act 1950 ; and
 - (b) the transfer of men of the volunteer reserve to the army reserve for service as militiamen within the meaning of that Act ;

and the regulations may contain such transitional, consequential and supplementary provisions as the Secretary of State considers appropriate for the purposes of the regulations ; but nothing in this subsection shall, without a man's consent, authorise any change in his term of service or any period during which or the circumstances or area in which he may be required to serve either on permanent service or otherwise.

(5) The holder of a land forces commission may be placed on the active list of officers of the volunteer reserve, and while on that list shall be an officer of that reserve ; and for the purposes of this subsection " active list " has such meaning as may be prescribed.

Postponement
of discharge
or transfer
to reserve.
1955 c. 18.
1955 c. 19.

15.—(1) In section 9 of the Army Act 1955 and section 9 of the Air Force Act 1955 (which among other things provide for postponement of discharge or transfer to the reserve when men of the reserve are called out on permanent service), in the application of that section to a man of the regular army, the army reserve, the regular air force or the air force reserve who—

- (a) is such a man in consequence of his having enlisted or re-engaged in one of those forces on or after the appointed day ; or
- (b) has elected irrevocably in the prescribed manner that this subsection shall apply to him,

the references to men of the reserve being called out on permanent service shall (notwithstanding anything in section 225(2) of the Army Act 1955 or section 223(2) of the Air Force Act 1955) include references to such men being called out by virtue of section 6 of this Act or under section 6(1)(b) or (c) of the Army Reserve Act 1950 or section 6(1)(b) or (c) of the Air Force Reserve Act 1950, as the case may be.

1950 c. 33.

(2) In section 9 of the Army Act 1955, in its application to a man who enters into an agreement on or after the appointed day in pursuance of section 3 of the Army Reserve Act 1962 and is

1962 c. 10.

called into service in pursuance of the agreement, the references to men of the reserve being called out on permanent service shall (notwithstanding anything in section 225(2) of the Army Act 1955) include references to such men being called out in pursuance of section 6 of this Act or under section 6(1)(b) or (c) of the Army Reserve Act 1950. 1955 c. 18.
1950 c. 32.

(3) Where the time at which, apart from this subsection—

(a) a man of the volunteer reserve would be entitled to discharge; or

(b) the term of service in the special class of the fleet reserve of a man of that class would expire,

occurs while he is called into service by virtue of section 6(1) of this Act, he may be required to continue in service under the said section 6(1) for such further period as may be ordered by the Defence Council or an officer designated for the purposes of this subsection by that Council; but the period so ordered, together with the period or aggregate of the periods of the man's service under the said section 6(1) apart from this subsection during the term of his current engagement, shall not exceed twelve months.

(4) A man of the volunteer reserve who is a person to whom section 6 of this Act applies shall not be entitled to be discharged under section 17(1) of the Auxiliary Forces Act 1953 (which provides for early discharge) during any period while an order is in force under section 6(2) of this Act. 1953 c. 50.

(5) Section 18(1) and (2) of the Auxiliary Forces Act 1953 (which enable discharge to be postponed for up to twelve months, and exclude the right to early discharge, during a period of emergency within the meaning of that section) shall have effect, in relation to a man who enlists or re-engages in the volunteer reserve on or after the appointed day, as if such a period included any period while he is called out for home defence service within the meaning of that Act.

Training

16.—(1) Subject to subsection (5) of this section, a person to whom this section applies may, in accordance with regulations made by the Secretary of State, be called out in any year for training in the United Kingdom or elsewhere— Training of
army, air
force and
volunteer
reservists.

(a) for one period not exceeding fifteen days; and

(b) for such other periods as may be prescribed, none of which shall exceed thirty-six hours without the consent of the person in question,

and may while so called out be attached to and trained with any body of Her Majesty's forces.

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(2) Subject to subsection (5) of this section, the persons to whom this section applies are—

- (a) such persons as are mentioned in section 6(3)(a) and (b) of this Act ; and
- (b) any other person who has elected in pursuance of subsection (3) of this section to be a person to whom this section applies and has been notified in the prescribed manner that he has been accepted as such a person ;

and for the purposes of paragraph (a) of this subsection section 6 of this Act shall have effect as if subsection (6) of that section were omitted.

(3) Subject to subsection (5) of this section, a member of the army reserve, air force reserve or volunteer reserve who is not a person to whom this section applies and is not serving for a term of part-time service within the meaning of the National Service Act 1948 may elect irrevocably in the prescribed manner to be such a person ; and a person who immediately before the appointed day was a man of the regular army or the regular air force may elect irrevocably in the prescribed manner that, on his becoming a member of the army reserve or air force reserve, he shall be a person to whom this section applies.

1948 c. 64.

(4) Section 4 of the Army Reserve Act 1950 or section 4 of the Air Force Reserve Act 1950 or sections 19 and 20 of the Auxiliary Forces Act 1953 (which respectively relate to the training of army, air force and volunteer reservists) shall not apply to a person to whom this section applies.

1950 c. 32.

1950 c. 33.

1953 c. 50.

(5) The Secretary of State may by regulations make provision—

- (a) for securing that persons of such descriptions as may be prescribed who but for the regulations would be persons to whom this section applies shall not be such persons ;
- (b) for relaxing, in such cases as may be prescribed, the liability imposed by subsection (1) of this section on persons to whom this section applies.

Army and air force associations and unit property

Establishment,
alteration and
winding-up
etc. of
associations.

17.—(1) An association may be established for the purposes of the Auxiliary Forces Act 1953 for an area which does not consist of one or more counties.

(2) The Secretary of State may by order make such changes in the provisions of Schedule 1 to the Auxiliary Forces Act 1953 as he considers appropriate, and the order may contain such supplemental, incidental and transitional provisions as the Secretary of State considers expedient ; but any scheme

having effect by virtue of section 3 of that Act immediately before this subsection comes into force shall continue in force as if this subsection had not been passed until it is varied or revoked by a subsequent scheme under that Act or in pursuance of section 2 of that Act.

(3) An order under subsection (2) of this section may be revoked or varied by a subsequent order under that subsection.

(4) The Defence Council may at any time make an order for the winding-up of any association established for the purposes of the Auxiliary Forces Act 1953.

1953 c. 50.

(5) The Secretary of State may, with the consent of the Treasury, make regulations providing for the payment by the Secretary of State, out of moneys provided by Parliament, of compensation to or in respect of any person who in the opinion of the Secretary of State—

(a) has ceased to be employed by an association established for the purposes aforesaid, or has suffered a diminution in the emoluments of his employment by such an association, in consequence of the winding-up of the association or any change in its activities or of any proposal to wind up the association or change its activities ; or

(b) has ceased to be employed by the body commonly known as the Council of Territorial and Auxiliary Forces Associations, or has suffered a diminution in the emoluments of his employment by that body, in consequence of the winding-up of associations established as aforesaid or of changes in their activities.

(6) The powers to make an order under subsection (2) of this section and regulations under subsection (5) of this section shall be exercisable by statutory instrument ; and any such order or regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

18.—(1) Subject to the provisions of this section, where by warrant of Her Majesty—

(a) a unit of the volunteer reserve or the army reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded ; or

(b) a unit of the royal auxiliary air force is designated as the successor of a body of that force which has been or is to be disbanded,

Rearrangement
of charities
in England
and Wales
and Northern
Ireland on
disbanding
of units.

any charitable property held for the purposes of the body in question shall, as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.

(2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to the Charity Commissioners and to a trustee of the charity in question; and if the Commissioners consider that the foregoing subsection should not apply to all or part of the property affected by the warrant they may, at any time within the period beginning with the date on which the warrant is made and ending with the expiration of six months beginning with the date on which the warrant comes into force, make an order providing that that subsection shall not apply or shall cease to apply to the property or part.

(3) If a charity affected by such a warrant as is mentioned in subsection (1) of this section or any trustee of or person interested in such a charity considers that subsection (1) of this section should not apply to all or part of any property which belongs to the charity and is affected by the warrant, then, subject to subsections (2) to (5) of section 28 of the Charities Act 1960 (which provide that charity proceedings may not be begun without the consent of the Charity Commissioners or leave of a judge of the High Court), the charity, trustee or person interested as the case may be, at any time within the period of six months beginning with the date on which the warrant comes into force, apply to the court for an order providing that subsection (1) of this section shall cease to apply to the property or part; and for the purposes of the said subsection (5), in its application to proceedings under this subsection, an application for an order of the Charity Commissioners authorising such proceedings shall be deemed to be refused if it is not granted during the period of one month beginning with the day on which the application is received by the Commissioners.

(4) No such warrant or order as aforesaid shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of it is served on a trustee of the charity in question.

(5) In any case where—

- (a) an order is made under the foregoing provisions of this section; or
- (b) the Secretary of State requests the Commissioners to make provision with respect to any charitable property held for the purposes of a body of the volunteer reserve, the army reserve or the royal auxiliary air force which has been or is to be disbanded,

the Commissioners may, notwithstanding anything in subsection (4) of section 18 of the Charities Act 1960, exercise their jurisdiction under that section with respect to the property to which the order or request relates.

1960 c. 58.

(6) The foregoing provisions of this section shall not apply to any charitable property held for the purposes of such a body as is mentioned in subsection (1) of this section if, under the terms on which the property is so held, any interest of the charity in question in the property is determined on the disbanding of that body and any person or charity other than the charity aforesaid has an interest in the property contingent upon the determination of the said charity's interest.

(7) Where subsection (1) of this section applies to any charitable property, the same jurisdiction and powers shall be exercisable in relation to the charity in question as would be exercisable if that subsection were not a provision of an Act of Parliament regulating the charity.

(8) Subject to the next following subsection, in this section "charitable property" means property belonging to a charity, and "the court" and "charity" have the same meanings as in the Charities Act 1960; and references to disbandment of a 1960 c. 58. body include references to its amalgamation with another body.

(9) The foregoing provisions of this section shall have effect in their application to Northern Ireland as if—

- (a) for any reference to the Charity Commissioners there were substituted a reference to the Ministry of Finance for Northern Ireland;
- (b) in subsection (3) for the words from "subject to" to "High Court)" there were substituted the words "subject to section 29(3) of the Charities Act (Northern 1964 c. 33 Ireland) 1964 (under which an application for an order (N.I.) of the court in connection with the administration of a charity may not be made without the consent of the Attorney General for Northern Ireland)" and the words from "and for the purposes" onwards were omitted;
- (c) in subsection (5) for the words "subsection (4) of section 18 of the Charities Act 1960" there were substituted the words "subsection (1) of section 13 of the Charities Act (Northern Ireland) 1964 and irrespective of the value of the property in question"; and
- (d) in subsection (8) for the reference to the Charities Act 1960 there were substituted a reference to the said Act of 1964;

and for the purposes of section 6 of the Government of Ireland 1920 c. 67. Act 1920 (which relates to the powers of the Parliament of Northern Ireland to make laws) this section shall be deemed to have been passed before the day appointed for the purposes of that section.

Rearrangement
of charities
in Scotland on
disbanding
of units.

19.—(1) Subject to the provisions of this section, where by warrant of Her Majesty—

- (a) a unit of the volunteer reserve or the army reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded ; or
- (b) a unit of the royal auxiliary air force is designated as the successor of a body of that force which has been or is to be disbanded,

any property which is held for charitable purposes for the body in question and which is administered for those purposes according to the law of Scotland shall, as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.

(2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to a trustee of the trust in question ; and where the Secretary of State considers that the foregoing subsection should not apply to all or part of the property affected by the warrant he may, at any time within the period beginning with the date on which the warrant is made and ending with the expiration of six months beginning with the date on which the warrant comes into force, make a direction that that subsection shall not apply or shall cease to apply to the property or part.

(3) If any trustee of or person interested in any property held for charitable purposes affected by such a warrant as is mentioned in subsection (1) of this section considers that that subsection should not apply to all or part of such property, that person may, at any time within the period of six months beginning with the date on which the warrant comes into force, apply by petition to the Court of Session for the Court to make such a direction as is mentioned in subsection (2) of this section in relation to that property or part and to exercise, with respect to that property or part, any of the Court's powers relating to a charitable or other permanent endowment, and the Court, if it is satisfied that on the making of such a direction it would be entitled to exercise its powers in the manner craved and that it is necessary for these purposes to make that direction, may itself make such a direction.

(4) No such warrant or direction as aforesaid shall affect the validity of anything done or omitted with respect to any property affected by the warrant or direction before a copy of the warrant or direction is served on a trustee of the trust in question.

(5) The foregoing provisions of this section shall not apply to any property held for charitable purposes for such a body as is mentioned in subsection (1) of this section if, under the terms on which the property is so held, any person has an interest

charitable or otherwise in the property contingent upon the determination of the charitable interest therein of that body.

(6) Where a body of the volunteer reserve, the army reserve or the royal auxiliary air force has been or is to be disbanded, the Secretary of State may apply by petition to the Court of Session for the Court to exercise, with respect to any property held for charitable purposes for the body in question, any of the Court's powers relating to a charitable or other permanent endowment.

(7) References in this section to disbandment of a body include references to its amalgamation with another body.

Deputy lieutenants

20.—(1) A person may be appointed to be a deputy lieutenant for a county in the United Kingdom if—

Qualifications for appointment as deputy lieutenant.

- (a) he has a place of residence in the county or within seven miles from the boundary of the county; and
- (b) he is shown to the satisfaction of a Secretary of State to have rendered either—

(i) worthy service as a member of, or in a civil capacity in connection with, Her Majesty's naval, military or air forces, or

(ii) such other service as, in the opinion of a Secretary of State, makes him suitable for appointment as a deputy lieutenant.

(2) For the purposes of the foregoing subsection Greater London other than the City of London shall be treated as a county.

(3) Subsection (1) of this section shall have effect in its application to Northern Ireland as if for references to a Secretary of State there were substituted references to the Governor of Northern Ireland; and the power conferred by section 30(3) of the Militia Act 1882 to inform the lieutenant of a county in Northern Ireland that the Governor does not disapprove of the grant to any person of a commission as deputy lieutenant shall be exercisable only by the Governor. 1882 c. 49.

Supplemental

21.—(1) In this Act—

Interpretation etc.

“appointed day” means such date as the Secretary of State may by order made by statutory instrument appoint, and different dates may be so appointed for different purposes of this Act;

“call-out notice” has the meaning assigned to it by section 9 of this Act;

- “ man ”, in relation to the military or air forces, includes a non-commissioned officer and (except in relation to the marine forces) a warrant officer and, in relation to the naval forces, means a person of or below the rate of chief petty officer ;
- “ prescribed ”, except in Schedule 1 to this Act, means prescribed by regulations made by the Secretary of State under this Act ;
- 1955 c. 18. “ regular army ” means the regular forces within the meaning of the Army Act 1955, but in sections 6(5), 8(2), 15(1) and 16(3) of this Act does not include the royal marines ;
- 1955 c. 19. “ regular air force ” has the same meaning as in the Air Force Act 1955 ;
- “ special class of the fleet reserve ” means the special class of the royal fleet reserve established by section 9 of the Auxiliary and Reserve Forces Act 1949 ; and
- 1949 c. 96. “ the volunteer reserve ” has the meaning assigned to it by section 1(2) of this Act ;

and any reference in this Act to the holder of a land forces commission includes a reference to a person entitled to have such a commission issued to him.

(2) This Act, so far as it relates to the military and air forces, applies to women as it applies to men.

(3) As respects any period before section 1 of this Act comes into force in relation to the territorial army or the royal marine forces volunteer reserve respectively, any reference in any other provision of this Act which is in force (except this subsection but including a reference in an amendment made by this Act in any other enactment) to the volunteer reserve or the royal marines reserve shall be construed as a reference to the territorial army or, as the case may be, the royal marine forces volunteer reserve.

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

Regulations
etc.

22.—(1) The Secretary of State may make regulations for prescribing anything falling to be prescribed under this Act.

(2) Any power to make regulations or give directions under this Act includes power to make different provision for different circumstances.

(3) Any regulations under this Act (other than regulations under section 17) shall be laid before Parliament after being made.

23.—(1) Without prejudice to subsections (5) and (6) of this section or section 38(1) of the Interpretation Act 1889 (which provides that where an enactment is repealed and re-enacted, with or without modifications, references to it in any other enactment shall be construed as references to it as re-enacted)—

Transitional provisions, consequential amendments and repeals. 1889 c. 63.

(a) any reference in any enactment to, or to provisions which include, section 5 of the Army Reserve Act 1950 or section 5 of the Air Force Reserve Act 1950 or to a proclamation ordering the calling out of the army reserve or air force reserve under that section shall be construed respectively as, or as including, a reference to section 5 of this Act or to an order authorising the calling out of the army reserve or air force reserve under section 5 of this Act;

1950 c. 32.
1950 c. 33.

(b) any reference in any enactment to the embodying or disembodied of the volunteer reserve or the royal auxiliary air force or any part or member of that reserve or force shall be construed—

(i) in relation to a member of the volunteer reserve, as a reference to his being called into, or released from, service by virtue of section 5(1) or section 6(1) of this Act;

(ii) in relation to a member of the royal auxiliary air force, as a reference to his being called into, or released from, service by virtue of section 5(1) of this Act.

(2) Any reference in any enactment to actual service under section 4 of the Royal Naval Reserve (Volunteer) Act 1859 shall be construed as a reference to permanent service in the naval or marine forces by virtue of section 5(1) of this Act.

1859 c. 40.
(22 & 23 Vict.)

(3) The provisions of section 3(2) of this Act and the repeal by this Act of section 11(7) of the Auxiliary Forces Act 1953 shall not affect any reserve of officers maintained in pursuance of the said section 11(7) immediately before the passing of this Act; but any such reserve may be abolished by order of Her Majesty signified under the hand of the Secretary of State.

1953 c. 50.

(4) Any reference in the Army Act 1955, and in such other enactment (if any) as may be prescribed for the purposes of this subsection, to an officer holding a commission in the volunteer reserve shall be construed as including a reference to a person who is an officer of that reserve by virtue of section 14(5) of this Act.

1955 c. 18.

The power to make regulations under this subsection shall be exercisable by statutory instrument.

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(5) Her Majesty may by Order in Council make such modifications of any enactment relating to any of the armed forces of the Crown (including an enactment as amended by the next following subsection) as She considers expedient in consequence of the passing of this Act, and an Order under this subsection may be revoked or varied by a subsequent Order thereunder.

A draft of any Order in Council proposed to be made under this subsection shall be laid before Parliament.

(6) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(7) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Expenses.

24. There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses of the Secretary of State under this Act ;
and
- (b) any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other Act.

Short title,
commence-
ment and
extent.

25.—(1) This Act may be cited as the Reserve Forces Act 1966.

(2) This Act shall come into force on the appointed day.

(3) Her Majesty may by Order in Council provide that any provision of this Act shall extend to the Isle of Man subject to such modifications, if any, as may be specified by the Order ; and an Order under this subsection may be revoked or varied by a subsequent Order thereunder.

SCHEDULES

SCHEDULE 1

Section 23(6).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Naval Volunteers Act 1853

1853 c. 73.

1. In section 21, as incorporated by section 4 of the Naval Enlistment Act 1884, for the words from "at or within" to "under this Act" there shall be substituted the words "at the time and place specified in a call-out notice which is served on him in pursuance of the Reserve Forces Act 1966 and which specifies section 16 of this Act as the enactment by virtue of which he is called into service".

*The Royal Naval Reserve (Volunteer) Act 1859*1859 c. 40.
(22 & 23 Vict.)

2. In section 5 for the words "by proclamation to declare" there shall be substituted the words "by order signified under the hand of the Secretary of State to provide" and for the words "such proclamation" in both places where they occur there shall be substituted the words "the order", and references to actual service shall, without prejudice to section 23(2) of this Act, be construed as references to permanent service in the naval or marine forces by virtue of section 5 of this Act.

The Militia Act 1882

1882 c. 49.

3. Section 30(2) and so much of section 30(4) as relates to a return shall cease to have effect.

The Naval Forces Act 1903

1903 c. 6.

4. In section 1(2) for the words "force so raised" and "force raised under this section" there shall be substituted the words "royal marines reserve".

The Auxiliary and Reserve Forces Act 1949

1949 c. 96.

5. In section 11(3) for the words "as soon as may be" there shall be substituted the word "forthwith".

6. In section 11(4) for the words "said Act of 1859" where they first occur there shall be substituted the words "Royal Naval Reserve (Volunteer) Act 1859", and for paragraph (b) there shall be substituted the following paragraph:—

"(b) to the royal marines reserve by section 1(2) of the Naval Forces Act 1903; and"

The Army Reserve Act 1950

1950 c. 32.

7. In section 1(2), in paragraph (c), for the words "said class" there shall be substituted the words "army reserve".

8. In section 6(1)(c) for the words "that class" and "the said first class" there shall be substituted the words "that reserve", and in section 6(1) for the words "as soon as may be" there shall be substituted the word "forthwith".

9. In section 8(1) for the words "the First Schedule to this Act" there shall be substituted the words "section 10(3) of the Reserve Forces Act 1966".

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10. In section 13(2) for the words "in any of the territories to which this section applies" there shall be substituted the words "outside the United Kingdom".

11. At the end of section 14(1) there shall be inserted the words "without prejudice to his liability apart from this subsection in respect of such an offence".

12. In section 17(1)(b) and 17(4) after the word "Act" there shall be inserted the words "or section 16 of the Reserve Forces Act 1966 or by a call-out notice served on him in pursuance of that Act".

1950 c. 33.

The Air Force Reserve Act 1950

13. In section 6(1) for the words "as soon as may be" there shall be substituted the word "forthwith".

14. In section 8(1) for the words "the First Schedule to this Act" there shall be substituted the words "section 10(3) of the Reserve Forces Act 1966".

15. In section 13(2) for the words "in any of the territories to which this section applies" there shall be substituted the words "outside the United Kingdom".

16. At the end of section 14(1) there shall be inserted the words "without prejudice to his liability apart from this subsection in respect of such an offence".

17. In section 17(1)(b) and 17(4) after the word "Act" there shall be inserted the words "or section 16 of the Reserve Forces Act 1966 or by a call-out notice served on him in pursuance of that Act".

1951 c. 8,
(15 & 16 Geo. 6
& 1 Eliz. 2.)*The Home Guard Act 1951*

18. In section 2 for the words "a proclamation ordering" there shall be substituted the words "an order under section 5(1) of the Reserve Forces Act 1966 authorising".

1953 c. 50.

The Auxiliary Forces Act 1953

19. In section 2(1) after the words "one or more counties" there shall be inserted the words "or any other area determined by the Defence Council".

20. In section 2(4) for the words from the beginning to "the association" there shall be substituted the words "The Defence Council may make an order for the winding-up of any such association as is mentioned in this section".

21. Section 16 shall cease to have effect.

22. In section 18(3)(a) and (b) for the words "a proclamation" there shall be substituted the words "an order under section 5(1) of the Reserve Forces Act 1966".

23. In section 22 after the word "sections" there shall be inserted the words "or section 16 of the Reserve Forces Act 1966".

24. In section 27(1) for paragraphs (a) and (b) there shall be substituted the words "fails to appear at the time and place specified by a call-out notice served on him in pursuance of the Reserve Forces Act 1966 specifying—

(a) in any case, section 5(1) of that Act or section 25(1) of this Act; or

(b) in the case of a man of the territorial and army volunteer reserve to whom section 6 of that Act applies, section 6(1) of that Act,

SCH. 1

as the enactment by virtue of which he is called into service”, and after the words “Air Force Act 1955” there shall be inserted the words “(without prejudice to his liability apart from this subsection in respect of such an offence)”.

25. In section 29(1) for paragraphs (a) and (b) there shall be substituted the words “by such authority as may be prescribed”.

26. In section 31(5)(b) for the words from “paid to the association” onwards there shall be substituted the words “paid to the prescribed authority”.

27. Section 41(2), (3) and (4) shall cease to have effect.

28. In Schedule 1, in paragraph 1(d), for the words “two or more counties” there shall be substituted the words “an area consisting of—

- (i) two or more counties, or
- (ii) parts of two or more counties, or
- (iii) a county or two or more counties, together with part of another county or parts of other counties.”.

29. In Schedule 1, in paragraph 4(1) and (2) after the word “including” there shall be inserted the words “or including any part of”; and in paragraph 4(3) for the words “county of Southampton” in the second place where they occur there shall be substituted the words “Isle of Wight”.

30. In Schedule 1, in paragraph 4(4)(b), for the words “one or more other counties” there shall be substituted the words “any other area”.

The Navy, Army and Air Force Reserves Act 1954

1954 c. 10.

31. In section 3(3) for the words from the beginning to “those persons” there shall be substituted the words “The Army Reserve Act 1950 shall apply to persons who are men of the army reserve by virtue of this Act”.

The Army Act 1955

1955 c. 18.

32. In section 205(1)(e) for the words from “or being” onwards there shall be substituted the words “or who is not on the said list but is called out on permanent service or is otherwise serving (whether in pursuance of an obligation or not) with any body of troops for the time being subject to military law;”.

33. In section 210(2)(b) the reference to actual service shall, without prejudice to section 23(2) of this Act, be construed as including a reference to permanent service in the marine forces in pursuance of section 6(1) of this Act.

34. In section 211(5) for the words from “a part” to “embodied” there shall be substituted the words “members of the territorial and army volunteer reserve who are serving in pursuance of section 5(1) or section 6(1) of the Reserve Forces Act 1966”.

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SCH. 1

35. In section 225(2) for the words "a proclamation" where they first occur there shall be substituted the words "section 5 of the Reserve Forces Act 1966" and for the words from "for overseas" onwards there shall be substituted the words "in pursuance of section 6(1)(b) or (c) of the Army Reserve Act 1950 or section 6 of the Reserve Forces Act 1966".

1955 c. 19.

The Air Force Act 1955

36. In section 210(5) for the words from "a part" to "embodied" there shall be substituted the words "members of the royal auxiliary air force who are serving in pursuance of section 5(1) of the Reserve Forces Act 1966".

37. In section 223(2) for the words "a proclamation" where they first occur there shall be substituted the words "section 5 of the Reserve Forces Act 1966" and for the words from "for overseas" onwards there shall be substituted the words "in pursuance of section 6(1)(b) or (c) of the Air Force Reserve Act 1950 or section 6 of the Reserve Forces Act 1966".

1962 c. 10.

The Army Reserve Act 1962

38. Sections 1 and 2 shall cease to have effect.

39. In paragraph 1 of the Schedule for sub-paragraphs (a) and (b) there shall be substituted the words "the term of any service by him under section 3 of this Act".

Section 23(7).

SCHEDULE 2

REPEALS

Chapter	Short title	Extent of repeal
16 & 17 Vict. c. 73.	The Naval Volunteers Act 1853.	In section 16 (including that section as incorporated by section 4 of the Naval Enlistment Act 1884) the words from "shall join" to "direct and".
22 & 23 Vict. c. 40.	The Royal Naval Reserve (Volunteer) Act 1859.	Section 4. In section 5 the words from the beginning to "called into actual service accordingly; and" and the word "so" in the first and second places where it occurs.
45 & 46 Vict. c. 49.	The Militia Act 1882.	In section 30(1) the words from "living" to "Act". Section 30(2). In section 30(4) the words from "and a return" onwards. Section 33. Section 34(1) and (3).

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Chapter	Short title	Extent of repeal
45 & 46 Vict. c. 49.— <i>cont.</i>	The Militia Act 1882 — <i>cont.</i>	In section 34(2) the words from “shall send” to “purpose; and”. Section 35. So much of paragraph (3) of section 53 as ends with the words “qualification, and”. In paragraph (4) of section 53 the words from “and if authorized” onwards.
63 & 64 Vict. c. 17.	The Naval Reserve (Mobilisation) Act 1900.	The whole Act.
3 Edw. 7. c. 6.	The Naval Forces Act 1903.	Section 1(1).
8 & 9 Geo. 5. c. 19.	The Deputy Lieutenants Act 1918.	The whole Act.
11 & 12 Geo. 6. c. 25.	The Royal Marines Act 1948.	Section 1(2).
12, 13 & 14 Geo. 6. c. 8.	The Recall of Army and Air Force Pensioners Act 1948.	In section 2(1) the words “or paragraph 4 of the First Schedule thereto”.
12, 13 & 14 Geo. 6. c. 96.	The Auxiliary and Reserve Forces Act 1949.	In section 10(1) the words “the Royal Naval Volunteer Reserve”. Section 11(1) and (2). In section 11(3) the words from the beginning to “but”. In section 11(4) the words from the beginning to “foregoing subsection” and paragraph (a).
14 Geo. 6. c. 32.	The Army Reserve Act 1950.	In section 1, in subsection (1) the words “to consist of two classes”; in subsection (2) the words “The classes of”, the words from “be constituted” to “first class shall” and the words from “Class 2” onwards; subsections (3) and (4); in subsection (5) the words “Each class of” and the words “for that class”. In section 2 the words “the first class of” in both places where they occur. Section 5. In section 6(1) the words from the beginning to “but”. In section 6(1)(b) and (c) (including the said paragraph (b) as substituted by any subsequent enactment) the words “the first class of”. Section 6(2) and (7). In section 8(2), the proviso. Section 9. In section 12(1) the word “annual”.

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Chapter	Short title	Extent of repeal
14 Geo. 6. c. 32. — <i>cont.</i>	The Army Reserve Act 1950.— <i>cont.</i>	<p>In section 13(4) the words from “being adaptations” onwards.</p> <p>In sections 14(2) and 20(2) the word “annual”.</p> <p>In section 26, paragraph (d).</p> <p>In section 29(5) the references to provisions of section 9.</p> <p>Schedule 1.</p>
14 Geo. 6. c. 33.	The Air Force Reserve Act 1950.	<p>Section 5.</p> <p>In section 6(1) the words from the beginning to “but”.</p> <p>Section 6(2), (3) and (7).</p> <p>In section 8(2), the proviso.</p> <p>Section 9.</p> <p>In section 12(1) the word “annual”.</p> <p>In section 13(4) the words from “being adaptations” onwards.</p> <p>In sections 14(2) and 20(2) the word “annual”.</p> <p>In section 25, paragraph (d).</p> <p>In section 27(2) the words “and of paragraph 4 of the First Schedule thereto”.</p> <p>In section 30(2) the words “or paragraph 4 of the First Schedule thereto”.</p>
1 & 2 Eliz. 2. c. 50.	The Auxiliary Forces Act 1953.	<p>Schedule 1.</p> <p>Section 2(3).</p> <p>Section 11(7).</p> <p>Sections 16, 23 and 24.</p> <p>Section 25(2), (3) and (4).</p> <p>Section 26(4).</p> <p>In section 28 the words “preliminary training or for annual” and the words “preliminary or annual”.</p> <p>In section 29(3) the words from “and for the words” onwards.</p> <p>Section 41(2), (3) and (4).</p> <p>In section 42(1) the words “or the Fourth Schedule to this Act”.</p> <p>In section 43(2) the words “and subsection (7) of section twenty-three”.</p> <p>Section 46(1).</p> <p>In section 46(4) the reference to section 23(7).</p> <p>Schedule 4.</p>
2 & 3 Eliz. 2. c. 10.	The Navy, Army and Air Force Reserves Act 1954.	<p>In section 3(1) the words from “and that” onwards.</p>
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	<p>In section 23(1) the words “the first class of”.</p>

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Chapter	Short title	Extent of repeal
10 & 11 Eliz. 2. c. 10.	The Army Reserve Act 1962.	<p>Sections 1 and 2.</p> <p>In section 3(6) the words from "but the aggregate" onwards.</p> <p>In section 4(1) the words "subsection (1) of section two or".</p> <p>In section 4(2) the words "recalled or".</p> <p>In section 4(3) the words "recall persons under section two or".</p> <p>In section 4(4) the words "recalled into army service under section two or", paragraph (a) and in paragraph (b) the words from "and he is not" to "1948" and the words "two or" and "recalled or".</p> <p>Section 4(5).</p> <p>Section 5(1).</p> <p>In section 5(2) the words "recalled under section two or".</p> <p>In section 5(3) the words "one, two or".</p> <p>Section 6(1).</p> <p>In paragraph 1 of the Schedule the words "or period".</p> <p>In paragraph 2 of the Schedule the words "or period", the words from "or the length" to "section two of this Act", sub-paragraph (a) and the words "two or" in sub-paragraph (b).</p> <p>In paragraph 3 of the Schedule the words "or period" wherever they occur.</p>
1964 c. 42.	The Administration of Justice Act 1964.	<p>In section 18(1) the words "the Deputy Lieutenants Act 1918".</p>



Criminal Appeal Act 1966

1966 CHAPTER 31

An Act to transfer the Court of Criminal Appeal's jurisdiction to hear appeals in criminal cases to the Court of Appeal; to amend the law relating to such appeals in England and Northern Ireland and appeals to the Courts-Martial Appeal Court; to amend the provisions of the Army Act 1955 and the Air Force Act 1955 relating to the powers of confirming officers; and for connected purposes. [9th August 1966]

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:—

Jurisdiction to hear criminal appeals.

1.—(1) The jurisdiction exercisable before the commencement of this Act by the Court of Criminal Appeal shall, subject to the provisions of this section, be exercisable by the Court of Appeal and the Court of Criminal Appeal shall cease to exist.

(2) The Court of Appeal shall consist of two divisions, namely—

- (a) the civil division which shall, subject to rules of court under subsection (5) of this section, exercise the jurisdiction exercisable immediately before the commencement of this Act by the court, and
- (b) the criminal division which shall, subject to any such rules, exercise the jurisdiction transferred to the court by the foregoing subsection.

(3) Without prejudice to the power of the Lord Chancellor under section 7 of the 1925 Act to request judges of the High Court to sit as additional judges at sittings of the Court of Appeal, the Lord Chief Justice may, after consultation with the

Master of the Rolls, at any time request the attendance of any judge of the Queen's Bench Division of the High Court to sit at sittings of the criminal division of the Court of Appeal as a member of the court, and—

- (a) any judge whose attendance is so requested shall attend accordingly ; and
- (b) subsections (2) and (3) of that section (powers and duties of judges requested to sit under that section) shall apply in relation to a request under this subsection as they apply in relation to a request under that section.

The Master of the Rolls may exercise the power conferred on the Lord Chief Justice by this subsection if at any time the Lord Chief Justice is unable to exercise it himself or there is a vacancy in the office of Lord Chief Justice.

(4) Without prejudice to the foregoing provisions of this section, the powers exercisable immediately before the commencement of this Act by a judge of the Court of Criminal Appeal and any power exercisable by a judge of the Court of Appeal in connection with proceedings in or pending in the criminal division of the Court of Appeal may be exercised by any judge of the Queen's Bench Division of the High Court, whether or not he is for the time being entitled to sit at sittings of the criminal division.

(5) Rules of court may provide for the distribution of proceedings in the Court of Appeal between the civil and criminal divisions, but subject to any such rules the civil division shall exercise the whole of the jurisdiction of the court, except any jurisdiction exercisable by the criminal division by virtue of subsection (2) of this section.

(6) In accordance with the foregoing provisions of this section—

- (a) any reference in any enactment or instrument passed or made before the commencement of this Act to the Court of Criminal Appeal, except where it occurs in a reference to a judge or the registrar of the Court of Criminal Appeal, shall, subject to rules of court under the last foregoing subsection, be construed as a reference to the criminal division of the Court of Appeal ;
- (b) any reference in any such enactment or instrument to a judge of the Court of Criminal Appeal shall, subject to any such rules, be construed as a reference to a judge of the Court of Appeal or of the Queen's Bench Division of the High Court ; and
- (c) any reference in any such enactment or instrument to the Court of Appeal or a judge thereof shall, subject to any

such rules, be construed as a reference to the civil division of the Court of Appeal or, as the case may be, a judge entitled to sit as a judge of that division.

1960 c. 65.

(7) Except as provided by the Administration of Justice Act 1960, no appeal shall lie from any decision of the criminal division of the Court of Appeal.

1848 c. 78.

(8) The Crown Cases Act 1848 is hereby repealed, but the repeal shall not affect the jurisdiction to order the issue of writs of *venire de novo* vested by virtue of section 2 of that Act and section 20(4) of the 1907 Act in the Court of Criminal Appeal, and that jurisdiction is transferred with the other jurisdiction of the court to the Court of Appeal by subsection (1) of this section.

Sittings and
practice of
Court of
Appeal.

2.—(1) Any number of courts of either division of the Court of Appeal may sit at the same time.

(2) Section 68(1) of the 1925 Act (appeals to Court of Appeal against final orders or judgments to be heard by not less than three judges) shall apply to an appeal to the criminal division of the Court of Appeal as it applies to an appeal against a final order or judgment.

(3) No judge shall sit as a member of the criminal division of the Court of Appeal on the hearing of, or shall determine any application in proceedings incidental or preliminary to—

(a) an appeal against a conviction before him or a court of which he was a member or a sentence passed by him or such a court; or

(b) an appeal from a judgment or order of that judge when sitting in the High Court or of a court of the High Court of which he was a member.

(4) Any judgment of a court of the criminal division of the Court of Appeal on any question shall, except where the judge presiding over the court states that in his opinion the question is one of law on which it is convenient that separate judgments should be pronounced by the members of the court, be pronounced by the judge presiding over the court or such other member of the court as he directs and, except as aforesaid, no judgment shall be separately pronounced on any question by any member of the court.

(5) Without prejudice to section 54 of the 1925 Act (regulation of vacation sittings by rules of court), rules of court shall provide for securing sittings of the criminal division of the Court of Appeal during vacation if necessary.

Functions and
staff of
registrar of
criminal
appeals.

3.—(1) There shall be a registrar of criminal appeals appointed by the Lord Chief Justice, and the Lord Chief Justice may appoint one or more assistant registrars of criminal appeals and one or more deputy assistant registrars of criminal appeals to assist the registrar in the exercise of his functions, but

shall not appoint more than one assistant registrar or more than one deputy assistant registrar without the consent of the Lord Chancellor and the Treasury.

(2) Any functions exercisable immediately before the commencement of this Act by the registrar of the Court of Criminal Appeal in relation to proceedings in or pending in that court shall be exercisable in relation to proceedings in or pending in the criminal division of the Court of Appeal by the registrar of criminal appeals and accordingly references in any enactment or instrument passed or made before the commencement of this Act to the registrar of the Court of Criminal Appeal shall be construed as references to the registrar of criminal appeals.

(3) The 1925 Act shall have effect as if the registrar and any assistant registrar of criminal appeals were included in Part I of Schedule 3 to that Act (officers to whom special provisions as to appointment, retirement and pension apply).

(4) Without prejudice to the last foregoing subsection, the registrar, any assistant registrar and any deputy assistant registrar of criminal appeals shall be officers of the Supreme Court and, without prejudice to section 110 of the 1925 Act (attachment of officers for duties), shall be attached to the Court of Appeal.

(5) A person shall not be qualified to be appointed to an office specified in the following table unless he has one of the qualifications specified in relation to that office in that table.

TABLE

<i>Office</i>	<i>Qualification</i>
Registrar of criminal appeals ...	A practising barrister or solicitor of not less than ten years' standing, or assistant or deputy assistant registrar of criminal appeals.
Assistant registrar of criminal appeals	A practising barrister or solicitor of not less than seven years' standing, or deputy assistant registrar of criminal appeals.
Deputy assistant registrar of criminal appeals	A barrister or solicitor of not less than five years' standing.

(6) Any person holding office as registrar, assistant registrar or deputy assistant registrar of the Court of Criminal Appeal immediately before the commencement of this Act shall be deemed to have been appointed registrar or, as the case may be, assistant registrar or deputy assistant registrar of criminal appeals under this section (whether or not he is qualified under the last foregoing subsection to be so appointed).

4.—(1) Section 4(1) of the 1907 Act (which requires the Court of Criminal Appeal to allow an appeal, *inter alia*, if they think that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported

Powers of Court of Appeal on determination of criminal appeals.

having regard to the evidence or that on any ground there was a miscarriage of justice, subject, however, to a proviso that they may dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred) shall be amended as follows:—

- (a) for the words from “it is unreasonable” to “evidence” there shall be substituted the words “under all the circumstances of the case it is unsafe or unsatisfactory”;
- (b) for the words “on any ground there was a miscarriage of justice” there shall be substituted the words “there was a material irregularity in the course of the trial”; and
- (c) in the proviso the word “substantial” shall cease to have effect.

(2) Neither section 4(3) of the 1907 Act (power of Court of Criminal Appeal on an appeal against sentence to pass another sentence in substitution for that passed at the trial) nor section 5(1) of that Act (power of the Court on a successful appeal against conviction on one part of the indictment to pass another sentence on some other part of the indictment in substitution for the sentence passed at the trial) shall authorise the Court of Appeal to pass a sentence such that the sentence passed on the part of the indictment on which the appellant remains convicted is of greater severity than the sentence passed at the trial taken as a whole, whether or not the last-mentioned sentence was expressed to be passed on that part of the indictment.

Duty to admit evidence.

5. Without prejudice to the generality of section 9 of the 1907 Act (supplemental powers), where evidence is tendered to the Court of Appeal under that section, the Court shall, unless they are satisfied that the evidence if received would not afford any ground for allowing the appeal, exercise their power under that section of receiving it if—

- (a) it appears to them that the evidence is likely to be credible and would have been admissible at the trial on an issue which is the subject of the appeal; and
- (b) they are satisfied that it was not adduced at the trial, but that there is a reasonable explanation for the failure so to adduce it.

Computation of sentence.

6.—(1) The time during which an appellant is in custody pending the determination of his appeal shall, subject to any direction which the Court of Appeal may give to the contrary, be reckoned as part of the term of any sentence to which he is for the time being subject, but the court shall not give any such direction where leave to appeal has been granted or a certificate has been given under section 3 of the 1907 Act

or where the case has been referred to them under section 19(a) of that Act (references by the Secretary of State).

(2) Where the Court of Appeal give a direction under this section, they shall state their reasons for giving the direction.

(3) The foregoing provisions of this section shall not apply to any person whose appeal is determined by the Court of Criminal Appeal before the commencement of this Act.

7.—(1) Rules of court may provide for the making of a Record of record (whether by means of shorthand notes, by mechanical proceedings at means or otherwise) of any proceedings at assizes or quarter sessions in respect of which an appeal lies (with or without leave) to the criminal division of the Court of Appeal and for the making and verification of a transcript of any such record and for supplying the transcript, on payment of such charge, if any, as may be fixed for the time being by the Treasury, to the registrar of criminal appeals for the use of the criminal division of the Court of Appeal or any judge exercising the powers of a judge of that division and to such other persons and in such circumstances as may be prescribed by the rules.

(2) Without prejudice to the foregoing subsection, the Secretary of State may if he thinks fit in any case direct that a transcript shall be made of any such record made in pursuance of the rules and shall be supplied to him.

(3) The cost of making any such record in pursuance of the rules and the cost of making and supplying, in pursuance of the rules or the last foregoing subsection, any transcript ordered to be supplied to the registrar of criminal appeals or the Secretary of State shall be defrayed, in accordance with scales of payment fixed for the time being by the Treasury, out of moneys provided by Parliament, and the cost of providing and installing at a court of assize or quarter sessions any equipment required for the purpose of making any such record or transcript shall also be defrayed out of moneys so provided.

8.—(1) The Court of Appeal may, whether or not it makes an order under section 3(1) or (2) of the 1952 Act (orders for payment of costs by or to the appellant), order the payment out of local funds of such sums as appear to the court reasonably sufficient to compensate any person properly attending to give evidence on an appeal under the 1907 Act or in proceedings preliminary or incidental to such an appeal, whether or not he gives evidence, for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(2) The amount of costs ordered to be paid under this section shall be ascertained as soon as practicable by the proper officer of the Court of Appeal.

(3) Sections 7, 10, 11 and 12 of the 1952 Act (ancillary provisions with respect to costs payable under that Act) shall have effect as if references to that Act included references to subsection (1) of this section.

Appeals from
and confirma-
tion of findings
of courts-
martial.

1955 c. 18.
1955 c. 19.

9.—(1) Part I of Schedule 1 to this Act shall have effect for the purpose of making provision with respect to the constitution of and appeals to the Courts-Martial Appeal Court.

(2) Part II of that Schedule shall have effect for bringing the powers of confirming officers in relation to the findings of courts-martial under the Army Act 1955 and the Air Force Act 1955 into conformity with the corresponding powers of the Courts-Martial Appeals Court in relation to such findings.

Consequential
and minor
amendments
and repeals.

10.—(1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the foregoing provisions of this Act and minor amendments.

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

Provisions as
to Northern
Ireland.
1930 c. 45.

11.—(1) Section 3(1) of the Criminal Appeal (Northern Ireland) Act 1930 (which requires the Court of Criminal Appeal in Northern Ireland to allow an appeal, inter alia, if they think that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence or that on any ground there was a miscarriage of justice, subject, however, to a proviso that they may dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred) shall be amended as follows:—

(a) for the words from “it is unreasonable” to “evidence” there shall be substituted the words “under all the circumstances of the case it is unsafe or unsatisfactory”;

(b) for the words “on any ground there was a miscarriage of justice” there shall be substituted the words “there was a material irregularity in the course of the trial”; and

(c) in the proviso the word “substantial” shall cease to have effect.

(2) It is hereby declared that sections 5, 6, 7 and 12 of this Act, this section and so much of this Act as relates to appeals from, and the confirmation of findings of, courts-martial extend to Northern Ireland, but save as aforesaid this Act shall not extend to Northern Ireland.

(3) The said sections 5, 6 and 7 shall, in their application to Northern Ireland, have effect subject to the following modifications:—

- (a) for any reference to the Court of Appeal, the criminal division thereof or the Court of Criminal Appeal there shall be substituted a reference to the Court of Criminal Appeal in Northern Ireland;
- (b) for any reference to the 1907 Act there shall be substituted a reference to the Criminal Appeal (Northern Ireland) Act 1930;
- (c) for the references in section 5 to section 9 of the 1907 Act there shall be substituted references to section 9 of the said Act of 1930;
- (d) for the references in section 6 to sections 3 and 19(a) of the 1907 Act there shall be substituted references to sections 2 and 17(1)(a) of the said Act of 1930;
- (e) for the reference in section 7 to the registrar of criminal appeals there shall be substituted a reference to the registrar of the Court of Criminal Appeal in Northern Ireland; and
- (f) for the reference in section 7 to the Secretary of State there shall be substituted a reference to the Minister of Home Affairs for Northern Ireland.

(4) For the purposes of section 6 of the Government of Ireland Act 1920 this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

12.—(1) This Act may be cited as the Criminal Appeal Act 1966.

(2) In this Act—

- “the 1907 Act” means the Criminal Appeal Act 1907;
- “the 1925 Act” means the Supreme Court of Judicature (Consolidation) Act 1925;
- “the 1951 Act” means the Courts-Martial (Appeals) Act 1951; and
- “the 1952 Act” means the Costs in Criminal Cases Act 1952.

Short title,
interpretation,
construction,
extent and
commence-
ment.
1907 c. 23.
1925 c. 49.
1951 c. 46.
1952 c. 48.

(3) This Act, so far as it relates to appeals to the criminal division of the Court of Appeal, shall be construed as one with the 1907 Act.

(4) This Act, so far as it relates to appeals from courts-martial, shall be construed as one with Part I of the 1951 Act.

(5) This Act, so far as it relates to appeals to the Court of Criminal Appeal in Northern Ireland, shall be construed as one with the Criminal Appeal (Northern Ireland) Act 1930.

(6) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

(7) This Act, except so far as it relates to appeals from, and the confirmation of findings of, courts-martial, shall not extend to Scotland.

(8) This Act shall come into force on such day as Her Majesty may by Order in Council appoint and different days may be appointed under this subsection for different purposes; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day appointed under this subsection for the coming into force of that provision.

(9) Any Order in Council under the last foregoing subsection may make such transitional provision as appears to Her Majesty to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to Her to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the Order).

SCHEDULES

SCHEDULE 1

Section 9.

APPEALS FROM AND CONFIRMATION OF FINDINGS OF
COURTS-MARTIAL

PART I

COMPOSITION OF AND APPEALS TO COURTS-MARTIAL APPEAL COURT

Composition of Courts-Martial Appeal Court

1. In section 1(1) of the 1951 Act (constitution of Courts-Martial Appeal Court) for paragraph (a) there shall be substituted the following paragraph:—

“(a) the ex-officio and ordinary judges of the Court of Appeal and such of the judges of the Queen’s Bench Division of the High Court as the Lord Chief Justice may, after consultation with the Master of the Rolls, from time to time nominate for the purpose”;

and in paragraph (c) for the words “High Court of Justice in Northern Ireland” there shall be substituted the words “Supreme Court of Judicature in Northern Ireland”.

2. Without prejudice to the said section 1, the powers exercisable by a judge of the Courts-Martial Appeal Court may be exercised—

- (a) by any judge of the Queen’s Bench Division of the High Court;
- (b) by any Lord Commissioner of Justiciary;
- (c) by any judge of Her Majesty’s Supreme Court of Judicature in Northern Ireland;

notwithstanding that he is not for the time being a judge of the Courts-Martial Appeal Court; and references in section 8 (supplementary powers of the court) and section 21 (powers of a single judge) of the 1951 Act to a judge of the court shall be construed accordingly.

3. The Master of the Rolls may exercise the powers conferred on the Lord Chief Justice by section 1 of the 1951 Act or by section 2 of that Act (directions as to sittings of the Courts-Martial Appeal Court) if at any time the Lord Chief Justice is unable to exercise them himself or there is a vacancy in the office of Lord Chief Justice.

4. For section 7(1) of the 1951 Act (finality of decisions of the Courts-Martial Appeal Court) there shall be substituted the following subsection:—

“(1) Except as provided by the Administration of Justice Act 1960, no appeal shall lie from any decision of the Courts-Martial Appeal Court.”

SCH. 1

Powers of Courts-Martial Appeal Court

5. Section 5(1) of the 1951 Act (which requires the Courts-Martial Appeal Court, *inter alia*, to allow an appeal if they think that the finding of the court-martial should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence, or that on any ground there was a miscarriage of justice, subject, however, to a proviso that they may dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred) shall be amended as follows:

- (a) for the words from "is unreasonable" to "evidence" there shall be substituted the words "under all the circumstances of the case is unsafe or unsatisfactory";
- (b) for the words "on any ground, there was a miscarriage of justice", there shall be substituted the words "there was a material irregularity in the course of the trial;" and
- (c) in the proviso the word "substantial" shall cease to have effect.

6. In section 8(1)(c) (power of the Courts-Martial Appeal Court with respect to the examination of witnesses) after the word "attend" there shall be inserted the words "for examination".

7. Without prejudice to the generality of section 8 of the 1951 Act (supplemental powers), where evidence is tendered to the Courts-Martial Appeal Court under that section the Court shall, unless they are satisfied that the evidence if received would not afford any ground for allowing the appeal, exercise their power under that section of receiving it if—

- (a) it appears to them that the evidence is likely to be credible and would have been admissible at the trial on an issue which is the subject of the appeal; and
- (b) they are satisfied that it was not adduced at the trial, but that there is a reasonable explanation for the failure so to adduce it.

8.—(1) The Courts-Martial Appeal Court may, whether or not the Court make an order under section 13 of the 1951 Act (orders for payment of costs by or to the appellant), order the payment out of moneys provided by Parliament of such sums as appear to the Court reasonably sufficient to compensate any person properly attending to give evidence on an appeal under that Act or in proceedings preliminary or incidental to such an appeal, whether or not he gives evidence, for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(2) The amount of costs ordered to be paid under this paragraph shall be ascertained as soon as practicable by the proper officer of the Courts-Martial Appeal Court.

9. In section 21 (powers of a single judge) after paragraph (d) there shall be inserted the following paragraph:—

"(dd) to order witnesses to attend for examination;"

and for the word "(d)", in the second place where it occurs, there shall be substituted the word "(dd)".

PART II

SCH. 1

POWERS OF CONFIRMING OFFICERS UNDER ARMY AND
AIR FORCE ACTS

Section 110(1) of the Army Act 1955 and section 110(1) of the Air Force Act 1955 (which subject to certain qualifications require a confirming officer to withhold confirmation of the finding of a court-martial, inter alia, if of opinion that the finding is unreasonable or cannot be supported having regard to the evidence or that on any ground there was a miscarriage of justice) shall each be amended as follows:—

- (a) for the words from “is unreasonable” to “evidence” there shall be substituted the words “is under all the circumstances of the case unsafe or unsatisfactory”;
- (b) for the words “on any ground there was a miscarriage of justice” there shall be substituted the words “there was a material irregularity in the course of the trial”; and
- (c) at the end there shall be added the following proviso:—

“Provided that the confirming officer may, notwithstanding that he is of opinion that he would apart from this proviso withhold confirmation of the finding, confirm the finding if he considers that no miscarriage of justice has actually occurred.”

SCHEDULE 2

Section 10(1).

CONSEQUENTIAL AND MINOR AMENDMENTS

THE 1907 ACT

1. The time limited by section 7(1) for giving notice of appeal or of an application for leave to appeal shall be extended from ten to twenty-eight days from the date of conviction or sentence, as the case may be; and accordingly for the references to ten days in section 6 (restitution orders) there shall be substituted references to twenty-eight days.

2. In section 9(b) (power of Court of Criminal Appeal with respect to the examination of witnesses) after the word “attend” there shall be inserted the words “for examination”.

3. In section 17 (powers of a single judge) after the words “present without leave” there shall be inserted the words “to order witnesses to attend for examination”, and for the words from “and the power” to “subsection (5) of that section” (being words inserted by the Criminal Justice Act 1948), there shall be substituted the words “and the power of the court to make orders for the payment of costs under section 3(1) of the Costs in Criminal Cases Act 1952 or to give directions under section 6 of the Criminal Appeal Act 1966”.

THE 1925 ACT

4. In section 104(1) (Central Office of the Supreme Court), for the words “in the Court of Criminal Appeal” there shall be substituted the words “to assist the registrar of criminal appeals in the exercise of his functions”.

SCH. 2

5. At the end of section 104(2) (control of the Central Office) there shall be added the words "except that officers and other persons employed to assist the registrar of criminal appeals in the exercise of his functions shall for the purpose only of assisting him in their exercise be under his control and superintendence".

THE 1952 ACT

6. In section 3(1) (costs of appeal, etc.) for the words from "any transcript" to the end of the subsection there shall be substituted the words "any transcript of a record of proceedings made in accordance with rules of court under section 7 of the Criminal Appeal Act 1966".

1964 c. 84.

THE CRIMINAL PROCEDURE (INSANITY) ACT 1964

7. In section 2(1) (duty of Court of Criminal Appeal on appeal against special verdict) for the words from "it is unreasonable" to "evidence" there shall be substituted the words "under all the circumstances of the case it is unsafe or unsatisfactory" and for the words "on any ground there was a miscarriage of justice" there shall be substituted the words "there was a material irregularity in the course of the trial".

8. In section 2(2) (power to dismiss an appeal where no substantial miscarriage of justice has actually occurred) the word "substantial" shall cease to have effect.

Section 10(2).

SCHEDULE 3

REPEALS

Chapter	Short title	Extent of Repeal
11 & 12 Vict. c. 78.	The Crown Cases Act 1848.	The whole Act.
7 Edw. 7. c. 23.	The Criminal Appeal Act 1907.	Section 1. Section 2. In the proviso to section 4(1), the word "substantial". Section 14(4). Section 16. In section 17, the words from "as duly constituted" to the end of the section. Section 20(4).
8 Edw. 7. c. 46.	The Criminal Appeal (Amendment) Act 1908.	The whole Act.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	In section 25(1), the words "the Crown Cases Act 1848 or". Section 68(3).
20 & 21 Geo. 5. c. 45.	The Criminal Appeal (Northern Ireland) Act 1930.	In section 3(1), in the proviso, the word "substantial". Section 15.

SCH. 3

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 38(2), except so far as relating to any person whose appeal is determined by the Court of Criminal Appeal before the commencement of this Act. In Schedule 9, in the amendment to section 17 of the Criminal Appeal Act 1907 the words from "after" where it first occurs to "that section; and".
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act 1951.	Section 2(7). In section 5(1), in the proviso, the word "substantial". Section 8(2)(a).
15 & 16 Geo. 6. and 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	Section 3(3)(b).
4 & 5 Eliz. 2. c. 46.	The Administration of Justice Act 1956.	In section 10, paragraphs (c) and (d) of subsection (1), and subsection (2).
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	Section 17(5). In Schedule 3, the amendment of section 7 of the 1951 Act.
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	The amendment of section 15(3) of the Criminal Appeal (Northern Ireland) Act 1930.
1964 c. 84.	The Criminal Procedure (Insanity) Act 1964.	In section 2(2), the word "substantial".



Selective Employment Payments Act 1966

1966 CHAPTER 32

An Act to provide for payments in certain circumstances in respect of persons in respect of whom selective employment tax has been paid; and for connected purposes.
[9th August 1966]

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:—

Selective
employment
premium.

1.—(1) Where an employer has paid selective employment tax for any contribution week in respect of a person in an employment to which this section applies, then, subject to the provisions of section 7 of this Act, the Minister of Labour shall make to the employer in respect of that person and that week a payment of an amount equal to the tax paid plus—

- (a) if that person was treated for the purpose of the tax as a man over the age of eighteen, seven shillings and sixpence; or
- (b) if that person was treated for that purpose as a woman over the age of eighteen, three shillings and ninepence; or
- (c) if that person was treated for that purpose as a boy under the age of eighteen, three shillings and ninepence; or
- (d) if that person was treated for that purpose as a girl under the age of eighteen, two shillings and sixpence.

(2) Subject to subsection (3) of this section, this section applies to any employment in, or carried out from, an establishment where—

- (a) the establishment is engaged by way of business wholly or partly in—
 - (i) activities falling under any of the minimum list headings shown in Orders III to XVI of the Standard Industrial Classification; or

(ii) activities by way of the manufacture from exposed film of cinematograph films for public exhibition ; or

(iii) scientific research relating to such activities as aforesaid in which that or an associated establishment is engaged ; or

(iv) training relating as aforesaid ; and

(b) more than half of the employed persons employed in any employment in, or carried out from, that establishment—

(i) are so employed wholly or mainly in connection with such activities, research or training as aforesaid ; and

(ii) are not so employed wholly or mainly in non-qualifying activities,

or where the establishment is certified by the Minister of Technology to be engaged in scientific research relevant to such activities as are mentioned in paragraph (a) of this subsection or the Minister of Labour is satisfied that the establishment is engaged in training which is so relevant.

(3) This section does not apply to employment by an employer to whom section 3 or 4 of this Act applies or to any excepted employment.

2.—(1) Where an employer has paid selective employment tax for any contribution week in respect of a person in an employment to which this section applies, then, subject to the provisions of section 7 of this Act, the appropriate Minister shall make to the employer in respect of that person and that week a payment of an amount equal to the tax paid. Selective employment refund.

(2) Subject to subsection (6) of this section, this section applies to any employment which, not being employment to which section 1 of this Act applies, is employment in, or carried out from, an establishment where—

(a) the establishment is engaged by way of business wholly or partly in activities such as are mentioned in any one of paragraphs (a) to (e) of subsection (3) of this section ; and

(b) subject to subsection (4) of this section, more than half of the employed persons employed in any employment in, or carried out from, that establishment—

(i) are so employed wholly or mainly in connection with those activities ; and

(ii) are not so employed wholly or mainly in non-qualifying activities,

or where the appropriate Minister is satisfied that the establishment is engaged in scientific research relevant to the activities

mentioned in paragraph (e) of the said subsection (3) or in training relevant to any activities mentioned in that paragraph or in paragraphs (a) to (c) of that subsection, or the establishment is certified by the Minister of Technology to be engaged in scientific research relevant to any activities mentioned in the said paragraphs (a) to (c).

(3) The activities referred to in subsection (2)(a) of this section are—

- (a) activities falling under any of the following minimum list headings in the Standard Industrial Classification, namely—
 - (i) heading 003 (which relates to fishing) ;
 - (ii) any heading in Order II (which relates to mining and quarrying) ;
 - (iii) heading 602 or 603 (which relate to electricity and water supply) ; and
 - (iv) any heading in Order XIX (which relates to transport and communication) other than heading 709 ;
- (b) activities by way of the extraction of coal from open-cast workings ;
- (c) activities by way of the operation of road transport for the purposes of another establishment which is both an associated establishment and an establishment such as is mentioned either in section 1(2) of this Act or in subsection (2) of this section ;
- (d) activities, research or training such as are mentioned in section 1(2)(a) of this Act, or a combination of such activities, research or training and any activities such as are mentioned in paragraph (a) or (b) of this subsection ;
- (e) activities falling under minimum list heading 001 or 002 in the Standard Industrial Classification which shall respectively be treated for the purposes of this Act as including all activities falling within the definition in section 10(1) of this Act of agriculture or, as the case may be, of forestry.

(4) For the purposes of the application of this section in relation to any activities other than activities falling under minimum list heading 703 in the Standard Industrial Classification, the definition of non-qualifying activities contained in section 10(1) of this Act shall have effect as if paragraph (b) of that definition were omitted.

(5) For the purposes of this section, the appropriate Minister in relation to any employment to which this section applies

shall be determined by reference to the activities of the establishment in or from which that employment is carried out and—

- (a) where those activities fall under any of paragraphs (a) to (d) of subsection (3) of this section, shall be the Minister of Labour ;
- (b) where those activities fall under paragraph (e) of the said subsection (3), shall be—
 - (i) if the establishment is situated in England or Wales, the Minister of Agriculture, Fisheries and Food ; or
 - (ii) if the establishment is situated in Scotland, the Secretary of State.

(6) This section does not apply to employment by an employer to whom section 3 of this Act applies or to any excepted employment.

3.—(1) This section applies to the following employers, namely—

Payments to certain public bodies.

- (a) any body specified in Part I of Schedule 1 to this Act ;
- (b) the Postmaster General.

(2) Where any employer to whom this section applies has paid selective employment tax for any contribution week in respect of employed persons employed by him otherwise than in any part of his business which is specified in Part II of the said Schedule 1, the designated Minister may make to that employer in respect of those persons and that week, at such time and in such manner as that Minister or (where that Minister is not the Treasury) that Minister with the consent of the Treasury may determine, a payment of an amount appearing to that Minister to correspond—

- (a) if those persons' employment for that week was employment in any such part of an undertaking as is specified in Part III of that Schedule, to the amount of the tax paid with the appropriate additions specified in paragraphs (a) to (d) of section 1(1) of this Act ; or
- (b) in any other case, to the amount of the tax paid.

(3) Where under subsection (2) of this section a payment would fall to be made by the designated Minister to a company such as is mentioned in paragraph 14 of Part I of the said Schedule 1, that Minister may, if and subject to such conditions as he thinks fit, make that payment to the body, or to such as he thinks fit of the bodies, referred to in paragraphs 9 to 13 of the said Part I of which that company is, or is treated for the purposes of the said paragraph 14 as being, a subsidiary.

(4) In this section, the expression “the designated Minister”, in relation to any employer, means such Minister as the Treasury may designate in relation to that employer, and the expression “Minister” includes the Treasury.

Payments to local authorities, etc.

4.—(1) This section applies to an employer who is of any of the following descriptions, namely—

(a) a local authority, that is to say—

(i) in England or Wales, the council of a county, county borough, London borough or county district, the Greater London Council, the Common Council of the City of London or the Council of the Isles of Scilly ;

(ii) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act 1947 ;

(b) an authority all of whose members are appointed or elected by one or more local authorities ;

(c) an authority the majority of whose members are appointed or elected by one or more local authorities and in the case of whom, by virtue of any enactment—

(i) the authority have power to issue a precept to a local authority in England or Wales or a requisition to a local authority in Scotland ; or

(ii) a local authority are or can be required to contribute to the authority's expenses ;

(d) the Receiver for the Metropolitan Police District or the Commissioner of Police of the Metropolis ;

(e) the development corporation established for a new town or the Commission for the New Towns ;

(f) the Scottish Special Housing Association ;

(g) statutory water undertakers within the meaning of the Water Act 1945 (other than for the purposes of Part II of that Act only) ;

(h) an internal drainage board within the meaning of the Land Drainage Act 1930.

1947 c. 43.

1945 c. 42.

1930 c. 44.

(2) The appropriate Minister may make to any employer to whom this section applies such payments, at such times, and subject to such conditions, as he may with the consent of the Treasury think fit by reference to the amounts paid by way of selective employment tax in respect of employed persons employed by that employer in employments to which section 2 of this Act does not apply.

(3) The appropriate Minister may, with the consent of the Treasury, direct with respect to any employer to whom this

section applies or who is of any class of such employers specified in the direction—

(a) that, subject to such conditions as may be specified in the direction, employed persons of any class so specified who are not employed by that employer or by a charity within the meaning of section 5 of this Act entitled to claim in respect of those persons under the said section 5 but who—

(i) if that employer is the council of a rural district, are employed by the council of a parish or borough included in that district ; or

(ii) if that employer is an authority such as is mentioned in subsection (1)(a) or (b) of this section, are employed wholly or partly within that employer's area in employment appearing to the appropriate Minister to be in a public service,

shall be treated for the purposes of this section as employed by that employer or, where there is more than one relevant employer, by such one, or to such extent by such one and to such extent by such other or others, of those employers as may be specified in the direction ;

(b) that, subject to such conditions as may be specified in the direction, employed persons employed by such an authority as is mentioned in subsection (1)(b) or (c) of this section shall be treated for the purposes of this section as employed by such one, or to such extent by such one and to such extent by such other or others, of the local authorities by whom members of that authority are appointed or elected as may be specified in the direction ;

(c) that any employment specified in the direction shall be left out of account for the purposes of this section.

(4) In this section, the expression “ the appropriate Minister ” means—

(a) in relation to an employer in Scotland or in Wales or Monmouthshire, the Secretary of State ;

(b) in any other case, the Minister of Housing and Local Government.

5.—(1) Where a charity has paid selective employment tax for any contribution week in respect of an employed person employed by the charity in an employment to which neither section 1 nor section 2 of this Act applies and which is not an excepted employment, then, subject to subsections (2) and (4) of this section and to the provisions of section 7 of this Act, the Minister of Labour shall make to the charity in respect of Refunds to charities.

that person and that week a payment of an amount equal to the tax paid.

(2) The Minister of Labour shall not be required to make any payment under subsection (1) of this section in respect of any selective employment tax paid for any contribution week as respects which the charity concerned does not produce such records of the payment of tax in respect of persons employed by that charity as that Minister may reasonably require.

(3) In the application of this section to England and Wales the expression "charity" means a body who—

1960 c. 58.

(a) are registered under section 4 of the Charities Act 1960 ;
or

(b) are certified by the Charity Commissioners or the Secretary of State for Education and Science to be—

(i) a charity within the meaning of that Act which by virtue of subsection (4) of the said section 4 is not required to be so registered ; or

(ii) an ecclesiastical corporation within the meaning of section 45(2)(a) of that Act,

and includes Greenwich Hospital.

(4) In the application of this section to Scotland, the expression "charity" has the same meaning as in the Income Tax Acts, and the Minister of Labour shall not be required to make any payment under this section to an employer unless the Secretary of State certifies, or on appeal from him the Court of Session finds, that the employer is a charity within that meaning ; and in any such appeal the Secretary of State shall be entitled to appear and be heard.

Special refunds
for certain
households.

6.—(1) Where, in the case of any contribution week, an employer, not being a charity within the meaning of section 5 of this Act, pays selective employment tax in respect of an employed person employed by him in a qualified household for more than eight hours in the rendering of domestic or nursing assistance, and that employed person is not employed by the same employer in an employment to which section 1 or 2 of this Act applies, then, subject to subsection (3) of this section and to the provisions of section 7 of this Act, the Minister of Social Security shall make to the employer in respect of that person and that week a payment of an amount equal to the tax paid.

(2) In the foregoing subsection, the expression "qualified household" means a private household—

(a) which includes a person, not being the employed person, who is over the age of seventy ; or

- (b) which includes a person in need of such assistance as aforesaid by reason of being infirm, sick, or otherwise incapacitated for any reason, including pregnancy ; or
- (c) (subject to subsection (5) of this section) which includes a child under the age of sixteen, not being a child of the family of the employed person.

(3) No payment shall be made under this section unless the Supplementary Benefits Commission (or, on an appeal under subsection (4) of this section, the Appeal Tribunal) are satisfied that the requirements of subsection (1) of this section are fulfilled as respects the period in respect of which the payment is claimed ; and no such payment shall be made in respect of more than one employed person in respect of the same period and the same household unless the Commission or Appeal Tribunal, as the case may be, are satisfied that there were special circumstances necessitating more than one person being employed as mentioned in subsection (1) of this section in that household in that period.

(4) An employer aggrieved by the determination of the Supplementary Benefits Commission on a claim by him for a payment under this section may appeal therefrom to such of the tribunals constituted in accordance with Schedule 3 to the Ministry of Social Security Act 1966 as under that Schedule has 1966 c. 20. jurisdiction in the case in question.

(5) No payment shall be made by virtue of subsection (2)(c) of this section in respect of any household by reason of its including a child unless either—

- (a) that household includes one, but not more than one, member who is either a parent or the spouse of a parent of that child ; or
- (b) that household includes no such parent or spouse but—
 - (i) includes a member who appears to the Supplementary Benefits Commission or, as the case may be, to the Appeal Tribunal to be discharging the functions of a parent with respect to that child ; and
 - (ii) does not include a spouse of that member of the household,

and in either case that member of the household is normally engaged for more than eight hours weekly in work other than the domestic work of the household.

7.—(1) Subject to subsection (2) of this section, each Minister by whom payments fall to be made in respect of persons in employments to which section 1 or section 2 of this Act applies

Registers,
claims,
determination
of questions,
etc.
S 4

shall compile and maintain registers showing every establishment which he is satisfied, or which it has been determined in pursuance of subsection (5) of this section, is for the time being such an establishment as is mentioned in subsection (2) of the said section 1 or 2, as the case may be ; and the Minister concerned shall not be required to make any such payment in respect of any selective employment tax paid—

- (a) subject to subsection (2) of this section, for any contribution week falling wholly or partly before the date of registration of the establishment ; or
- (b) for any contribution week as respects which the employer concerned does not produce such records of the payment of selective employment tax in respect of persons engaged in employment in, or carried out from, the establishment as the Minister concerned may reasonably require.

(2) No business or part of a business shall be registered under subsection (1) of this section except on the application of the employer, which shall be made in such form and manner, and contain such particulars, as the Minister concerned may direct, but, where that Minister is the Minister of Labour and on any such application it appears to him appropriate so to do, he may register any business or part of a business as an establishment such as is mentioned in section 1(2) or, as the case may be, section 2(2) of this Act notwithstanding that the application was for its registration as an establishment such as is mentioned in the other of those provisions ; and any establishment, when registered, shall be deemed to have been registered as from the date when the application for its registration was received by the Minister concerned or any earlier date which it appears to that Minister (or, if the matter is referred by the employer to a tribunal under subsection (5) of this section, to that tribunal) to be equitable in the circumstances to allow.

(3) The Minister by whom any register is maintained under subsection (1) of this section may remove from that register any establishment which he is satisfied is no longer qualified to be included in it ; but that Minister shall inform the employer concerned of any such removal and, if the matter is referred by the employer to a tribunal under subsection (5) of this section, that tribunal may if they think fit direct that the establishment be treated as restored to the register as from the date of its removal or such later date as they think fit.

(4) Any claim for a payment under section 1, 2, 5 or 6 of this Act shall be made in such form and manner, contain such particulars, and be made within such period, as the Minister

by whom that payment would fall to be made may direct; and any such payments shall be made at such times, in such manner, and subject to such conditions, if any, as the Minister concerned may with the consent of the Treasury determine.

(5) If any question arises—

(a) as to whether, apart from section 10(3) of this Act, any business or part of a business is an establishment satisfying the requirements of section 1(2)(a) and (b) or section 2(2)(a) and (b) of this Act; or

(b) as to the date as from which any establishment shall be deemed to have been registered; or

(c) as to the amount, if any, which falls to be paid to any employer under section 1, 2 or 5 of this Act,

the employer concerned may require that question to be referred to and determined by a tribunal established under section 12 of the Industrial Training Act 1964.

1964 c. 16.

8.—(1) Any person authorised in that behalf by the Minister concerned may, subject to the production if requested of his authority, enter on any premises occupied for the purposes of his business by an employer whose business or any part thereof is for the time being registered under section 7(1) of this Act as an establishment such as is mentioned in section 1(2) or 2(2) of this Act, or who has applied for his business or any part thereof to be so registered, or occupied by a charity who have claimed a payment under section 5 of this Act, and—

(a) examine and make copies of or extracts from any such records as are mentioned in section 7(1)(b) or, as the case may be, section 5(2) of this Act and any other records relating to persons in employment in, or carried out from, the establishment so registered or proposed for registration or, as the case may be, to persons employed by the charity; and

(b) require any person on those premises to furnish to the person authorised as aforesaid such information as he may reasonably require as to the activities carried on in or from that establishment or, as the case may be, by that charity.

(2) Any person who, for the purpose of obtaining any payment under this Act—

(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; or

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(c) recklessly makes any statement or representation, or furnishes any information, which is false in a material particular ; or

(d) withholds any material information,
shall be liable—

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

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

(3) If any person—

(a) wilfully delays or obstructs a person authorised under subsection (1) of this section in the exercise of his powers under that subsection ; or

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under that subsection,

he shall be liable on summary conviction to a fine not exceeding ten pounds in the case of a first offence under this subsection and not exceeding fifty pounds in the case of a second or subsequent such offence:

Provided that no person shall be required under this subsection to answer any question or give any evidence if the answer or evidence would tend to incriminate him.

(4) Where an offence under subsection (2) or (3) of this section committed by a company 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 company or any person who was purporting to act in any such capacity, he as well as the company shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where any sum is paid under this Act to any person not entitled thereto, that sum shall be recoverable as a debt due to the Crown unless the sum was paid under a mistake of law.

Powers to
amend Act
by order.

9.—(1) The Minister of Labour with the consent of the Treasury may by order—

(a) add to or remove from the employments to which section 1 or section 2 of this Act applies any employment specified in the order ;

(b) specify the appropriate Minister for the purposes of the said section 2 in relation to any employment added to those to which that section applies ;

(c) amend the definition of the Standard Industrial Classification in section 10(1) of this Act by the substitution for the reference to the edition of that publication there specified of a reference to any later edition thereof or by providing for any such reference to include a reference to any specified list of amendments to the edition in question published by Her Majesty's Stationery Office.

(2) The Treasury may by order—

- (a) add to or remove from the employers to whom section 3 of this Act applies any employer specified in the order, and for that purpose amend the provisions of Part I of Schedule 1 to this Act ;
- (b) amend the provisions of Part II or III of the said Schedule 1 ;
- (c) add to or remove from the bodies and institutions specified in Schedule 2 to this Act any body or institution specified in the order.

(3) Any order under subsection (1) or subsection (2) of this section shall be made by statutory instrument and may be varied or revoked by a subsequent order under the subsection in question ; but—

- (a) no order shall be made under the said subsection (1) unless a draft thereof has been approved by resolution of each House of Parliament ; and
- (b) any order made under the said subsection (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10.—(1) In this Act the following expressions have the following meanings respectively, that is to say— Interpretation, etc.

“agriculture” includes any of the following (whether carried out by the owner or occupier of the land concerned or by some other person on a contract basis), namely, horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes ;

“child of the family”, “contribution week”, “employed person” and “employer” have the same meanings respectively as for the purposes of the National Insurance Act 1965 ; 1965 c. 51.

“company” includes any body corporate ;

“excepted employment” means employment in the civil service of the State (whether or not in an established capacity), employment in Her Majesty’s forces or employment by such a body or in such an institution as is specified in Schedule 2 to this Act ;

“forestry” includes any of the following (whether carried out by the owner or occupier of the land concerned or by some other person on a contract basis), namely—

(a) the growing of seedlings and transplants for forestry purposes, the planting and replanting of forests and the preparation of ground therefor, the installation and repair of fences and drains required for forestry purposes, the protection of forests against fire, animal and insect pests, diseases, weeds and trespass ;

(b) except when carried out by sawmilling establishments, the thinning, felling and bringing to the roadside of timber and the preparation of forest produce in the forest and at the roadside ;

(c) the construction and maintenance of forest roads, the maintenance and management of forests, and the gathering of uncultivated forest products, such as ferns, furze and moss ;

“livestock” includes any creature kept for the production of food, wool, skins or fur, or for the purposes of its use in the farming of land ;

“non-qualifying activities” means—

(a) activities carried on for office purposes within the meaning of section 1(2) of the Offices, Shops and Railway Premises Act 1963, other than drawing and other than such activities falling under minimum list heading 486 or under sub-head 1 of minimum list heading 702 in the Standard Industrial Classification ; or

(b) activities by way of the carriage of goods by road in connection with a business—

(i) by the person carrying on that business ; or

(ii) where that person is a company, by an associated company ; or

(c) activities by way of the sale of goods ;

“scientific research” means any activity in the fields of natural or applied science for the extension of knowledge ;

“Standard Industrial Classification” means, subject to section 9(1)(c) of this Act, the consolidated edition published by Her Majesty’s Stationery Office in 1963

1963 c. 41.

of the publication of that name prepared by the Central Statistical Office ;

“ subsidiary ”, in relation to any company, means a company which is a subsidiary of the first-mentioned company within the meaning of section 154 of the Companies Act 1948 ; and in Schedule 1 to this Act 1948 c. 38.

“ wholly-owned subsidiary ” means a subsidiary all the securities of which are owned by the company of which it is a subsidiary, or by one or more other wholly-owned subsidiaries of that company, or partly by that company and partly by any wholly-owned subsidiary of that company.

(2) For the purposes of this Act, but subject to subsection (3) of this section, all premises or parts of premises occupied for the purposes of his business by one employer shall be treated as constituting the site of one establishment if, and shall not be so treated unless, access between all parts of the area comprised in those premises or parts of premises is available without leaving premises so occupied ; and nothing contained in the Standard Industrial Classification with respect to the determination of an establishment for the purposes of the classification made by that publication shall have effect for the determination of an establishment for the purposes of this Act.

(3) The Minister by whom any register of establishments is maintained under section 7(1) of this Act may if he thinks fit on the application of an employer—

(a) treat different parts of premises occupied for the purposes of his business by that employer as constituting the sites of different establishments ; or

(b) treat different premises so occupied as constituting the site of a single establishment,

notwithstanding that the requirements as to access set out in subsection (2) of this section are or, as the case may be, are not satisfied.

(4) Where in the case of any minimum list heading in Orders III to XVI of the Standard Industrial Classification the title of the heading is not accompanied by a description of the industries or services included therein, the heading shall be construed as referring only to the manufacture of the goods specified in that title.

(5) Where any minimum list heading in the Standard Industrial Classification contains express provision that a specified activity is excluded from or included in that heading if it is carried on at premises attached to premises of a specified class, and but for that express provision that activity would have fallen under that or, as the case may be, some other minimum list heading, that express provision shall be deemed to be omitted ;

but, save as provided by the foregoing provisions of this subsection, in determining the activities falling under any particular minimum list heading in the Standard Industrial Classification, regard shall be had to any express provision of any other such heading.

(6) For the purposes of this Act—

- (a) a person's employment shall not be treated as employment in, or carried out from, any establishment unless it is an establishment of that person's employer ;
- (b) establishments shall be treated as associated if, and only if, they are establishments of the same employer or of associated companies ;
- (c) two companies shall be treated as associated if, and only if, one of them is a subsidiary of the other or both are subsidiaries of a third company.

Expenses.

11.—(1) Any expenses incurred or deemed to be incurred by any Minister which are attributable to any provision of this Act shall be defrayed out of moneys provided by Parliament.

(2) The foregoing subsection shall not apply to expenses incurred by the Postmaster General ; but there shall be paid into the Post Office Fund out of moneys provided by Parliament an amount equal to any expenses incurred by the Postmaster General as a designated Minister within the meaning of section 3 of this Act.

Short title
and extent.

12.—(1) This Act may be cited as the Selective Employment Payments Act 1966.

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

SCHEDULES

SCHEDULE 1

Section 3.

PAYMENTS TO PUBLIC BODIES

PART I

Bodies to which section 3 applies

1. The National Coal Board.
2. The Electricity Council.
3. The Central Electricity Generating Board.
4. An Area Electricity Board.
5. The North of Scotland Hydro-Electric Board.
6. The South of Scotland Electricity Board.
7. The Gas Council.
8. An Area Gas Board.
9. The British Railways Board.
10. The London Transport Board.
11. The British Transport Docks Board.
12. The British Waterways Board.
13. The Transport Holding Company.
14. Any company which is a wholly-owned subsidiary of any of the bodies specified in paragraphs 9 to 13 of this Part of this Schedule or which would be such a subsidiary if any two or more of those bodies constituted a single body corporate.
15. Cable and Wireless Ltd.
16. The Commonwealth Development Corporation.
17. The British Overseas Airways Corporation.
18. B.O.A.C. Associated Companies Ltd.
19. The British European Airways Corporation.
20. BEA Helicopters Ltd.
21. The British Airports Authority.
22. The United Kingdom Atomic Energy Authority so far as its activities are financed out of the United Kingdom Atomic Energy Authority Trading Fund.

PART II

Excepted parts of undertakings

- National Coal Board depots which are outside the curtilage of any colliery and wholly or mainly engaged in wholesale or retail dealing in coal.
- Premises occupied by British Transport Hotels Ltd.
- Thos. Cook & Son Ltd. and any wholly-owned subsidiary thereof.
- The Post Office Savings Bank.

PART III

Parts of undertakings qualifying for premium

- The Brickworks Executive of the National Coal Board.
- The Coal Products Division of the National Coal Board.
- The Tredomen and Cowdenbeath workshops of the National Coal Board.
- The London Transport Railway Overhaul Workshops at Acton.

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SCH. 1

Workshops of the British Waterways Board which are wholly or mainly engaged in manufacturing or repairing waterway equipment. Workshops and railway signal works of the British Railways Board which are wholly or mainly engaged in manufacturing or repairing railway equipment.

Star Bodies (B.R.S.) Ltd.

The Engineering and Maintenance Division of the British Overseas Airways Corporation.

The Engineering Department of the British European Airways Corporation.

The Engineering Department of BEA Helicopters Limited.

Activities financed out of the United Kingdom Atomic Energy Authority Trading Fund.

Section 10(1).

SCHEDULE 2

EXCEPTED EMPLOYMENTS

1965 c. 4.

Any body which is a Research Council for the purposes of the Science and Technology Act 1965.

The Arts Council.

The British Council.

The British Museum.

The British Museum (Natural History).

The Imperial War Museum.

The London Museum.

The National Gallery.

The National Maritime Museum.

The National Portrait Gallery.

The Tate Gallery.

The Wallace Collection.

The National Galleries of Scotland.

The National Library of Scotland.

The National Museum of Antiquities of Scotland.

The National Library of Wales.

The National Museum of Wales.



Prices and Incomes Act 1966

1966 CHAPTER 33

An Act to establish a National Board for Prices and Incomes, and authorise the bringing into force of provisions requiring notice of price increases, pay increases and other matters, and for enforcing a temporary standstill in prices or charges or terms and conditions of employment; in connection with recommendations made by the said Board, to amend the Restrictive Trade Practices Act 1956; to provide, for a period lasting not more than twelve months, for restricting price increases and pay increases and for other matters connected with prices and incomes; and for connected purposes. [12th August 1966]

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

PART I

THE NATIONAL BOARD FOR PRICES AND INCOMES

1.—(1) There shall be established a body, to be called the National Board for Prices and Incomes (in this Act referred to as "the Board").

Constitution and proceedings of the Board.

(2) Subject to subsection (6) below, the Board shall consist of not less than nine and not more than fifteen members appointed by the Secretary of State.

(3) The Secretary of State may appoint persons to the Board either as full-time members or as part-time members.

(4) Of the full-time members, the Secretary of State shall appoint one to be chairman of the Board and one or more, as he thinks fit, to be deputy chairman or deputy chairmen.

PART I

(5) The Secretary of State shall, out of money provided by Parliament—

- (a) pay to the members of the Board such remuneration, and such travelling or other allowances, as he may with the approval of the Treasury determine, and
- (b) in the case of any member of the Board to whom he may, with the approval of the Treasury, determine that this paragraph applies, pay such pension, allowance or gratuity to or in respect of the member on his retirement or death, or make such payments towards the provision of such a pension, allowance or gratuity, as he may, with the like approval, determine ;

and if a person ceases to be a member of the Board and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, he may, with the approval of the Treasury, pay to that person out of money provided by Parliament a sum of such amount as he may with the approval of the Treasury determine.

(6) The Secretary of State may, by an order contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) direct that the minimum or maximum number of members of the Board shall be a number greater or less than that specified in subsection (2) above ;
- (b) vary or revoke any previous order containing such a direction.

(7) The provisions of Schedule 1 to this Act shall have effect with respect to the Board, its members, officers and servants and proceedings.

References of questions to the Board.

2.—(1) The Secretary of State, or the Secretary of State and any other Minister acting jointly, may refer to the Board any question relating to wages, salaries or other forms of incomes, or to prices, charges or other sums payable under transactions of any description relating to any form of property or rights or to services of any description or to returns on capital invested in any form of property, including company dividends ; and without prejudice to the generality of the foregoing provisions of this subsection the Secretary of State, or the Secretary of State and any other Minister acting jointly, may refer to the Board any question—

- (a) relating to a proposal to increase any prices for the sale of goods or any charges for the performance of services, including charges for the application of any process to goods, or

(b) relating to any pay claims or other claims relating to terms and conditions of employment, or any awards and settlements relating to terms and conditions of employment.

(2) A question referred to the Board under subsection (1) above may be framed in any way whatsoever, and in particular may be concerned with a specified region or locality or with named undertakings or persons.

(3) The Minister or Ministers referring any question to the Board under this section may at any time by a further reference to the Board vary or withdraw that question.

(4) The text of any reference under subsection (1) or subsection (3) above shall be published in the Gazette.

(5) The Board shall examine any question referred to them under this section and report to the Minister or Ministers who referred the question to the Board.

3.—(1) The Secretary of State may by order apply this section to any incomes or prices or charges or other matters which may be the subject of a reference under the last foregoing section. Instructions to Board to keep certain prices or incomes under continuous review.

(2) The Secretary of State, or the Secretary of State and any other Minister acting jointly, may instruct the Board to keep under continuous review any question concerning all or any of the incomes or prices or charges or other matters to which this section applies.

(3) The Board shall from time to time, as the Board thinks fit, report to the Minister or Ministers giving any instruction under this section on the matters to which the instruction relates; and the Secretary of State, or the Secretary of State and any other Minister acting jointly, may at any time require the Board to make to the Minister or Ministers imposing the requirement a report on those matters, or on any question relating to them.

(4) The Minister or Ministers giving an instruction to the Board under this section may at any time vary or withdraw it by a further instruction.

(5) The text of any instruction under subsection (2) or subsection (4) above shall be published in the Gazette.

(6) An order or instruction under this section may be framed in any way whatsoever, and in particular may be concerned with a specified region or locality or with named undertakings or persons.

PART I

- (7) An order made under subsection (1) of this section—
- (a) may be varied or revoked by a subsequent order so made,
 - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The powers conferred by this section are in addition to, and not in derogation of, the powers conferred by the last foregoing section.

Principles to be applied by the Board.

4.—(1) In examining any question referred to the Board under section 2 above, and in complying with any instruction or requirement under section 3 above, the Board shall, subject to the following provisions of this section, have regard to the considerations set out in Schedule 2 to this Act (which reproduces Part I of a memorandum presented to Parliament by the Secretary of State by Command of Her Majesty in April 1965).

(2) The Secretary of State may at any time by order set out considerations to which the Board are to have regard under this section whether in addition to, or by way of variation of or substitution for, the considerations set out in Schedule 2 to this Act.

(3) Before making an order under subsection (2) above the Secretary of State shall consult such organisations or bodies as he thinks fit, being organisations or bodies which appear to him to represent to any substantial extent the interests of those particularly concerned with the order, and any order so made—

- (a) may be varied or revoked by a subsequent order so made,
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament:

Provided that in the period of six months beginning with the passing of this Act an order may be made under subsection (2) above without any prior consultation as required by the foregoing provisions of this subsection.

The Board's reports.

5.—(1) The Minister or Ministers concerned shall lay any report made by the Board in pursuance of section 2 or section 3 above before each House of Parliament, shall publish it in such manner as appears to the Minister or Ministers to be appropriate, and shall record in the Gazette the date on which it is first so published; and that date shall be taken as the date of publication for the purposes of this Act.

(2) If it appears to the Minister or Ministers concerned that the publication of any matter in the report would be against the interests of national security, the Minister or Ministers

shall exclude that matter from the copies of the report laid before Parliament and published under the foregoing subsection.

(3) Subject to subsection (4) below—

- (a) any report of the Board under section 2 above must be published under subsection (1) above within three months from the date on which the reference (meaning, if the original reference has been varied by a reference under section 2(3) above, the original reference) is published in the Gazette, and
- (b) any report of the Board in compliance with the requirement of a Minister or Ministers under section 3(3) of this Act must be published under subsection (1) above within three months from the date when the requirement was imposed,

and it shall be the duty of the Board to make their report so as to allow publication within the time limited by this subsection.

(4) The Minister or Ministers concerned may by a direction published in the Gazette extend or further extend the period of three months mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection by such further period as is specified in the direction.

(5) In framing any report the Board shall have regard to the need for excluding, so far as that is practicable, matter which relates to the private affairs of any person and the publication of which would or might in the opinion of the Board prejudicially affect the interests of that person.

(6) For the purposes of the law relating to defamation absolute privilege shall attach to any report of the Board.

(7) In this section “the Minister or Ministers concerned”, in relation to any report of the Board, means the Minister or Ministers to whom the report is to be made.

PART II

NOTICES AND STANDSTILLS

General

6.—(1) Her Majesty may by Order in Council of which a **Power to draft has been laid before and approved by a resolution of each House of Parliament—** bring Part II into force.

- (a) bring the provisions of this Part of this Act into force for a period of twelve months beginning with the date specified in the Order,

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(b) from time to time extend or further extend that period by a further period of twelve months,

and if the Secretary of State proposes to lay a draft of an Order in Council under this subsection before Parliament he shall first consult with such organisations or bodies as he thinks fit, being organisations or bodies which appear to him to represent to any substantial extent the interests of those particularly concerned with the Order.

(2) The provisions which may be so brought into force may be all the following sections in this Part of this Act, or all of them except 7 to 12, or all of them except 13 to 18.

(3) If an Order in Council brings this Part of this Act into force without either of those groups of sections a further Order in Council under subsection (1) above may bring into force that group of sections (together with the other sections of this Part of this Act as they apply for the purposes of any of that group of sections) for the residue of the period for which the remainder of this Part of this Act is in force, or for a different period of twelve months which may be separately extended under subsection (1)(b) above.

1889 c. 63.

(4) Without prejudice to the provisions of section 37 of the Interpretation Act 1889 (power to make subordinate legislation in advance of coming into force of an Act), any power of making orders under the following provisions of this Part of this Act may be exercised before those provisions are brought into force on any occasion, but not so as to have any effect before they are so brought into force.

(5) Her Majesty may by Order in Council at any time revoke an Order in Council made under subsection (1) above.

(6) The lapse of provisions of this Part of this Act on the expiration of a period specified in an Order in Council under subsection (1) above, or on the revocation of such an Order in Council, shall not affect liability for any offence committed before the lapse, and shall be without prejudice to the further exercise of the powers conferred by subsection (1)(a) above.

Prices and charges

Notice of
intention to
increase prices
or charges.

7.—(1) The Secretary of State may by order apply this section to any prices for the sale of goods and to any charges for the performance of services, including charges for the application of any process to goods.

(2) Prices or charges to which this section applies shall not be increased by any amount unless notice of intention to increase them by at least that amount has been duly given to the appropriate Minister.

(3) When notice of intention to increase prices or charges to which this section applies has been duly given to the appropriate Minister—

- (a) those prices shall not be increased until after the expiration of a period of thirty days beginning with the date on which that notice of intention is so given, except that if at any earlier time the person giving that notice of intention receives written notice from the said Minister stating that it has been decided not to refer the notice of intention to the Board, this paragraph shall apply only until that earlier time,
- (b) if under section 2(1) or 2(3) of this Act the notice of intention is referred to the Board by a reference published in the Gazette within the said period of thirty days, those prices or charges shall not without the written consent of the Minister or Ministers who referred the notice be increased until the date of publication of the Board's report on the reference.

Any written consent given under paragraph (b) above shall be notified in the Gazette.

(4) An order under subsection (1) above may frame a description of prices or charges to which this section applies in any way, and in particular in framing a description of prices of goods of a specified class—

- (a) may make distinctions by reference to the undertakings or persons selling the goods,
- (b) may make distinctions by reference to the terms and conditions on which the goods are sold, the quantity sold or the undertakings or persons to whom they are sold,
- (c) may make distinctions by reference to the undertakings or persons by whom the goods have been produced or dealt with, or the locality in which they have been produced,
- (d) in making any of the distinctions above as regards undertakings or persons, may distinguish undertakings or persons by reference to the regions or localities where they carry on business or the scale or turnover of their business or by reference to any other circumstances, and may include or exclude named undertakings or named persons ;

and comparable distinctions may be made in relation to charges for the performance of services.

(5) An order under subsection (1) above may provide for the manner in which account is to be taken of any discount allowed

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in any transaction and may be applied both to any price before discount is allowed and also to any price after allowance of discount.

Standstill for prices or charges referred to Board.

8.—(1) If under section 2(1) or 2(3) of this Act any question is referred to the Board concerning prices for the sale of goods or charges for the performance of services, including charges for the application of any process to goods, the Secretary of State, or the Secretary of State acting jointly with any other Minister, may by notice published in the issue of the Gazette in which the text of the reference is published direct that this section shall apply to such prices or charges as may be specified in the direction, being matters to which the reference relates.

(2) Prices or charges to which this section applies shall not be increased until the date of publication of the Board's report on the reference, except that if at any earlier time the direction under subsection (1) above is revoked in whole or in part by notice published in the Gazette by the Minister or Ministers who gave the direction this subsection shall apply, or as the case may be shall apply to matters affected by the partial revocation, only until that earlier time.

Prices and charges: supplemental provisions.

9.—(1) An order under section 7 of this Act, and a direction under section 8 of this Act, shall contain such provisions for excluding prices and charges as appear to the Minister or Ministers making the order or giving the direction practicable and appropriate for the purpose of ensuring that those sections do not impede export trade (that is to say the provision of goods and services for persons not resident in the United Kingdom).

(2) The provisions of Schedule 3 to this Act shall have effect for the purpose of excluding, wholly or partially, from the operation of the said sections 7 and 8 certain prices and charges which are subject to regulation under other enactments and, in connection with the regulation of which, the considerations referred to in section 4 of this Act are, subject to certain exceptions, applied by section 23 thereof.

(3) The said sections 7 and 8 shall not apply in relation to prices paid on any sale by auction.

(4) A transaction shall not be invalid because it involves a price or charge which contains a price increase forbidden by this Part of this Act but the person paying the price or charge shall be entitled to recover the amount representing that price increase unless he is a person who is himself liable to punishment by reason of his having aided, abetted, counselled or procured the offence committed under this Part of this Act by the other party to the transaction.

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(5) The said sections 7 and 8 shall not apply in relation to a transaction effected in pursuance of a contract enforceable in law and concluded before the relevant price or charge was brought within section 7 of this Act by an order under that section or, as the case may be, before the direction was given under section 8 of this Act.

10.—(1) In ascertaining for the purposes of this Part of this Act whether a price charged or quoted by any person represents an increase (that is to say as compared with prices charged or quoted at or for earlier times) the following provisions of this section shall have effect for selecting the prices to be taken for comparison. Comparison of prices and charges.

(2) The price shall be compared with those charged or quoted by that person in the course of business for comparable transactions as regards goods of the same description.

(3) If there are no prices which can be taken for comparison under subsection (2) above the comparison may be with prices charged or quoted by that person in the course of business for transactions which are not in all respects comparable, and as regards goods which are not of precisely the same description, with a fair adjustment to take account of the differences.

As between different transactions or different descriptions of goods those taken for comparison under this subsection shall be those which are most closely comparable.

(4) In this section references to a price quoted by a person are references to a price at which that person offers to sell goods, or at which he gives notice of intention to do business by any display, advertisement, circular or other public notice.

(5) All the provisions of this section shall apply in relation to the performance of services as they apply in relation to the sale of goods, and references to prices charged or quoted shall, in this section as so applied, be construed as references to charges made or quoted.

11.—(1) It shall be an offence for any person in the course of business— Prices and charges; enforcement.

(a) to sell, agree to sell or offer to sell any goods, or

(b) to perform, agree to perform or offer to perform any services,

if the price or charge for the goods or services represents an increase which is forbidden by the foregoing provisions of this Part of this Act.

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(2) It shall be an offence for any person to give public notice of his intention to ask or make a price or charge which represents an increase which is forbidden by the foregoing provisions of this Part of this Act.

(3) For the purposes of this Act an increase contained in a price or charge is one which is forbidden by the foregoing provisions of this Part of this Act—

- (a) if the sale of the goods or the performance of the services is to be effected at a time when the increase is forbidden,
- (b) in the case of an agreement or offer to sell goods or perform services, if the agreement or offer is made at a time when the increase is forbidden, and the terms of the offer or agreement do not preclude the sale of the goods or performance of the services being effected at a time when the increase is forbidden,
- (c) in the case of a public notice of intention to ask or make a price or charge, if the public notice is given at a time when the increase is forbidden, and the terms of the notice do not expressly exclude a sale of goods or performance of services at a time when the increase is forbidden,

and in ascertaining whether a price or charge represents an increase which is forbidden by the foregoing provisions of this Part of this Act there shall not be taken for comparison any other price or charge which represents such a forbidden increase.

(4) It shall be a defence to proceedings under subsection (1) or subsection (2) of this section for the accused person to show that in a comparable transaction effected in the ordinary course of business at a time before prices or charges of the description comprising that to which the proceedings relate were brought within section 7 of this Act by an order under that section or, as the case may be, before a direction was given under section 8 of this Act, he asked or made a price or charge not less than that to which the proceedings relate; and subsections (3) and (5) of the last foregoing section shall apply for effecting a comparison under this subsection between transactions which are not in all respects comparable.

(5) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, and
- (b) on conviction on indictment to a fine which, if the offender is not a body corporate, shall not exceed five hundred pounds.

Company distributions

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Notice of
increase in
company
distributions.

12.—(1) With a view to obtaining information regarding increases in company distributions which may assist the Secretary of State and other Ministers to determine whether any question concerning any company or companies should be referred to the Board under section 2 of this Act, or whether any instruction or requirement should be given to or imposed on the Board under section 3 of this Act, the Secretary of State may by order apply this section to any companies.

(2) An order under subsection (1) above may frame a description of companies to which this section applies in any way, and in particular—

(a) may make distinctions by reference to the nature or scale of the trade or business carried on by any company, or the locality in which it is carried on, and

(b) may include or exclude named companies.

(3) Any increase in the distributions made by a company to which this section applies in any financial year shall be ascertained by reference to an earlier financial year fixed by rules prescribed by an order under this section as that company's basis financial year, and those rules—

(a) may prescribe different basis financial years for successive financial years of the same company, and

(b) may make different provision for different descriptions of companies to which this section applies, and

(c) may fix a basis financial year which falls wholly or partly before the time when this section begins to apply to the company.

(4) If the amount of the distributions to be made by a company to which this section applies for any financial year beginning at a time when this section applies to the company, with any adjustment required by subsection (7) below, will exceed the amount of the distributions made by the company for its basis financial year, the company shall, not later than the end of a period of seven days beginning with the day on which the relevant decision regarding its distributions is taken, duly give notice to the appropriate Minister giving particulars of the amounts of the distributions made or to be made in the respective financial years, and specifying the amount of the excess.

(5) If at any time the decision on which a notice given by the company under subsection (4) above is based is set aside or varied or revoked, or there is a decision to make a distribution not taken into account in the notice, or any assumption required to be made under this section in giving the notice proves to be

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wrong, the company shall not later than seven days after that time give a notice to the appropriate Minister giving the particulars required to correct the earlier notice.

(6) If a company fails to comply with subsection (4) or subsection (5) above it shall be liable on summary conviction to a fine not exceeding fifty pounds.

(7) The amount of the distributions made by a company for any financial year shall for the purposes of subsection (4) above be adjusted in proportion to—

(a) the amount by which the issued share capital of the company at the beginning of the financial year exceeds, or is less than, its issued share capital at the beginning of the basis financial year, and

(b) for any difference in the length of the financial year as compared with the length of its basis financial year, and a company's share capital at the beginning of any financial year shall be computed by taking its share capital at the beginning of its basis financial year and adjusting it—

(i) by adding the amount or value of any consideration actually received in the period between the beginning of the basis financial year and the beginning of the financial year to be compared with it for the issue of share capital or on the payment up of issued share capital, and

(ii) by deducting the amount or value of any money or other assets paid or transferred by the company during the said period for the repayment of any share capital, and the amount of the company's share capital at the beginning of the basis financial year shall be what is then the amount of the company's paid-up share capital and of any share premium account (or other comparable account by whatever name called).

(8) In this section "the relevant decision" means—

(a) where only one distribution is made by the company in the financial year, the decision to make that distribution,

(b) in any other case, any decision the implementation of which will bring the distributions made or to be made by the company for the financial year, with any adjustment required by subsection (7) above, into excess of the amount of the distributions made by the company for its basis financial year,

and "decision" means the effective decision, whether it be a declaration of dividend by the company in general meeting, or a decision of the directors, or any other decision, except that where the directors decide to recommend a dividend to be

declared by the company in general meeting that decision, and not the declaration of the dividend in general meeting, shall be the decision for the purposes of this section.

(9) In applying subsection (8)(b) above, and in giving the notice required by subsection (4) above,—

(a) it shall be assumed that any preference dividend falling due after the taking of the decision in question, and any interest on securities of the company falling due after that time, will in fact be paid, and

(b) any reasonable assumption may be made as to the length of the current financial year,

but the notice under subsection (4) above shall, if it is based on the assumption of a current financial year of a length greater or less than twelve months, state that the assumption has been made and the length assumed.

(10) In this section—

“company” means any body corporate resident in the United Kingdom,

“director” includes any person occupying the position of director by whatever name called,

“distribution” has the same meaning as in Part I of Schedule 11 to the Finance Act 1965, and if a distribution is not expressed to be made for any financial year of the company it shall be regarded as made for the year in which it is payable, 1965 c. 25.

“financial year” means, in relation to a company, the period in respect of which any profit and loss account of the company laid before it in general meeting is made up, whether that period is a year or not, and “basis financial year” has the meaning given by subsection (3) above,

“preference dividend” means a dividend at a rate per cent. of the nominal value of the shares in respect of which it is paid which is fixed, or fluctuates only with the standard rate of income tax,

“share” includes stock and “share capital” shall be construed accordingly.

Terms and conditions of employment

13.—(1) The Secretary of State may by order apply this section to any pay claims or other claims relating to terms and conditions of employment made on behalf of employees. Notice of pay claims and other claims.

(2) Notice of a claim to which this section applies shall be duly given to the appropriate Minister within a period of seven days beginning with the day on which the claim is presented to the employers or employers' organisation concerned.

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(3) The notice may be given—

- (a) by the trade union or other person by whom the claim is presented, or by any trade union or trade union organisation acting on behalf of that person, or
- (b) by the person or any of the persons to whom the claim is presented, or by any employers' organisation representing the interests of employers to whom the claim is presented.

(4) The responsibility for ensuring that notice of the claim is given in accordance with subsection (2) above shall lie both on the person by whom the claim is presented (or the trade union or trade union organisation substituted for that person under the following provisions of this section) and on the employers or employers' organisation to whom the claim is presented, and if there is a failure to comply with subsection (2) above all of those persons shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) If a trade union or trade union organisation by notice to the Secretary of State accepts responsibility for persons specified in the notice subsection (4) above shall apply while the notice has effect as if the trade union or trade union organisation giving the notice were substituted in subsection (4) above for the persons specified in the notice.

A notice under this subsection shall take effect on notification by the Secretary of State in the Gazette of his approval given on being satisfied that the persons for whom the trade union or trade union organisation accept responsibility concur, and shall have effect subject to any varying or revoking notice taking effect in accordance with this subsection.

(6) An order under subsection (1) above may frame the descriptions of claims to which this section applies in any way, and in particular—

- (a) may apply this section in relation to employees in specified kinds of work, or in specified localities, or working in specified undertakings or for specified employers,
- (b) in applying it in relation to employees working in specified undertakings or for specified employers, may make distinctions as regards those undertakings and persons by reference to the regions or localities where the undertakers or employers carry on business, or the number of employees working in the undertakings or for the employers, or by reference to any other different circumstances, and may be made so as to apply to named undertakings or persons,

(c) may make distinctions by reference to the subject matter of the claims, including in particular distinctions between claims relating to pay and claims relating to other terms and conditions of employment, or by reference to the amount of any increase in pay which is claimed.

(7) This section shall not apply in relation to a claim presented before the coming into force of the order bringing within this section claims of the description embracing that claim.

14.—(1) The Secretary of State may by order apply this section to awards and settlements relating to terms or conditions of employment. Notice of awards and settlements.

(2) Within seven days of the making of an award or settlement to which this section applies the employers affected by the award or settlement shall duly give notice, with particulars of the award or settlement, to the appropriate Minister; and an employer failing to comply with this subsection shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) The notice to be given as required by subsection (2) above may be so given by a trade union or other person representing the employees affected by the award or settlement, or by a trade union organisation acting on behalf of those employees, and, if so given within the period specified in that subsection, shall absolve the employers affected by the award or settlement from the responsibility imposed by that subsection; and notices to be given by any employers under subsection (2) above may be so given on their behalf by any one of them, or by any employers' organisation representing their interests.

(4) The receipt by the appropriate Minister of a notice duly given under subsection (2) or subsection (3) above shall be notified in the Gazette.

(5) An award or settlement to which this section applies shall not be implemented unless the notice required by this section has been duly given to the appropriate Minister.

(6) When the notice required by this section has been duly given to the appropriate Minister—

(a) the award or settlement shall not be implemented until after the expiration of a period of thirty days beginning with the date on which the notice is so given, except that if at any earlier time the said Minister publishes in the Gazette a notice stating that it has been decided not to refer the award or settlement to the Board, this paragraph shall apply only until that earlier time,

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- (b) if under section 2(1) or 2(3) of this Act the award or settlement is referred to the Board by a reference published in the Gazette within the said period of thirty days, the award or settlement shall not without the written consent of the Minister or Ministers who referred it be implemented until the date of publication of the Board's report on the reference.

Any written consent given under paragraph (b) above shall be notified in the Gazette.

(7) An order under subsection (1) above may frame the descriptions of awards and settlements to which this section applies in any way, and in particular may contain provisions corresponding to those authorised, in framing descriptions of claims, by paragraphs (a), (b) and (c) of section 13(6) of this Act.

(8) This section shall not apply in relation to an award or settlement made before the coming into force of the order bringing within this section awards or settlements of the description embracing that award or settlement.

Standstill for other awards and settlements.

15.—(1) If under section 2(1) or 2(3) of this Act any award or settlement is referred to the Board, the Secretary of State, or the Secretary of State acting jointly with any other Minister, may by notice published in the issue of the Gazette in which the text of the reference is published, direct that this section shall apply to the award or settlement.

(2) An award or settlement to which this section applies shall not be implemented until the date of publication of the Board's report on the reference except that if at any earlier time the direction under subsection (1) above is revoked in whole or in part by notice published in the Gazette by the Minister or Ministers who gave the direction this subsection shall apply, or as the case may be shall apply in relation to the matters affected by the partial revocation, only until that earlier time.

(3) This section shall not apply in relation to an employer who first implements the award or settlement before the publication in the Gazette of the direction under subsection (1) above.

Terms and conditions of employment: enforcement.

16.—(1) It shall be an offence for an employer to implement an award or settlement in respect of employment at a time when the implementation of the award or settlement is forbidden under the foregoing provisions of this Part of this Act.

(2) Subsection (1) above shall not make it unlawful for an employer, at a time when the implementation of an award or settlement is not forbidden by the foregoing provisions of this Part of this Act, to pay any sum in respect of remuneration for employment at an earlier time.

(3) A person guilty of an offence under subsection (1) of this section shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, and
- (b) on conviction on indictment to a fine which, if the offender is not a body corporate, shall not exceed five hundred pounds.

(4) If any trade union or other person takes, or threatens to take, any action, and in particular any action by way of taking part, or persuading others to take part, in a strike, with a view to compel, induce or influence any employer to implement an award or settlement in respect of employment at a time when the implementation of that award or settlement is forbidden under the foregoing provisions of this Part of this Act, he shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, and
- (b) on conviction on indictment to a fine which, if the offender is not a body corporate, shall not exceed five hundred pounds.

(5) This section shall not give rise to any criminal or tortious liability for conspiracy or any other liability in tort.

(6) The last foregoing subsection shall not apply in Scotland but where any act is prohibited by this section, the fact that it is so prohibited shall be treated as irrelevant for the purposes of any civil proceedings in Scotland.

17. The expression “ trade dispute ” as defined by section 5(3) of the Trade Disputes Act 1906 shall include any dispute between employers and workmen, or between workmen and workmen, which is connected with the restrictions imposed by this Part of this Act, and “ dispute ” shall include any difference of opinion as to the manner in which account is to be taken of the provisions of this Part of this Act. Meaning of “ trade dispute ”. 1906 c. 47.

18.—(1) Although this Part of this Act does not bind the Crown a notice may be given under section 15 of this Act so as, without imposing any obligation on the Crown as an employer or otherwise, to apply to persons employed by or under the Crown, and subsections (4), (5) and (6) of section 16, and section 17, of this Act shall apply accordingly. Employment under the Crown.

(2) Sections 13 and 14 of this Act shall not apply to or in relation to any person as an employee where, because the employer is the Crown, those sections do not impose any obligation on that person’s employer.

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1965 c. 62.

(3) For the purposes of this Act employment by any such body as is specified in Schedule 3 to the Redundancy Payments Act 1965 (national health service employers) shall (if it would not otherwise be so regarded) be regarded as employment by or under the Crown.

(4) In the application of this section to Northern Ireland references to the Crown include references to the Crown in right of the Government of Northern Ireland.

Supplemental

Reports on
references to
which Part II
applies.

19.—(1) If the report of the Board on a question referred to the Board under section 2(1) of this Act (whether or not varied under section 2(3) of this Act) is not published in accordance with section 5(1) of this Act by a date within three months from the publication of the reference, the following provisions of this Act—

- section 7(3)(b),
- section 8,
- section 14(6)(b),
- section 15,

shall apply as if the report had been so published on the last day of that period.

(2) The said provisions of this Act shall apply in relation to a report notwithstanding that it is expressed to be an interim report or to deal with part only of the question referred to the Board.

Orders made
by Secretary
of State.

20.—(1) An order made by the Secretary of State under this Part of this Act—

- (a) may be varied or revoked by a subsequent order so made,
- (b) shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The variation or revocation of an order made under this section shall not affect liability for any offence committed before the variation or revocation takes effect.

Regulations
about notices
to Ministers.

21. The Secretary of State may by regulations in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) prescribe the form of any notice to be given to a Minister under this Part of this Act, the manner in which any such notice is to be given and the evidence which is to be sufficient evidence of its having been given,

- (b) prescribe the particulars to be contained in any such notice, PART II
- (c) authorise a notice to be given by any persons to be given on their behalf by such organisation, body or person as may be prescribed by the regulations, and
- (d) define "the appropriate Minister" for the purposes of any such notice,

and regulations under this section may make different provision for different cases.

22.—(1) Proceedings for an offence under this Part of this Act shall not be instituted in England or Wales except by or with the consent of the Attorney General, and shall not be instituted in Northern Ireland except by or with the consent of the Attorney General for Northern Ireland. Offences under Part II.

(2) Where an offence is alleged to have been committed under this Part of this Act by a trade union, trade union organisation, or employers' organisation, being an unincorporated body—

- (a) proceedings for the offence shall be brought in the name of that body (and not in that of any of its members),
- (b) for the purpose of any such proceedings any rules of court relating to the service of documents shall have effect as if that body were a corporation, and
- (c) any fine imposed on conviction shall be payable out of the funds of that body.

(3) Where an offence mentioned in subsection (2) above is an offence punishable on conviction on indictment, section 33 of the Criminal Justice Act 1925, Schedule 2 to the Magistrates' Courts Act 1952, section 18 of the Criminal Justice Act (Northern Ireland) 1945 and Schedule 5 to the Magistrates' Courts Act (Northern Ireland) 1964 (procedure on charge of offence against a corporation) shall have effect as if the said body were a corporation. 1925 c. 86.
1952 c. 55.
1945 c. 15
(N.I.).
1964 c. 21
(N.I.).

(4) In relation to any proceedings on indictment in Scotland for an offence alleged to have been committed under this Part of this Act by a body such as is mentioned in subsection (2) above, section 40 of the Criminal Justice (Scotland) Act 1949 (proceedings on indictment against bodies corporate) shall have effect as if the said body were a body corporate. 1949 c. 94.

(5) Where an offence under this Part of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall

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be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection "director", in relation to a body corporate established by or under any enactment (including an enactment of the Parliament of Northern Ireland) for the purpose of carrying on under national ownership any industry or undertaking 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 III

MISCELLANEOUS

Duty of certain price-regulating bodies to have regard to considerations referred to in s. 4.

23.—(1) Subject to the following subsection, any person or body having functions under any enactment in connection with the regulation of prices or charges of any of the descriptions specified in paragraph 2 of Schedule 3 to this Act shall, in the exercise of those functions, have regard, in addition to and so far as consistent with any other matters which they may be required to take into account, to the considerations set out in Schedule 2 to this Act, as for the time being added to or modified by any order of the Secretary of State under section 4(2) thereof.

1960 c. 38.

(2) The foregoing subsection applies to the Air Transport Licensing Board and the Minister of Aviation in the exercise of their functions under the Civil Aviation (Licensing) Act 1960 only so far as those functions relate to charges on domestic services.

(3) The reference in subsection (2) above to charges on domestic services is a reference to all charges in respect of services between terminal points one of which is in the United Kingdom and the other of which is in the United Kingdom, one of the Channel Islands or the Isle of Man, with the exception of charges for carriage between any such points where the carriage forms part of carriage to or from a place which is not in the United Kingdom, one of the Channel Islands or the Isle of Man, and the tariff applicable to those charges is one for the whole of the last-mentioned carriage.

Exclusion from Restrictive Trade Practices Act 1956 of approved agreements and recommendations with respect to prices.

24.—(1) The Secretary of State and the President of the Board of Trade acting jointly may, if they consider it expedient to do so having regard to any recommendation as to prices contained in a report of the Board under this Act, approve the inclusion in any proposed agreement of any term as respects which they are satisfied that the conditions specified in subsection (2) below are fulfilled, or the making by any trade association of any recommendation as respects which they are similarly satisfied; and —

1956 c. 68.

(a) in determining whether an agreement is one to which Part I of the Restrictive Trade Practices Act 1956

applies, no account shall be taken of any term included therein pursuant to an approval under this section (and accordingly, section 8(9) of that Act shall have effect as if the restrictions accepted by any such term were accepted by a term of which account cannot be taken by virtue of section 7 thereof);

(b) section 6(7) of that Act shall not apply to any recommendation made pursuant to such an approval.

(2) The said conditions are—

(a) that the term or recommendation in question relates exclusively to the prices to be charged in connection with transactions of a character dealt with by the relevant recommendation of the Board, or transactions of a character substantially similar to those so dealt with; and

(b) that the said term or recommendation is expressed to continue in force for a period not exceeding two years from the date on which it takes effect.

(3) No order made by the Court before or after the passing of this Act under Part I of the Restrictive Trade Practices Act 1956 (jurisdiction as respects restrictions which are contrary to the public interest), and no undertaking given before or after the passing of this Act in proceedings under that Part, shall prevent the making of an agreement which, in consequence of an approval under this section, is not an agreement to which the said Part I applies, or prevent the making of a recommendation pursuant to an approval under this section. 1956 c. 68.

(4) An approval under this section shall be given in writing, and shall identify the report containing the relevant recommendation of the Board.

(5) In this section “agreement” has the same meaning as in Part I of the said Act of 1956.

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TEMPORARY RESTRICTIONS ON PRICES AND INCOMES

25.—(1) At any time in the period of twelve months beginning with the date of the passing of this Act Her Majesty may by Order in Council bring the provisions of this Part of this Act into force for the remainder of the said period of twelve months. General provisions as to operation of Part IV.

An Order in Council made under this subsection shall cease to have effect at the expiration of a period of twenty-eight days beginning with the date on which it is made unless before the end of that period the Order has been approved by a resolution of each House of Parliament.

(2) Without prejudice to the provisions of section 37 of the Interpretation Act 1889, any power of making orders or regulations under the following provisions of this Act may be 1889 c. 63.

PART IV exercised before those provisions are brought into force under subsection (1) above, but not so as to have any effect before they are so brought into force.

(3) Her Majesty may by Order in Council at any time revoke an Order in Council made under subsection (1) above.

(4) If this Part of this Act is brought into force by an Order in Council under subsection (1) above, the lapse of its provisions at the end of the period of twelve months mentioned in that subsection, or on the revocation or cessation of the Order in Council, shall not affect liability for any offence committed before the lapse of those provisions.

(5) An order made by the Secretary of State under the following provisions of this Part of this Act—

(a) may be varied or revoked by a subsequent order so made,

(b) shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament,

and the variation or revocation of an order in pursuance of this section shall not affect liability for any offence committed before the variation or revocation takes effect.

(6) Sections 21 and 22 of this Act shall apply as if references in those sections to Part II of this Act included references to this Part of this Act, and regulations under the said section 21 as so applied may provide for the manner in which notices may be served under this Part of this Act by the Secretary of State or any other Minister and may define “the appropriate Minister” for any of the purposes of this Part of this Act.

(7) In comparing for the purposes of this Part of this Act the amount of any price or charge, or the rate of any remuneration, with earlier prices or charges or remuneration paid before any specified date, so far as required for the purpose of giving effect to any order or direction under the following provisions of this Part of this Act—

(a) account shall only be taken of such earlier prices or charges or remuneration as fell within such period ending immediately before the specified date as is prescribed by the order or direction, and

(b) as between earlier and later prices or charges or remuneration falling within that period, account shall only be taken of the later or latest.

(8) In cases where—

(a) in pursuance of an order under this Part of this Act a comparison is to be made between rates of remuneration for work at different times, and

(b) there are normal working hours for the work, and any of the remuneration to be considered consists of or includes remuneration for work outside those normal working hours,

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the order may prescribe the manner in which the comparison is to be made, including in particular the adjustments which are to be made where the normal working hours are shorter at the later time.

In this subsection "normal working hours" has the meaning given by paragraph 1 of Schedule 2 to the Contracts of Employment Act 1963 or, for the purposes of any order under this Part of this Act, such other meaning as may be assigned by that order. 1963 c. 49.

(9) Any provision in this Part of this Act which applies a provision in Part II of this Act shall have effect at all times whether or not Part II of this Act is then in force.

26.—(1) The Secretary of State may by order apply this section to any prices for the sale of goods and to any charges for the performance of services, including charges for the application of any process to goods. Restrictions on increases of prices or charges.

(2) Prices or charges to which this section applies for transactions effected by a person in the course of business shall not exceed by any amount the prices or charges for transactions of the same description effected by that person in the course of business before the coming into force of the order applying this section to the prices or charges unless the appropriate Minister has given his consent in writing to an excess of that amount, or of a greater amount.

(3) This section shall not apply in relation to prices paid on any sale by auction.

(4) An order under subsection (1) above may frame a description of prices or charges to which this section applies in any way, and in particular in framing a description of prices of goods of a specified class—

- (a) may make distinctions by reference to the undertakings or persons selling the goods,
- (b) may make distinctions by reference to the terms and conditions on which the goods are sold, the quantity sold or the undertakings or persons to whom they are sold,
- (c) may make distinctions by reference to the undertakings or persons by whom the goods have been produced or dealt with, or the locality in which they have been produced.

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(d) in making any of the distinctions above as regards undertakings or persons, may distinguish undertakings or persons by reference to the regions or localities where they carry on business or the scale or turnover of their business or by reference to any other circumstances, and may include or exclude named undertakings or named persons,

and comparable distinctions may be made in relation to charges for the performance of services.

(5) An order under subsection (1) above may provide for the manner in which account is to be taken of any discount allowed in any transaction and may be applied both to any price before discount is allowed and also to any price after allowance of discount.

(6) An order under this section shall contain such provisions for excluding prices and charges as appear to the Secretary of State making the order practicable and appropriate for the purpose of ensuring that this section does not impede the export trade (that is to say the provision of goods and services for persons not resident in the United Kingdom).

(7) If, by a sale of goods, or by the performance of services, effected at a time when the order under this section is in force, any person contravenes subsection (2) of this section he shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, and
- (b) on conviction on indictment to a fine which, if the offender is not a body corporate, shall not exceed five hundred pounds.

Restrictions on prices and charges by reference to levels at 20th July 1966.

27.—(1) A Minister may give notice in writing to any person who was carrying on a business on 20th July 1966 which included the selling of goods or the performance of services that the Minister is considering the giving of a direction under this section as respects the prices or charges for any such goods or services.

(2) A notice under subsection (1) above shall give particulars of the direction proposed to be given, and shall specify a period, which shall be not less than fourteen days from the service of the notice, within which the said person may make representations in writing to the Minister.

(3) The Minister may, if he thinks fit, after the expiration of the period specified in the notice for the making of representations, and after considering any representations duly made, by notice served on the said person direct that this section shall apply to such prices for the sale of goods by the said person, or to such charges for the performance of services by the said person, including charges for the application of any process to

goods, as may be specified in the direction, being prices or charges for transactions effected by the said person in the course of business.

(4) Prices or charges to which this section applies shall not exceed prices or charges for transactions of the same description effected by the said person in the course of business before 20th July 1966 by any amount unless—

- (a) the Minister has given his consent in writing to an excess of that amount, or of a greater amount, or
- (b) the direction authorises an excess of that amount, or of a greater amount.

(5) A direction under this section may frame the descriptions of prices or charges to which this section applies in any way, and in particular may contain provisions corresponding to those authorised by subsections (4) and (5) of the last foregoing section.

(6) This section shall not apply in relation to prices paid on any sale by auction.

(7) Subsections (1) and (2) of this section shall apply to a direction varying a previous direction under this section if and only if the varying direction extends the prices or charges to which this section applies or withdraws authority given under subsection (4)(b) of this section as respects the amount of any price or charge.

(8) If, by a sale of goods, or by the performance of services, effected at a time when the direction under this section is in force, any person contravenes subsection (4) of this section he shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, and
- (b) on conviction on indictment to a fine which, if the offender is not a body corporate, shall not exceed five hundred pounds.

28.—(1) The Secretary of State may by order apply this section to remuneration under contracts of employment for any kind of work to be performed wholly or substantially within the United Kingdom or on British ships or aircraft. Restrictions on pay increases.

(2) An employer shall not pay remuneration to which this section applies at a rate which exceeds the rate of remuneration paid by him for the same kind of work before the date of the coming into force of the order applying this section to that description of remuneration by any amount unless the appropriate Minister has given his consent in writing to the increase of the remuneration by that amount, or by a greater amount.

(3) If an employer contravenes this section he shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, and

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(b) on conviction on indictment to a fine which, if the offender is not a body corporate, shall not exceed five hundred pounds.

(4) Subsections (4), (5) and (6) of section 16 of this Act shall apply in relation to the payment of remuneration by an employer which would be in contravention of this or the next following section as they apply in relation to the implementation by an employer of an award or settlement which would be in contravention of the said section 16.

(5) Although this Part of this Act does not bind the Crown, an order may be made under this or the next following section, so as, without imposing any obligation on the Crown as an employer or otherwise, to apply (either expressly or impliedly) to persons employed by or under the Crown, and the said subsections (4), (5) and (6) of section 16 of this Act, as extended by the last foregoing subsection, shall apply accordingly.

References in this subsection to employment by or under the Crown shall be construed in accordance with subsections (3) and (4) of section 18 of this Act.

(6) Section 17 of this Act shall apply as if references to Part II of this Act included references to this Part of this Act.

(7) An order under subsection (1) above may frame the descriptions of remuneration to which this section applies in any way, and in particular—

(a) may apply this section in relation to employees in specified kinds of work, or in specified localities, or working in specified undertakings or for specified employers,

(b) in applying it in relation to employees working in specified undertakings or for specified employers, may make distinctions as regards those undertakings and persons by reference to the regions or localities where the undertakers or employers carry on business, or the number of employees working in the undertakings or for the employers, or by reference to any other different circumstances, and may be made so as to apply to named undertakings or persons.

Restrictions on pay by reference to levels at 20th July 1966.

29.—(1) The Secretary of State may give notice, published in the Gazette, that he is considering the making of an order under this section.

(2) A notice under subsection (1) above shall give particulars of the order proposed to be made, and shall specify a period,

which shall be not less than fourteen days from the first publication of the notice, within which any employer, or any employers' organisation, trade union, trade union organisation or other person representing employers or employees may make representations in writing to the Secretary of State.

(3) The Secretary of State may, if he thinks fit, after the expiration of the period specified in the notice for the making of representations, and after considering any representations duly made, by order apply this section to remuneration under contracts of employment for any kind of work.

(4) An employer shall not pay remuneration to which this section applies for work for any period while the order is in force at a rate which exceeds the rate of remuneration paid by him for the same kind of work before 20th July 1966 by any amount unless—

- (a) the appropriate Minister has given his consent in writing to an excess of that amount or of a greater amount, or
- (b) the order authorises an excess of that amount, or of a greater amount.

(5) If an employer contravenes this section he shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, and
- (b) on conviction on indictment to a fine which, if the offender is not a body corporate, shall not exceed five hundred pounds.

(6) An order under subsection (1) above may frame the descriptions of remuneration to which this section applies in any way and in particular may contain provisions corresponding to those authorised by paragraphs (a) and (b) of subsection (7) of the last foregoing section.

30.—(1) This section applies to any contract of employment made before the date of the coming into force of this Part of this Act under which any person who has worked for the employer since before that date is to receive remuneration for the same kind of work for any period after that date which is at a higher rate than that at which he was being remunerated for work of that kind immediately before that date.

Authority for employers to disregard pay increases in existing contracts.

(2) If after having given not less than one week's notice in writing, the employer pays or tenders to the employee remuneration for work for any period after the said date and while this Part of this Act is in force at a rate which is not less than that at which he was paid for the same kind of work immediately before that date, the employer shall not be liable in respect of a breach of a contract to which this section applies for failure to pay remuneration at the rate provided by the contract.

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(3) Subsection (2) above shall not take away the employee's right to rescind the contract.

(4) The Secretary of State may by regulations in a statutory instrument make provision for the purposes of this section, as it applies to any work specified in the regulations, corresponding to the provision which may be made by an order under this Part of this Act in pursuance of section 25(8) of this Act.

(5) This section shall not apply to a contract for work to be performed wholly or mainly outside the United Kingdom.

Wages
regulation
orders under
Wages
Councils Act
1959.
1959 c. 69.

31.—(1) So long as this Part of this Act is in force, section 11(4) of the Wages Councils Act 1959 shall not impose a duty on the Minister of Labour (in this section called “the Minister”) to make an order giving effect to any wages regulation proposals, and the making of such an order, and the date to be specified in such an order for the coming into operation of the proposals, shall be at the Minister's discretion.

(2) The Minister may, by an order which is made under the said section 11(4) at a time when this Part of this Act is in force, and which gives effect to wages regulation proposals which include provisions for fixing remuneration, being provisions expressed to take effect on a date specified in those proposals, direct that those provisions shall take effect at such later date as is specified in the order.

(3) The Minister may by an order which is made at a time when this Part of this Act is in force direct—

- (a) that any wages regulation proposals to which effect is given by an order under the said section 11(4) shall take effect on such date as is specified in the order under this section, being a date other than the date specified in the order under the said section 11(4), or
- (b) in the case of an order under the said section 11(4) which gives effect to proposals including such provisions as are described in subsection (2) above, that those provisions shall take effect at such date as is specified in the order, being a date other than the date specified in those provisions,

but so that an order under paragraph (a) or (b) above shall not affect provisions which have taken effect before the making of the order.

(4) The Minister shall not exercise his discretion under subsection (1) above so as to postpone the coming into operation of any wages regulation proposals to a date after the end of the twelve month period mentioned in subsection (1) of section

25 of this Act, or under subsection (2) or subsection (3) above specify a date after the end of that period, and if under the said section 25 this Part of this Act ceases to have effect at a date before the end of that twelve month period, the Minister shall by order under this section make such provision as appears to him expedient for producing the result which would have been secured by the foregoing provisions of this subsection if that date had been the end of the said twelve month period.

(5) An order made under this section—

- (a) shall be contained in a statutory instrument, and
- (b) may be varied or revoked by a subsequent order so made,

and any provisions included in an order under section 11(4) of the Wages Councils Act 1959 by virtue of subsection (2) of this section may be varied by an order made by the Minister under this section. 1959 c. 69.

(6) This section shall have effect as respects Northern Ireland—

- (a) with the substitution for references to the Minister of Labour, the Wages Councils Act 1959 and section 11(4) of that Act, of references to the Ministry of Health and Social Services for Northern Ireland, the Wages Councils Act (Northern Ireland) 1945 and section 10(4) of that Act, respectively ; and 1945 c. 21 (N.I.).
- (b) with the omission of subsection (5)(a).

32.—(1) The Minister of Agriculture, Fisheries and Food may, by an order made at a time when this Part of this Act is in force, direct that any order made by the Agricultural Wages Board under section 3, section 6 or section 7 of the Agricultural Wages Act 1948 (orders fixing rates of wages and holidays and dealing with related matters) shall not have effect until such date as is specified in the order under this section but so that an order under this subsection shall not affect provisions which have taken effect before the making of the order. Orders under Agricultural Wages Act 1948. 1948 c. 47.

(2) The Minister shall not under subsection (1) above specify a date after the end of the twelve month period mentioned in subsection (1) of section 25 of this Act, and if under the said section 25 this Part of this Act ceases to have effect at a date before the end of that twelve month period, the Minister shall revoke any order under this section which is then in force.

(3) An order made under this section—

- (a) shall be contained in a statutory instrument, and

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(b) may be varied or revoked by a subsequent order so made.

(4) This section shall have effect as respects Scotland with the substitution—

(a) for references to the Minister of Agriculture, Fisheries and Food, of references to the Secretary of State ;

(b) for references to the Agricultural Wages Board, of references to the Scottish Agricultural Wages Board ; and

1948 c. 47.

(c) for references to the Agricultural Wages Act 1948 and to sections 3, 6 or 7 of that Act, of references respectively to the Agricultural Wages (Scotland) Act 1949 and to sections 3, 6 and 7 of that Act.

1949 c. 30.

(5) This section shall have effect as respects Northern Ireland—

(a) with the substitution for references to the Minister of Agriculture, Fisheries and Food, the Agricultural Wages Board, the Agricultural Wages Act 1948 and section 3 of that Act, of references to the Ministry of Agriculture for Northern Ireland, the Agricultural Wages Board for Northern Ireland, the Agricultural Wages (Regulation) Act (Northern Ireland) 1939 and section 2 of that Act, respectively ; and

1939 c. 25
(N.I.).

(b) with the omission of references to sections 6 and 7 of the said Act of 1948 and of subsection (4)(a).

Illegal transactions.

33.—(1) A transaction shall not be invalid in consequence of the provisions of section 26 or 27 of this Act, but the person paying any price or charge which is unlawful under the provisions of either of those sections may recover the part of it in excess of the lawful amount unless he is a person who is himself liable to punishment by reason of his having aided, abetted, or counselled or procured the offence committed under those provisions by the other party to the transaction.

(2) An employer shall not under any circumstances be entitled, in consequence of the provisions of this Part of this Act relating to contracts of employment, to recover any remuneration which he has paid.

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GENERAL

34.—(1) In this Act, unless the context otherwise requires:— Interpretation.

- “appropriate Minister” shall be construed in accordance with regulations made under section 21 of this Act ;
- “awards and settlements”, in relation to terms or conditions of employment, includes any agreement, whether or not enforceable in law and whether or not concluded under recognised arrangements for the settlement by negotiations of terms and conditions of employment, to which any employer or any organisation representing employers is a party ;
- “business” in the expression “in the course of business” includes any trade, profession or vocation ;
- “employee” means an individual who has entered into or works under a contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship ; and cognate expressions shall be construed accordingly ;
- “goods” includes ships and aircraft, minerals, substances and animals (including fish) ;
- “Minister” has the same meaning as “Minister of the Crown” in the Ministers of the Crown (Transfer of Functions) Act 1946 ;
- “price” includes a charge of any description ;
- “public notice” includes any notice given by any member of a trade association to other members of that trade association ;
- “trade association” means any body of persons (whether incorporated or not) which is formed for the purpose of furthering the trade interests of its members or of the persons represented by its members ;
- “trade union” has the meaning given by the Trade Union Act 1913. 1913 c. 30
(2 & 3 Geo. 5.).

(2) 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.

(3) This Act shall apply in relation to—

- (a) a conditional sale agreement, and
- (b) a hire-purchase agreement,

as if the agreement were a sale of the goods to which the agreement relates for an amount equal to the total purchase price

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or hire-purchase price with a fair reduction where the consideration for receipt of that price includes the installation, maintenance or repair of the goods or the performance of other services apart from the giving of credit.

1965 c. 66.
1965 c. 67.

This subsection shall be construed, except as it applies in Scotland, in accordance with the Hire-Purchase Act 1965 and, as it applies in Scotland, in accordance with the Hire-Purchase (Scotland) Act 1965.

(4) In this Act "Gazette" means, in relation to a matter relating exclusively to England and Wales, or exclusively to Scotland, or exclusively to Northern Ireland, the London Gazette, the Edinburgh Gazette and the Belfast Gazette respectively, similarly for matters to be published or notified in any two of those Gazettes, and, subject to that, all three of those Gazettes; and, where anything is under this Act to be published or notified in more than one of those Gazettes, and is so published or notified on different dates, references in this Act to the date on which it is published or notified in the Gazette are references to the earlier or earliest of those dates.

Administrative expenses.

35. Any administrative expenses incurred by a government department in consequence of the provisions of this Act may be paid out of money provided by Parliament.

Application to Northern Ireland.

36. 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 this Act, the Act of the Parliament of Northern Ireland shall, in Northern Ireland, prevail.

Short title.

37. This Act may be cited as the Prices and Incomes Act 1966.

SCHEDULES

SCHEDULE 1

Section 1.

INCIDENTAL PROVISIONS WITH RESPECT TO THE BOARD

1. The Board shall be a body corporate with perpetual succession and a common seal.

Tenure of office, etc., of members

2.—(1) Subject to the following provisions of this paragraph, a member of the Board shall hold and vacate office as such in accordance with the terms of his appointment.

(2) A person shall not be appointed to the Board for a term exceeding five years, but previous membership thereof shall not affect eligibility for re-appointment.

(3) The Secretary of State may, with the consent of the member concerned, vary the terms of appointment of any member of the Board so as to provide for him to serve as a full-time member instead of as a part-time member or, as the case may be, as a part-time member instead of as a full-time member.

(4) A member of the Board may at any time resign his membership by notice in writing addressed to the Secretary of State.

(5) The Secretary of State may, by notice in writing addressed to the member in question, terminate the appointment of any member of the Board who is, in his opinion, unfit to continue in office or incapable of performing his duties as a member.

Tenure of office of chairman and deputies

3.—(1) Subject to the following provisions of this paragraph, the chairman and any deputy chairman of the Board shall hold and vacate office as such in accordance with the terms of his appointment.

(2) The chairman or a deputy chairman of the Board may at any time resign his office as such by notice in writing addressed to the Secretary of State.

(3) If the chairman or a deputy chairman of the Board ceases to be a member, or a full-time member, of the Board, he shall also cease to be chairman or, as the case may be, a deputy chairman.

Application of House of Commons Disqualification Act

4. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act), there shall (at the appropriate place in alphabetical order) be inserted the following entry:—

“ The National Board for Prices and Incomes ” ;

and the like amendment shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

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Officers and servants

5. The Board shall have a secretary, to be appointed by them after consultation with the Secretary of State, and may, after consultation with the Secretary of State and with the consent of the Treasury, appoint such other officers and servants as they think fit.

6. The Board shall pay to their officers and servants such remuneration, and such travelling and other allowances, as the Secretary of State may with the approval of the Treasury determine.

General provisions with respect to the Board's proceedings

7. The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board, or by any defect in the appointment of any such member.

8. Subject to paragraph 15 below, the Board may determine their own procedure, including the quorum necessary for their meetings.

Exercise of chairman's functions during absence, incapacity etc.

9.—(1) At any time when the chairman of the Board is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman—

- (a) such one of the Board's deputy chairmen as the Secretary of State may direct or, in default of any such direction, such one of them as they may agree, or
- (b) if there is then only one deputy chairman of the Board, the deputy chairman,

may exercise any of the functions of chairman of the Board.

(2) At any time when every person who is chairman or deputy chairman of the Board is absent or otherwise incapable of acting, or there is no such person, such member of the Board as the Secretary of State may direct or, in default of any such direction, such member of the Board as the Board may agree may exercise any of the functions of chairman of the Board.

Remission of questions for preliminary examination by groups of members and persons specially appointed

10.—(1) A question referred to the Board under section 2 of this Act, or any matter to be considered by the Board in pursuance of an instruction or requirement under section 3 of this Act, shall, if the chairman so directs, be examined, before consideration by the Board, by a group of persons consisting of—

- (a) not less than three members of the Board nominated by him, and
- (b) such other persons, if any, as he may think fit to nominate for the purpose, being persons drawn in equal numbers from the panels maintained by the Secretary of State pursuant to paragraph 11 below ;

and in any such case, the Board, in formulating any report, shall take into consideration, but shall not be bound to accept, any findings or recommendations of the group.

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(2) Where such a direction is given as respects a matter to be examined in pursuance of an instruction or requirement under section 3 of this Act, and any member of the Board is, by the terms of his appointment, appointed to deal specially with matters which include the subject matter of the instruction, he shall be one of the said group of persons.

11.—(1) For the purposes of paragraph 10 above, the Secretary of State shall draw up, and from time to time revise, two panels, one of persons appearing to him to have special knowledge or experience of matters concerning employers, and the other of persons appearing to him to have special knowledge or experience of matters concerning employees.

(2) In the exercise of his functions under the foregoing subparagraph, the Secretary of State shall consult with such organisations as he may consider appropriate, being organisations which appear to him to be representative of employers or, as the case may be, employees.

(3) The Board may if they think fit pay to persons whose names are included in either of the said panels such travelling and other allowances as the Secretary of State may with the approval of the Treasury determine.

12.—(1) The chairman of the Board shall nominate as chairman of any group constituted for the purposes of paragraph 10 above one of the members of the group who are also members of the Board.

(2) Where during the proceedings of any such group any member thereof ceases to be a member of the Board, or the name of any such member is removed from either of the said panels, he shall cease to be a member of the group, and the chairman of the Board shall appoint in his place another member of the Board or, as the case may be, another person drawn from the panel in question.

(3) Where during the proceedings of any such group the chairman of the Board is satisfied that any member of the group will be unable for a substantial period to perform his duties as such, he may if he thinks fit appoint in the place of that member another member of the Board or, as the case may be, another person drawn from the panel from which that member was drawn.

(4) Subject to paragraph 15 below, and to any specific or general directions which may from time to time be given by the Board, any such group may determine their own procedure, including the quorum necessary for their meetings.

Inquiries

13.—(1) The Board, and any group constituted under paragraph 10 above, may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this Act; and the chairman of the Board or, as the case may be, group, or other member of the Board presiding in his stead, may at any such inquiry direct that any person appearing as a witness be examined on oath, and administer an oath accordingly, or, instead of so directing,

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require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.

(2) If any person who is to give evidence at any such inquiry so requests at the hearing, or by a notice in writing served on the Board's secretary before the date of the hearing, the public shall be excluded from the hearing while that person gives his evidence.

14.—(1) For the purposes of any inquiry under this Act, the chairman of the Board or, as the case may be, group, or any other member of the Board authorised by the chairman of the Board (whether generally or in connection with the particular inquiry) to exercise the powers conferred by this sub-paragraph, may by summons—

- (a) require any person to attend, at such time and place as is specified in the summons, to give evidence on, or to produce all documents in his possession or control which relate to, any matter so specified, being a matter in question at the inquiry, or
- (b) require any person carrying on any trade or business, or any trade union or trade association or officer of a trade union or trade association, to furnish to the Board or group such estimates, returns or other information as may be specified or described in the summons, and specify the time, the manner and the form in which any such estimates, returns or information are to be furnished.

(2) No person shall be compelled for the purposes of any such inquiry to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the High Court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

(3) No person shall be required, in obedience to a summons under this paragraph to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.

(4) A person who—

- (a) refuses or wilfully neglects to attend in obedience to a summons issued under this paragraph, or to give evidence as required by such a summons, or
- (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he has been required to produce by such a summons, or
- (c) refuses or wilfully neglects to furnish any estimate, return or other information required of him by such a summons or, in furnishing any such estimate, return or other information, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) Proceedings for an offence under the last foregoing sub-paragraph may (without prejudice to any jurisdiction exercisable

apart from this sub-paragraph) be taken against a body corporate at any place at which the body has a place of business, against a trade union or trade association at the place at which it has its head office, and against any other person at any place at which he is for the time being ; and subsections (2), (3) and (5) of section 22 of this Act shall apply in relation to such an offence as they apply in relation to an offence under Part II of this Act, but as if, in those subsections any reference to a trade union included a reference to any trade association which is not a corporation.

(6) In the application of this paragraph to Scotland, for any reference to a summons there shall be substituted a reference to a notice in writing, and for the reference to the High Court there shall be substituted a reference to the Court of Session ; and in the application of this paragraph to Northern Ireland, for the reference to the High Court there shall be substituted a reference to the High Court in Northern Ireland.

Power of Secretary of State to give procedural directions

15. In determining any matter of procedure (including the quorum necessary for their meetings), the Board and any group constituted under paragraph 10 above shall act in accordance with any general directions which may from time to time be given with respect thereto by the Secretary of State.

Disclosure of information

16.—(1) Subject to the following sub-paragraph, no information given or supplied by any person in connection with the examination of any question under this Act shall be disclosed except—

- (a) with that person's consent, or
- (b) to members of the Board and, so far as they are not members of the Board, of any group by whom the question is examined pursuant to paragraph 10 above, or
- (c) to the Board's officers and servants, or
- (d) to the Secretary of State, the President of the Board of Trade or any other Minister, or an officer or servant appointed by, or person exercising functions on behalf of, the Secretary of State, the President of the Board of Trade or any other Minister, or
- (e) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of this Act.

(2) The foregoing sub-paragraph does not apply to information given or supplied in any proceedings to which the public are admitted, or contained in any report of the Board as laid before Parliament, or published, pursuant to section 5(1) of this Act.

(3) Any person who discloses any information in contravention of sub-paragraph (1) above shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

SCH. 1 (4) In paragraph (d) of that sub-paragraph "Minister" includes any Minister of the Government of Northern Ireland.

Expenses of the Board

17. The expenses incurred by the Board under paragraph 6, 11(3) or 14(3) above and, to such amount as the Secretary of State may with the approval of the Treasury determine, any other expenses of the Board shall be paid out of money provided by Parliament.

Section 4.

SCHEDULE 2

GENERAL CONSIDERATIONS RELATING TO PRICES AND INCOMES

In the Joint Statement of Intent on Productivity, Prices and Incomes, representatives of the T.U.C. and the employers' organisations have accepted that major objectives of national policy must be:

- to ensure that British industry is dynamic and that its prices are competitive ;
- to raise productivity and efficiency so that real national output can increase, and to keep increases in wages, salaries and other forms of incomes in line with this increase ;
- to keep the general level of prices stable.

2. They have also agreed with the Government's proposals, set out in the White Paper on Machinery of Prices and Incomes Policy (Cmd. 2577) that:

- (i) the National Economic Development Council should keep under review the general movement of prices and of money incomes of all kinds ; and
- (ii) a National Board for Prices and Incomes should be set up to examine particular cases in order to advise whether or not the behaviour of prices or of wages, salaries or other money incomes is in the national interest as defined by the Government after consultation with Management and Unions.

Trends in national productivity

3. The figure for the growth of the economy between 1964 and 1970 which is being assumed in the preparation of the Government's plan for economic development is 25 per cent. This gives an average annual rate of growth of rather less than 4 per cent. In calculating the long-term annual rate of growth of national production per head of the working population allowance has to be made for the growth of the total national output due to increases in the numbers of the working population and for short-term variations in the rate of growth which result from fluctuations in the level of demand and the level of employment. The most recent forecasts indicate that between 1964 and 1970 the labour force may grow, as the result of the natural increase in the population of working age and the continuance of rising trends in the proportions working or seeking work, by no more than 1½ per cent. over the whole period. Some further increase in the numbers employed should result from the more vigorous regional policies to which the Government is committed.

4. These assumptions imply an average annual rate of growth in output per head of something approaching $3\frac{1}{2}$ per cent. During the early years of the plan period the underlying rate of growth will inevitably be below the average for the period as a whole; in addition the rate of increase may be slowed down by reductions in working hours and extension of holidays. By comparison the underlying rate of growth per head in the nineteen-fifties averaged about 2 per cent. a year. It is now probably about 3 per cent.

Considerations of the national interest

5. Against this background the Government have now drawn up, after consultation with Management and Unions, a statement of considerations which should be taken into account if the pricing policy of individual enterprises and increases in money incomes are to conform to the national interest and in particular to achieve the objectives accepted by Management and Unions in the Joint Statement of Intent on Productivity, Prices and Incomes. These considerations are outlined below. They will help all those concerned with determining prices and incomes to act in a manner consistent with the national interest. They are also intended to guide the National Board for Prices and Incomes in its examination of particular cases.

Considerations affecting prices

6. The development of an effective policy for keeping the general level of prices stable will call for considerable efforts on the part of management generally to increase efficiency, avoid cost increases and wherever possible to stabilise or reduce prices. The rate of change of the average level of prices over any period of time is determined by differing movements of a very large number of individual prices. Even when the average level of prices is rising, there are many prices which fall. It would be impossible to lay down detailed rules which would cover all the circumstances which individual enterprises face when deciding the prices to ask for their products. On the other hand, unless some general guidance is given on the circumstances in which it might be appropriate to raise or reduce prices, there will be no basis for deciding whether individual price decisions are consistent with the national objectives. The considerations set out in paragraphs 9-10 are for the guidance of all concerned with the determination of prices.

7. It is not intended that the considerations set out in paragraphs 9-10 should inhibit the structural changes that will be necessary in the interests of faster economic growth. These take account of the fact that competition has an important part to play in stimulating economic expansion, and are consistent with the smooth working of a competitive system. It should be a normal part of enterprising business behaviour to increase efficiency, keep down costs and hold prices at a level compatible with its long-term growth. This would speed up the replacement of old techniques and out-of-date equipment by new techniques and modern equipment. Moreover, the considerations recognise not only that an enterprise must make sufficient profit to secure the capital necessary to meet home and overseas demand, but also that the vigorous and efficient enterprise can reasonably expect a higher level of profit than one that is not.

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8. These considerations apply equally to the prices of goods and of services whether provided by private or public enterprise. The Government regard the nationalised industries as being under the same obligations as private enterprises to contribute to the general objective of price stability, while taking account of their financial and social obligations.

Criteria for price behaviour

9. To keep the general level of prices stable, it is vital that price increases should be avoided where possible and that prices should be reduced wherever circumstances permit. Enterprises will not be expected to raise their prices except in the following circumstances:

- (i) if output per employee cannot be increased sufficiently to allow wages and salaries to increase at a rate consistent with the criteria for incomes stated in paragraph 15 below without some increase in prices, and no offsetting reductions can be made in non-labour costs per unit of output or in the return sought on investment ;
- (ii) if there are unavoidable increases in non-labour costs such as materials, fuel, services or marketing costs per unit of output which cannot be offset by reductions in labour or capital costs per unit of output or in the return sought on investment ;
- (iii) if there are unavoidable increases in capital costs per unit of output which cannot be offset by reductions in non-capital costs per unit of output or in the return sought on investment ;
- (iv) if, after every effort has been made to reduce costs, the enterprise is unable to secure the capital required to meet home and overseas demand.

10. Enterprises will be expected to reduce their prices in the following circumstances:

- (i) if output per employee is increasing faster than the rate of increase in wages and salaries which is consistent with the criteria for incomes stated in paragraph 15 below, and there are no offsetting and unavoidable increases in non-labour costs per unit of output ;
- (ii) if the costs of materials, fuel or services per unit of output are falling and there are no offsetting and unavoidable increases in labour or capital costs per unit of output ;
- (iii) if capital costs per unit of output are falling and there are no offsetting and unavoidable increases in non-capital costs per unit of output ;
- (iv) if profits are based on excessive market power.

Considerations affecting incomes policy

11. The development of an effective policy for keeping increases in money incomes in line with increases in real national output will call for considerable efforts on the part of unions and management and all others concerned with the determination of incomes.

The object must be to increase productivity and efficiency as rapidly as possible in order to raise real incomes and to avoid, wherever possible, increases in money incomes that push up costs and prices. An important step will be to lay down a "norm" indicating the average rate of annual increase of money incomes per head which is consistent with stability in the general level of prices. In present circumstances the appropriate figure for this purpose is 3-3½ per cent. This would be subject to re-examination by the Government in the light of reviews to be conducted from time to time by the National Economic Development Council.

Employment incomes

12. Wages and salaries are determined by many factors, including changes in the supply and demand for different kinds of labour, trends in productivity and profits, comparisons with levels or trends of incomes in other employments and changes in the cost of living. The weight given to these different factors varies with circumstances. They are also influenced by the policies which the Government pursue in relation to the distribution of incomes. The Government in the Joint Statement of Intent on Productivity, Prices and Incomes have affirmed that their social objective is to ensure that the benefits of faster growth are distributed in a way that satisfies the claims of social need and justice. It is in that context that the following considerations are set out for the guidance of all those concerned with the determination of wages and salaries.

13. If wages and salaries per head are to keep in step with the long-term rate of increase in national productivity, less weight than hitherto will have to be given to the factors mentioned in paragraph 12 and more weight will have to be given to the incomes norm. Moreover, in applying the norm to wages and salaries, it will be necessary to take into account not only increases in wage and salary rates, but also increases in costs resulting from reductions in working hours without loss of pay, from higher rates of pay for overtime or shift work and from improvements in fringe benefits.

14. It would be impracticable and undesirable to lay down detailed rules so as to provide an indication of what changes in wages and salaries were warranted case by case. Nor would it be desirable to inhibit the structural changes necessary in the interests of faster growth. However, experience has shown that in conditions of full employment the normal processes of collective bargaining both at national and local level can result in pay increases which are inflationary in effect. It is accordingly important to ensure that increases in wages and salaries above the norm should be confined to cases in which exceptional treatment can be shown to be required in the national interest. These exceptional increases should be kept to a minimum, bearing in mind that they will need to be balanced by lower than average increases to other groups if the increase in wages and salaries over the economy as a whole is to be kept within the norm.

15. Exceptional pay increases should be confined to the following circumstances:

- (i) where the employees concerned, for example by accepting more exacting work or a major change in working practices,

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make a direct contribution towards increasing productivity in the particular firm or industry. Even in such cases some of the benefit should accrue to the community as a whole in the form of lower prices ;

- (ii) where it is essential in the national interest to secure a change in the distribution of manpower (or to prevent a change which would otherwise take place) and a pay increase would be both necessary and effective for this purpose ;
- (iii) where there is general recognition that existing wage and salary levels are too low to maintain a reasonable standard of living ;
- (iv) where there is widespread recognition that the pay of a certain group of workers has fallen seriously out of line with the level of remuneration for similar work and needs in the national interest to be improved.

Other incomes

16. Some types of incomes, for example those of farmers and landlords, are to a considerable extent determined by Government policy. The Government will, in accordance with its general objective of price stability, have regard to the fact that increases in incomes of this type have an effect on the prices of goods and services. The income of nationalised industries, local authorities, etc. accrues directly to the community, but this does not mean that the price charged by such undertakings should not be susceptible to the general considerations outlined above. The incomes of self-employed persons are an important category of personal incomes. They differ from those of employees in some respects, and allowance must be made for these differences. Nevertheless, those who are responsible for determining or are capable of influencing the incomes of self-employed persons should be guided by the considerations relating to the settlement of incomes and, where appropriate, to the criteria for price behaviour. Increases in these incomes may therefore be referred to the National Board. The other main category of non-employment incomes is profits, a part of which is distributed in the form of personal income to shareholders. An effective policy for avoiding price increases and securing price reductions wherever possible should ensure that increases in profits arise from increased efficiency. Where the growth of profits or dividends is based on excessive market power this could indicate scope for price reductions and such cases would be referred to the National Board for Prices and Incomes for examination.

General considerations

17. The requirement that total money incomes should rise in line with the growth of real national output does not mean that all forms of income should increase at the same rate. It is necessary not only to create the conditions in which essential structural readjustments can be carried out smoothly but also to promote social justice. The general review of money incomes of all kinds to be carried out by the National Economic Development Council will involve not only the assembly of the facts about the movement of the main categories

of income—wages, salaries, income from self-employment, profits (distributed and undistributed) and rent—but also an appraisal of the way the distribution of the national income is developing under the impact of the prices and incomes policy. The Government have pledged themselves to use their fiscal powers or other appropriate means to correct any excessive growth in aggregate profits as compared with the growth of total wages and salaries, after allowing for short-term fluctuations.

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SCHEDULE 3

Sections 9(2) and 23.

EXCLUSION FROM SS. 7 AND 8 OF PRICES AND CHARGES
REGULATED UNDER OTHER ENACTMENTS

1. A Minister shall not have power to apply section 7 or 8 of this Act to any price or charge to which this paragraph applies, and any order under the said section 7 or direction under the said section 8 which is so framed as to be capable of referring to such a price or charge shall have effect as if it contained express provision for its exclusion.

2.—(1) The said prices and charges, with the exception of those relating exclusively to Northern Ireland, are as follows:—

- (a) pilotage dues within the meaning of the Pilotage Act 1913 : 1913 c. 31
(2 & 3 Geo. 5.).
- (b) prices for iron and steel products to which section 8 of the Iron and Steel Act 1953 (power of Iron and Steel Board to fix maximum prices) for the time being applies ; 1953 c. 15.
- (c) charges to which section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (power of Minister of Transport to revise charges of certain independent statutory undertakings) for the time being applies ; 1954 c. 64.
- (d) fares and other charges for carriage, on tramway or other services to which Schedule 1 to the said Act of 1954 applies, where the amount or maximum amount thereof is for the time being governed by any provision of that Schedule ;
- (e) fares on any service provided under a road service licence granted under the Road Traffic Act 1960, where the amount or maximum amount thereof is for the time being fixed by means of a condition attached to the licence ; 1960 c. 16.
- (f) charges in respect of any service authorised by an air service licence granted under the Civil Aviation (Licensing) Act 1960, or in respect of any service authorised by a permit granted under an Order in Council made under section 8 of the Civil Aviation Act 1949 ; 1960 c. 38.
1949 c. 67.
- (g) charges with respect to which the Transport Tribunal are empowered to make orders by section 45(1) of the Transport Act 1962 ; 1962 c. 46.
- (h) ship, passenger and goods dues, within the meaning of the Harbours Act 1964, and charges exigible by virtue of section 29 of that Act (local light dues) ; and 1964 c. 40.

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(i) any prices or charges in respect of which, under any local Act, or any provisional order confirmed by Act of Parliament (including any such Act of, or order confirmed by an Act of, the Parliament of Northern Ireland, and Acts and orders passed or confirmed after the commencement of this Act) powers of revision, confirmation or approval are exercisable by any person or body other than the person or body by whom they are charged or made, where the amount or maximum amount thereof is for the time being fixed or authorised in exercise of those powers.

(2) In Northern Ireland, the said prices and charges include also—

1920 c. 28.

(a) charges for the supply of gas by undertakers within the meaning of the Gas Regulation Act 1920 ; and

1956 c. 21
(N.I.).

(b) charges of harbour authorities which are liable to revision by the Minister of Commerce under the Harbour Authorities (Charges and Borrowing Powers) Act (Northern Ireland) 1956.

3. Nothing in section 7 or 8 of this Act shall prevent any increase in a price or charge which may be necessary to bring it to a minimum amount for the time being required or authorised by any such provision or condition, or in the exercise of any such power, as is mentioned in paragraph 2(1)(d), 2(1)(e) or 2(1)(i) above.



Industrial Development Act 1966

1966 CHAPTER 34

An Act to provide for the making of grants out of moneys provided by Parliament towards expenditure on the provision of new business assets; to provide for the exercise of powers under the Local Employment Acts 1960 and 1963 in relation to new development areas and to make other amendments in those Acts; to make new provision in relation to industrial development certificates; to amend section 3 of the Sea Fish Industry Act 1962; and for connected purposes.

[12th August 1966]

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

INVESTMENT GRANTS

1.—(1) Subject to the provisions of this section, the Board of Machinery and Trade (hereafter in this Act referred to as “the Board”) may make to any person carrying on a business in Great Britain a grant towards approved capital expenditure incurred by that person in providing new machinery or plant for use in Great Britain—

- (a) for carrying on a qualifying industrial process in the course of that business; or
- (b) for carrying on in the course of that business scientific research relating to a qualifying industrial process whether carried on in the course of that business or not.

(2) For the purposes of this section a qualifying industrial process is a process for or incidental to any of the following purposes, that is to say—

- (a) the making of any article;

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- (b) the searching for or, without prejudice to the foregoing paragraph, the extracting or getting, or the preparation for sale, of coal, oil or other minerals, brine, peat or natural gas ;
 - (c) the generation of energy ;
 - (d) the repair, maintenance, conversion or refitting of a ship ; or
 - (e) the construction, alteration or demolition of a building or of any other fixed works of construction or civil engineering, including a road.
- (3) For the purposes of this section—
- (a) the repair or maintenance in the course of a business of an article which is used in the course of that business for carrying on a process for or incidental to any of the purposes mentioned in subsection (2) of this section ;
 - (b) the storage in the course of a business of anything which is to be used in the course of that business for carrying on any such process or which is to be or has been subjected to, or has resulted from, any such process carried on in the course of that business ; and
 - (c) the packing in the course of a business of anything which is to be or has been subjected to, or has resulted from, any such process carried on in the course of that business,

shall each be treated as a process incidental to that purpose, but, save as aforesaid, repair, maintenance, storage or packing shall not be treated as a process incidental to any of the purposes mentioned in subsection (2) of this section.

1964 c. 29.

(4) Machinery or plant provided for use in any area designated under section 1(7) of the Continental Shelf Act 1964 for carrying on any process for or incidental to the purpose mentioned in subsection (2)(b) of this section shall be treated for the purposes of this section as provided for use in Great Britain.

(5) Machinery or plant provided by a person for protecting against fire or other risks any premises, or property in any premises, used by him for carrying on any process for or incidental to any of the purposes mentioned in subsection (2) of this section, or for carrying on such research as is mentioned in subsection (1)(b) of this section, shall be treated for the purposes of this section as provided by him for use for carrying on a process incidental to that purpose or, as the case may be, for carrying on such research.

(6) Subject to any order under section 7 of this Act, the amount of any grant under this section shall be twenty per cent. of the expenditure in respect of which it is made, except that it shall be forty per cent. of the said expenditure so far as it

qualifies as development area expenditure in accordance with Schedule 1 to this Act.

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(7) No grant shall be made under this section to any of the bodies mentioned in Schedule 2 to this Act unless the machinery or plant in question is provided for use for carrying on a process for or incidental to the purpose mentioned in subsection (2)(a) or (d) of this section, being a process the carrying on of which does not in the opinion of the Board form part of the principal or main functions of that body.

(8) This section shall apply to the production of a prototype of an article of any description for use in carrying on scientific research relating to any process for or incidental to the making of articles of that description as it applies to the provision of machinery or plant for use in carrying on such research.

2.—(1) Subject to the provisions of this section, the Board **Computers.** may make to any person carrying on a business in Great Britain a grant towards approved capital expenditure incurred by that person in providing a new computer for use in Great Britain for the purposes of that business.

(2) Subject to any order under section 7 of this Act, the amount of any grant under this section shall be twenty per cent. of the expenditure in respect of which it is made, except that in the case of a computer as respects which the Board are satisfied that it is provided solely or primarily—

- (a) for integration with machinery or plant which is or is to be used for carrying on a qualifying industrial process within the meaning of section 1 of this Act ; or
- (b) for carrying on such research as is mentioned in subsection (1)(b) of that section,

the amount shall be forty per cent. of the said expenditure so far as it qualifies as development area expenditure in accordance with Schedule 1 to this Act.

(3) For the purposes of this section, a computer shall be treated as provided for integration with machinery or plant in any case in which the Board are satisfied that it is to be used for controlling, or recording or analysing data as to, the operation of the machinery or plant and is to be linked with the machinery or plant by a device for the automatic transmission of signals.

3.—(1) Subject to the provisions of this section, the Board **Hover vehicles.** may make to any person carrying on a business in Great Britain a grant towards approved capital expenditure incurred by that person in providing a new hover vehicle for use, whether or not in Great Britain, for the purposes of that business.

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(2) No grant shall be made under this section to—

- (a) an individual who is not ordinarily resident in Great Britain ;
- (b) a body corporate which is not incorporated and resident in Great Britain.

(3) Subject to any order under section 7 of this Act, the amount of any grant under this section shall be twenty per cent. of the expenditure in respect of which it is made.

Hired assets.

4.—(1) References in this Part of this Act to providing machinery or plant, a computer or a hover vehicle do not include references to providing it by hiring it from another person ; and nothing in the foregoing provisions of this Part of this Act shall be construed as enabling a grant to be made under those provisions towards expenditure incurred by a person in providing any such asset for the purpose of hiring it out to another person.

(2) Subject to the provisions of this section, the Board may make to any person carrying on a business in Great Britain of hiring out any asset mentioned in subsection (1) of this section a grant towards approved capital expenditure incurred by that person in providing for the purposes of that business a new asset such as is mentioned in that subsection, but such a grant shall be made only—

(a) in the case of any such asset as aforesaid, if—

(i) the asset has been hired out by him to another person ; and

(ii) a grant could have been made under section 1, 2 or 3 of this Act to that other person if the asset had been provided by him within the meaning of that section and approved capital expenditure had been incurred by him, in so providing it, on the date on which he took possession of it ; or

(b) in the case of machinery or plant, if it is provided for the purpose of being hired out for use in Great Britain for carrying on any process for or incidental to the purpose mentioned in section 1(2)(e) of this Act.

(3) Subject to any order under section 7 of this Act—

(a) the amount of any grant made by virtue of paragraph (a) of subsection (2) of this section shall be twenty per cent. of the expenditure in respect of which it is made, except that in any case where the grant mentioned in sub-paragraph (ii) of that paragraph would by virtue of section 1(6) or 2(2) of this Act have been at the rate of forty per cent. the amount shall be forty per cent. of the said expenditure ; and

(b) the amount of any grant made by virtue of paragraph (b) of subsection (2) of this section shall be twenty per cent. of the expenditure in respect of which it is made.

(4) In this section references to hiring do not include references to hiring under a hire-purchase agreement.

(5) Where an asset has been hired out to a person before the commencement of this Act, approved capital expenditure shall be deemed for the purposes of subsection (2)(a)(ii) of this section to have been incurred by him on the date on which he took possession of the asset or on 17th January 1966, whichever is the later.

5.—(1) Subject to the provisions of this section, the Board Ships may make to any person carrying on a business in Great Britain a grant towards approved capital expenditure incurred by that person in providing a new ship for use, whether or not in Great Britain, for the purposes of that business or in converting a ship for such use.

(2) Subject to the provisions of this section, the Board may make to any person carrying on a business in Great Britain a grant towards approved capital expenditure incurred by that person in providing a new part for a ship which is or is to be used as mentioned in subsection (1) of this section.

(3) No grant shall be made under this section in respect of a ship, or of the provision of a part for a ship, which—

(a) is not registered in the United Kingdom under Part I of the Merchant Shipping Act 1894 ; or

1894 c. 60.

(b) is of less than one hundred tons gross tonnage or is not self-propelled ;

and no such grant shall be made in respect of a ship, or of the provision of a part for a ship, which is or is to be used for sea fishing.

(4) No grant shall be made under this section to—

(a) an individual who is not both a citizen of the United Kingdom and Colonies and ordinarily resident in Great Britain ;

(b) a body corporate which is not incorporated and resident in Great Britain.

(5) A grant may be made under this section in respect of a ship under construction if it appears to the Board that the requirements of the foregoing provisions of this section will be satisfied as respects that ship when it is completed.

(6) Subject to any order under section 7 of this Act, the amount of any grant under this section shall be twenty per cent. of the expenditure in respect of which it is made.

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(7) The reference in subsection (1) of this section to providing a ship does not include a reference to providing it by chartering it from another person.

Mining works.

6.—(1) Subject to the provisions of this section, the Board may make to any person carrying on a business in Great Britain a grant towards approved capital expenditure incurred by that person in providing works in Great Britain for use for the carrying on in the course of that business of any process for or incidental to the searching for, or the extracting or getting of, coal, oil or other minerals, brine, peat or natural gas.

1964 c. 29.

(2) Works provided in any area designated under section 1(7) of the Continental Shelf Act 1964 shall be treated for the purposes of this section as provided in Great Britain.

(3) Subject to any order under section 7 of this Act, the amount of any grant under this section shall be twenty per cent. of the expenditure in respect of which it is made, except that it shall be forty per cent. of the said expenditure so far as it qualifies as development area expenditure in accordance with Schedule 1 to this Act.

(4) No grant shall be made under this section to any of the bodies mentioned in Schedule 2 to this Act.

(5) The reference in subsection (1) of this section to providing works does not include a reference to providing works by leasing them from another person.

Power to vary rates of grant and add further assets eligible for grant.

7.—(1) The Board may by an order made with the consent of the Treasury—

(a) vary the rates at which grant is payable under any of the foregoing provisions of this Part of this Act, either in relation to all assets to which that provision applies or in relation to any class or description of such assets ;

(b) make provision for the making of grants under this Part of this Act, at such rates as may be specified in the order, in respect of assets of any class or description, being assets of a class or description not eligible for grant under any of the foregoing provisions of this Part of this Act.

(2) An order under subsection (1)(b) of this section may, in particular, make provision for the making of grants under section 4 of this Act in cases where subsection (2)(a)(ii) or (b) of that section is not satisfied by reason of the fact that the person to whom the asset in question has been hired out is carrying on business, is ordinarily resident or, being a body corporate, is incorporated and resident, or that the asset is to be used, in Northern Ireland and not in Great Britain ; but no

order making such provision as aforesaid shall be made unless the Board are satisfied that appropriate reciprocal provisions have been made by or under an enactment of the Parliament of Northern Ireland.

(3) An order under this section may specify the assets to which it applies by reference to the nature of the assets or the place where, or the purpose for which, they are or are to be used, and may make different provision in relation to assets of different classes or descriptions.

(4) An order under this section may contain such incidental and supplementary provisions as appear to the Board to be appropriate, including provisions making consequential modifications of any reference in this Act to a rate of grant and provisions relating to the expenditure as respects which the order is to have effect.

(5) The power to make an order under this section shall include power to vary or revoke any such order by a subsequent order and shall be exercisable by statutory instrument.

(6) An order under this section shall cease to have effect at the end of the period of twenty-eight days beginning with the day on which the order is made (but without prejudice to anything previously done under the order or to the making of a new order) unless before the end of that period the order is approved by a resolution of each House of Parliament.

(7) In reckoning any period for the purposes of the last foregoing subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

8.—(1) In making a grant under this Part of this Act in Conditions respect of any asset the Board shall impose such conditions as they think fit for securing that the asset will continue to be used as required by the provision under which the grant is made and, where the grant is made under section 5, for restricting the chartering of the ship concerned ; and such conditions may include conditions for repayment in specified circumstances.

(2) The Board may by notice require any person who has received a grant under this Part of this Act, and any person acting on his behalf, to furnish to the Board such information, or to produce for examination on behalf of the Board such books, records or other documents, as may be specified in the notice for the purpose of enabling the Board to determine whether any condition subject to which the grant is made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.

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(3) A notice under the last foregoing subsection may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified :

Provided that the time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.

(4) A notice under subsection (2) of this section may be served—

- (a) by delivering it to the person on whom it is to be served ;
- (b) by leaving it at the usual or last known place of abode of that person ;
- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode ; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(5) Any person duly authorised in that behalf by the Board may for the purposes mentioned in subsection (2) of this section, on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises where any asset in respect of which a grant under this Part of this Act has been made is, or in accordance with any condition attached to the grant should be, and require any person appearing to him to have charge of those premises to produce or identify the asset for inspection.

(6) Any person who in purported compliance with a notice under subsection (2) of this section knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and 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, or on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

(7) Any person who without reasonable excuse fails to comply with a notice under subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not

exceeding one hundred pounds or, on a second or subsequent conviction, three hundred pounds.

PART I

(8) Any person who wilfully obstructs any person in the exercise of a right of entry under subsection (5) of this section, or without reasonable excuse fails to comply with a requirement under that subsection, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(9) Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under this Part of this Act requiring him to inform the Board of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding three hundred pounds ;

(b) on conviction on indictment, to a fine not exceeding one thousand pounds or three times the amount so repayable, whichever is the greater.

(10) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (time limit for proceedings), summary proceedings in England and Wales for an offence under the last foregoing subsection may be taken by the Board or the Director of Public Prosecutions at any time within twelve months from the date on which evidence sufficient in the opinion of the Board or the Director, as the case may be, to justify the proceedings comes to their or his knowledge: 1952 c. 55.

Provided that proceedings shall not be so taken more than three years after the commission of the offence.

(11) Summary proceedings in Scotland for an offence under subsection (9) of this section shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Board, within twelve months after the date on which it came to their knowledge ; and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section. 1954 c. 48.

(12) For the purposes of subsections (10) and (11) of this section, a certificate of the Board, the Director of Public Prosecutions or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to their or his knowledge shall be conclusive evidence of that fact.

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PART I
Fraudulent
applications
for grant.

9. Any person who for the purpose of an application for a grant under this Part of this Act knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and 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, or on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

Offences by
bodies
corporate.

10.—(1) Where an offence under this Part of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In the foregoing subsection “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.

Advisory
committees.

11.—(1) The Board shall arrange for the appointment of one or more committees for the purpose of advising the Board on the administration of this Part of this Act.

(2) A committee appointed under this section shall be known as an Investment Grants Advisory Committee and not less than half of the members of any such committee shall be persons appearing to the Board to be engaged in trade or industry or to be concerned (otherwise than as officers of a government department) with financial or accountancy matters.

(3) The Board shall pay to the members of any committee appointed under this section such travelling and other allowances as the Board may with the consent of the Treasury determine, and shall provide any such committee with such accommodation and staff as appears to the Board to be required for the proper discharge of its functions.

Annual
reports.

12. As soon as may be after 31st March in each year the Board shall prepare a report on the discharge of their functions under this Part of this Act and shall lay the report before Parliament.

Interpretation
and
supplementary
provisions.

13.—(1) In this Part of this Act—

“approved capital expenditure” in relation to any grant means expenditure appearing to the Board to be of a capital nature and approved by them for the purposes of the grant ;

“ article ” means an article of any description (including any means of transport) and includes part of an article ;

“ asset ” includes any such works as are mentioned in section 6 of this Act ;

“ business ” includes a trade or profession but does not include the activities of—

(a) a local authority as defined in section 66 of the Finance Act 1965 ; 1965 c. 25.

(b) the development corporation established for a new town or the Commission for the New Towns ;

(c) a university, school or other establishment of education ;

and references to a person carrying on a business include, except where the context otherwise requires, references to a person proposing to carry on a business ;

“ computer ” means—

(a) a stored programme digital computer, or

(b) an analogue computer,

used for automatic data processing and includes part of such a computer ;

“ expenditure ” in relation to the provision by a person of an asset includes—

(a) except where the context otherwise requires, expenditure on or incidental to the installation of the asset ;

(b) expenditure consisting of instalments under a hire-purchase agreement or otherwise consisting of instalments of or payments towards the purchase price of, or cost of providing, the asset ; and

(c) where the asset is provided by being manufactured or constructed by that person, such sum as appears to the Board to be properly attributable to its provision by him in that manner ;

“ hire-purchase agreement ” has the same meaning as in the Hire-Purchase Act 1965 or, as the case may be, the Hire-Purchase (Scotland) Act 1965 ; 1965 c. 66.
1965 c. 67.

“ hover vehicle ” means a vehicle designed to be supported on a cushion of air and includes part of such a vehicle ;

“ machinery or plant ” includes part of any machinery or plant but does not include a computer, ship or aircraft or any vehicle except—

(a) a vehicle constructed or adapted for the conveyance of a machine incorporated in or permanently attached to it and of no other load except articles used for the purposes of the machine ;

PART I

(b) a vehicle constructed or adapted for the conveyance or haulage of loads in or about private premises, including the site of building or civil engineering operations ;

“ new ” means unused and not second-hand, except that the Board may treat as new anything which has been substantially reconditioned ;

“ scientific research ” means any activity in the fields of natural or applied science for the extension of knowledge ;

“ ship ” includes any vessel used in navigation.

(2) It is hereby declared that a grant may be made under this Part of this Act to the Postmaster General as to any other person carrying on a business.

(3) Anything required or authorised by or under this Part of this Act to be done by, to or before the Board 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.

(4) For the purposes of this Part of this Act and of Schedule 1 to this Act, expenditure shall be treated as incurred at the time when the sums of which it consists become payable.

(5) A grant may be made under this Part of this Act in respect of any expenditure incurred on or after 17th January 1966 and of any expenditure incurred before that date so far as it consists of a sum paid after that date.

(6) For the purposes of the two last foregoing subsections, expenditure which does not consist of a sum payable or paid to another person shall be deemed to consist of a sum payable or, as the case may be, paid at such time as the Board consider appropriate having regard to the time when the matters giving rise to that expenditure occurred.

Powers of Parliament of Northern Ireland. 1920 c. 67.

14. Notwithstanding anything in the Government of Ireland Act 1920, the Parliament of Northern Ireland shall have power to make laws for purposes similar to the purposes of this Part of this Act.

PART II**POWERS IN RESPECT OF DEVELOPMENT AREAS**

Extension of powers under Local Employment Act 1960. 1960 c. 18.

15.—(1) The powers conferred by Part I of the Local Employment Act 1960 shall, notwithstanding subsection (6) of section 1 of that Act, continue to be exercisable after 31st March 1967 ; and the provisions of that Act shall, instead of having effect in relation to development districts as defined in subsection (2)

of that section, have effect in relation to areas of Great Britain to be known as development areas.

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(2) The development areas for the purposes of the said Act of 1960 shall be those specified by order of the Board, and the Board may from time to time by order vary or revoke a previous order under this subsection.

(3) The areas to be specified by the Board under subsection (2) of this section shall be those parts of Great Britain where, in the opinion of the Board, special measures are necessary to encourage the growth and proper distribution of industry; and in exercising their powers under that subsection the Board shall have regard to all the circumstances actual and expected, including the state of employment and unemployment, population changes, migration and the objectives of regional policies.

(4) An order under subsection (2) of this section may describe a development area by reference to employment exchange areas, that is to say, areas for which an employment exchange has been established for the purposes of the Employment and Training Act 1948; and any reference in such an order to a named employment exchange area shall be construed as a reference to that area as it exists on the date on which the order comes into force. 1948 c. 46.

(5) The power to make orders under subsection (2) of this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Any reference to a development area in the said Act of 1960 or in the subsequent provisions of this Part of this Act shall have effect as if there were included in the development area any locality outside that area, being—

- (a) an area in England or Wales which has been designated under the New Towns Act 1965, or any enactment repealed by that Act, as the site of a new town or an area in Scotland which has been designated as such under the New Towns Act 1946; or 1965 c. 59. 1946 c. 68.
- (b) a locality which in relation to the development area, or to that area and any other place, is a receiving district within the meaning of the Town Development Act 1952 or falls to be treated as such a receiving district by virtue of an order under section 34 of the Housing Act 1961; or 1952 c. 54. 1961 c. 65.
- (c) a burgh or county the council of which are, in relation to the development area, or to that area and any other place, a receiving authority within the meaning of Part II of the Housing and Town Development (Scotland) Act 1957, 1957 c. 38.

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PART II

as respects which the Board and the Treasury are satisfied that it ought to be treated as if it were so included by reason of the fact that its population will be, or is being, increased by migration from one or more specific places in the development area and that the increase will be substantial in relation to the original population of the locality ; and the Board shall give notice in such manner as appears to them appropriate of the localities as respects which they and the Treasury are for the time being satisfied as aforesaid.

(7) In determining whether and in what manner to exercise their powers under sections 2, 3 and 4 of the said Act of 1960 (provision of premises, building grants and general loans and grants) for the benefit of any development area the Board shall have regard—

- (a) to the relation between the expenditure involved and the employment likely to be provided ; and
- (b) to any consequential effect on employment in any other part of that development area and in other development areas.

(8) The fact that any locality which was a development district, or was by virtue of section 1(4) of the said Act of 1960 treated as if it formed part of such a district, immediately before the date of the commencement of this Act does not on that date become a development area shall not prejudice—

- (a) the completion by the Board of buildings or works begun by them before that date in the locality under section 2 of the said Act of 1960, or the exercise by the Board in relation to land in that locality of their powers under that section so far as may be necessary for the purpose of fulfilling any agreement entered into by the Board before that date ;
- (b) the making of a grant or loan under Part I of that Act in any case in which an application for the grant or loan was received by the Board or the Minister concerned before that date ; or
- (c) the continued operation of any agreement relating to grants or loans entered into under that Act.

Ending of grants for machinery and plant.

1963 c. 19.

16.—(1) Subject to the provisions of this section, section 1 of the Local Employment Act 1963 (grants for machinery and plant) shall cease to have effect.

(2) Subsection (1) of this section shall not preclude the making of a grant under the said section 1 in any case in which an application for the grant was received by the Board before the commencement of this Act.

(3) Where a grant has been made under the said section 1 in respect of any machinery or plant, the amount of any grant at the development area rate subsequently made in respect thereof under Part I of this Act shall be reduced by the amount of the grant under the said section 1 ; and no grant shall be made under the said section 1 by virtue of subsection (2) of this section in respect of any machinery or plant if a grant at the development area rate has been previously made in respect thereof under Part I of this Act.

(4) In the last foregoing subsection " the development area rate " means the rate of forty per cent. specified in section 1(6) or 2(2) of this Act or the rate for the time being substituted for it by an order under section 7 of this Act.

17.—(1) In relation to any case in which it appears to the Board that an application for a grant under section 3 of the Local Employment Act 1960 (building grants) is made for the purpose of setting up an undertaking in a development area in circumstances which justify the giving of special assistance under that section, section 2(1) of the Local Employment Act 1963 (which provides for the amount of such a grant to be twenty-five per cent. of the expenditure in respect of which it is made) shall have effect as if for the reference to twenty-five per cent. there were substituted a reference to thirty-five per cent. Amendments as to building grants. 1960 c. 18. 1963 c. 19.

(2) The amount of a grant under the said section 3 may be less than the amount prescribed by the said section 2(1) in any case in which it appears to the Board that the employment likely to be provided as a result of the expenditure in respect of which the grant is to be made does not justify a grant of the amount so prescribed.

(3) In the said section 3, and in section 2(1) and (2) of the said Act of 1963, references to providing a building shall include references to purchasing a new building (that is, a building not previously occupied) but, in calculating for the purposes of grant under the said section 3 the expenditure incurred in purchasing a building, no account shall be taken of any expenditure which, in the opinion of the Board, is not attributable to the cost of constructing it.

(4) Where a building constructed with a view to being let to another person includes special features at the request of that person and he is required to pay a capital sum in consideration thereof, a grant may be made to him under the said section 3 as if that sum were expenditure incurred by him in providing the building, and the said section 2 shall have effect in relation to any such grant accordingly.

(5) In this section references to a building include references to an extension of a building and to a structure.

PART II
Amendments
as to general
loans and
grants.

1960 c. 18.

18.—(1) Where a person carrying on or proposing to carry on an undertaking in a development area is a company incorporated in the United Kingdom—

(a) the terms on which the Board may agree to make a loan for the purposes of that undertaking under section 4 of the Local Employment Act 1960 may include terms providing for the indebtedness to the Board to be discharged by the issue of shares or stock in the company ; and

(b) the Board may, instead of or as well as giving assistance under that section by making a loan or grant, give assistance under that section by subscribing for or otherwise acquiring shares or stock in the company ;

and the provisions of the said section 4 shall have effect in relation to assistance given under that section by virtue of paragraph (b) above as they have effect in relation to assistance given under that section by the making of loans or grants.

(2) Without prejudice to section 24 of the said Act of 1960 (performance of functions of the Board under that Act) any document required to be executed by the Board in connection with the exercise of their powers under the said section 4 as extended by this section may be executed by any of the persons mentioned in the said section 24.

1861 c. 47.

(3) Section 66 of the Harbours and Passing Tolls Act 1861 (which makes provision where lands are vested in the Board) shall have effect as if the expression “lands” in that section included any shares or stock vested in the Board in pursuance of subsection (1) of this section.

(4) A grant may be made under the said section 4 in respect of expenditure incurred outside a development area in connection with the transference of any undertaking to a development area.

Industrial
Estates
Corporations.

19.—(1) The names of the corporations established by section 8 of the Local Employment Act 1960 are hereby changed as follows—

(a) the Industrial Estates Management Corporation for England is renamed the English Industrial Estates Corporation ;

(b) the Industrial Estates Management Corporation for Scotland is renamed the Scottish Industrial Estates Corporation ; and

(c) the Industrial Estates Management Corporation for Wales is renamed the Welsh Industrial Estates Corporation ;

and accordingly the said new names shall be substituted for the previous names in any enactment passed or instrument made

before, and in any legal proceedings pending at, the commencement of this Act.

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(2) Each of the said corporations shall have power to provide, or assist in the provision of, advisory services in relation to the building of factories or the development or management of industrial estates, but shall not exercise that power except with the consent of, and in such manner as may be determined by, the Board; and the reference in subsection (6) of section 9 of the said Act of 1960 (expenses) to functions of the said corporations under the foregoing provisions of that section shall include a reference to the functions of a corporation under this subsection.

(3) It is hereby declared that the power of each of the said corporations under the said section 9 to provide services or other facilities for meeting the requirements of undertakings is exercisable whether or not the undertaking in question is carried on on land leased from the corporation, but where it is not so carried on subsection (2) of that section (which enables the Board by direction to control the provision by a corporation of some, but not all, such services and facilities) shall have effect as if it enabled the Board by direction to control the provision by the corporation of all such services and facilities.

(4) If it appears to the Board that an undertaking is to be set up in a development area in circumstances which justify the giving of special assistance, the Board may authorise any of the said corporations to provide premises for the occupation of the undertaking free of rent for such period as the Board think appropriate.

20.—(1) Where in the case of any land in a development Derelict land. area—

(a) it appears to the Minister that the land is derelict, neglected or unsightly; and

(b) it appears to the Board that it is expedient with a view to contributing to the development of industry in that area that steps should be taken for the purpose of enabling the land (hereafter in this section referred to as "the derelict land") to be brought into use or of improving its appearance,

the powers conferred by subsections (2) and (3) of this section shall be exercisable by the Board and the Minister respectively.

(2) The Board may acquire by agreement or, if so authorised, compulsorily the derelict land and any other land the acquisition of which is reasonably required for the purpose mentioned in subsection (1)(b) of this section, and carry out on the derelict

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PART II land and any other land such work as appears to them expedient for that purpose.

(3) The Minister may with the consent of the Treasury make grants, in such manner as appears to him to be requisite for the purpose mentioned in subsection (1)(b) of this section, to the council of the county, county borough or county district in which the land in question is situated—

- (a) towards the cost of the exercise of any power of the council to acquire the derelict land or any other land ;
- (b) towards the cost of the carrying out by the council for that purpose of any work on the derelict land or on any other land.

(4) In this section “ the Minister ”, as respects land in England exclusive of Monmouthshire, means the Minister of Housing and Local Government and, as respects land in Scotland or in Wales or Monmouthshire, means the Secretary of State ; and “ land ” includes land covered with water.

(5) In the application of subsection (3) of this section to Scotland for any reference to the council of the county, county borough or county district in which the land in question is situated there shall be substituted a reference to any local authority, as defined for the purposes of the Local Government (Scotland) Act 1947, within whose area the land in question is situated.

1947 c. 43.

1960 c. 18.

(6) Section 5 of the Local Employment Act 1960 (which is superseded by this section) shall cease to have effect, but this subsection shall not preclude the making of a grant under that section by the Minister in any case in which an application for the grant was received by him before the commencement of this Act.

Other amendments of Local Employment Act 1960.

21.—(1) The Board may modernise, adapt or reconstruct any buildings or other works on land acquired by the Board under, or vested in the Board by, Part I of the Local Employment Act 1960, and, where the execution of that work will interrupt the use of the buildings or works by any undertaking, acquire other land by agreement, and erect buildings and carry out works on that other land, or on land previously acquired by or vested in the Board as aforesaid, for the purpose of providing premises for the occupation of that undertaking or of otherwise meeting its requirements.

(2) In exercising his power under subsection (1) of section 7 of the said Act of 1960 (power of Minister in charge of any government department to give financial assistance for the improvement of basic services for a development area) the Minister concerned shall consider whether the improvement is expedient with a view to contributing to the development of

industry in that area and not (as provided by that subsection) whether it is expedient for the purposes of Part I of that Act (that is to say, for the purpose of providing employment for the benefit of the area).

(3) In relation to any financial year beginning after 31st March 1966, the activities as respects which the Board are required to prepare a statement of accounts under section 10(5) of the said Act of 1960—

- (a) shall not include the activities of the Board in respect of grants under Part I of that Act or section 1 of the Local Employment Act 1963 ; but 1963 c. 19.
- (b) shall include their activities in respect of loans under section 27 or by virtue of section 28(3)(a) of that Act (assistance for safeguarding previous loans and assistance under previous legislation).

(4) Where at any time a locality ceases to be a development area, the fact that it is no longer such an area shall not prejudice—

- (a) the completion by the Board of buildings or works begun before that time in the locality under section 2 of the said Act of 1960 or section 20 of this Act, or the exercise by the Board in relation to land in that locality of their powers under either of those sections so far as may be necessary for the purpose of fulfilling any agreement entered into by the Board before that time ;
- (b) the making of a grant under section 3 of that Act in any case in which an application for the grant was received by the Board before that time or in which the expenditure in respect of which the grant is to be made consists of sums payable by virtue of a contract entered into before that time ;
- (c) the making of any other grant or of a loan under Part I of that Act, the giving of assistance under section 4 of that Act or the making of a grant under section 20 of this Act in any case in which an application for the grant, loan or assistance was received by the Board or the Minister concerned before that time ; or
- (d) the continued operation of any agreement relating to any such grant, loan or assistance as is mentioned in paragraph (b) or (c) above or of any other agreement relating to grants or loans entered into under that Act.

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1963 c. 19.

(5) Section 3 of the Local Employment Act 1963 shall cease to have effect, and section 14(1) of the said Act of 1960 shall cease to have effect except in relation to any locality which has ceased to be a development district before the commencement of this Act.

(6) No provision of the said Act of 1960 except section 11 (parliamentary disqualification) shall be taken as forming part of the law of Northern Ireland.

PART III

INDUSTRIAL DEVELOPMENT CERTIFICATES

Certain applications for permission to retain buildings or continue use of land to require certificates.
1962 c. 38.

22.—(1) Subject to subsection (2) of this section, an industrial development certificate shall be required for the purposes of an application for planning permission made after the commencement of this Act as mentioned in section 20(1) of the Town and Country Planning Act 1962 if the circumstances are such that, in accordance with section 38 of that Act, such a certificate would have been required if the application had been for planning permission to construct the building, or to institute the use of land, which the application seeks permission to retain or continue or (as the case may be) seeks permission to retain or continue without complying with a condition previously imposed.

(2) Notwithstanding the foregoing subsection, an industrial development certificate shall not be required for the purposes of an application for planning permission to retain a building or continue a use of land after the end of any period specified in, or otherwise without complying with, a condition subject to which a previous planning permission was granted if the condition in question is not one subject to which the previous planning permission was granted in accordance with the provisions of section 23 of this Act or subject to which that planning permission is by virtue of that section deemed to have been granted.

(3) Where by virtue of this section an industrial development certificate is required for the purposes of an application the said section 38 and section 40 of the said Act of 1962 (provision for cases where an industrial development certificate is withheld) shall apply in relation to that application as they apply in relation to such an application as is mentioned in subsection (1) of the said section 38.

(4) Any reference in this section to an application made as mentioned in section 20(1) of the said Act of 1962 includes a reference to an application which by virtue of section 64(2) of that Act (appeals against enforcement notices) is deemed to

have been made for such planning permission as is mentioned in section 20(2) of that Act.

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(5) Subsection (5) of the said section 38 shall cease to have effect.

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

- (a) in subsection (1), the words “Subject to subsection (2) of this section” and “or (as the case may be) seeks permission to retain or continue without complying with a condition previously imposed” shall be omitted;
- (b) subsections (2) and (4) shall be omitted;
- (c) for the reference in subsection (1) to subsection (1) of section 20 of the said Act of 1962 there shall be substituted a reference to subsection (1) of section 16 of the Town and Country Planning (Scotland) Act 1947; 1947 c. 53.
- (d) for the references in subsections (1) and (3) to section 38 of the said Act of 1962 there shall be substituted references to subsection (4) of section 12 of the said Act of 1947;
- (e) for the reference in subsection (3) to section 40 of the said Act of 1962 there shall be substituted a reference to section 59 of the Town and Country Planning (Scotland) Act 1954; 1954 c. 73.
- (f) for the reference in subsection (5) to subsection (5) of the said section 38 there shall be substituted a reference to subsection (4) of section 19 of the Local Employment Act 1960. 1960 c. 18.

23.—(1) An industrial development certificate in respect of any development may be issued subject to such restrictions on the making of an application for planning permission for that development (whether as to the period within which, or the persons by whom, such an application may be made, or otherwise) as the Board consider appropriate having regard to the proper distribution of industry; and where an industrial development certificate in respect of any development is issued subject to any such restrictions, and an application for planning permission for that development is made which does not comply with those restrictions, the provisions of section 38 of the Town and Country Planning Act 1962 or, as the case may be, of section 12(4) of the Town and Country Planning (Scotland) Act 1947 shall apply in relation to that application as if no such certificate had been issued. 1962 c. 38. Restrictions or conditions attached to certificates.

(2) Without prejudice to the foregoing subsection, an industrial development certificate may be issued either unconditionally or subject to such conditions as the Board consider

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appropriate having regard to the proper distribution of industry ; and any reference in this section to conditions attached to an industrial development certificate is a reference to conditions subject to which such a certificate is issued.

(3) Without prejudice to the generality of the last foregoing subsection, conditions may be attached to an industrial development certificate for requiring the removal of any building or the discontinuance of any use of land to which the certificate relates at the end of a specified period and the carrying out of any works required for the reinstatement of land at the end of that period.

(4) In so far as any of the conditions attached to an industrial development certificate are of such a description that (apart from this section) they could not have been imposed under the said Act of 1962 or, as the case may be, under the said Act of 1947, that Act shall apply in relation to any application for planning permission for the purposes of which that certificate is required, and to any planning permission granted on such an application, as if the powers conferred by that Act included power to impose conditions of that description.

(5) Where conditions are attached to an industrial development certificate, and, on an application for planning permission for the purposes of which that certificate is required, planning permission is granted, the authority granting the permission shall grant it subject to those conditions, with or without other conditions.

(6) Planning permission to which the last foregoing subsection applies shall not be invalid by reason only that the requirements of that subsection are not complied with ; but where any such planning permission is granted without complying with the requirements of that subsection the planning permission shall be deemed to have been granted subject to the conditions attached to the industrial development certificate, or (if any other conditions were imposed by the authority granting the permission) shall be deemed to have been granted subject to the conditions attached to the certificate in addition to the conditions so imposed.

Provisions as to conditions imposed under s. 23

24.—(1) This section applies to any condition subject to which planning permission is granted in accordance with the provisions of section 23 of this Act, or subject to which planning permission is by virtue of that section deemed to have been granted, whether it is a condition which could have been imposed apart from that section or not.

(2) If the planning permission is or was granted by the local planning authority, the Minister shall not be required to entertain an appeal under section 23 of the Town and Country

1962 c. 38.

Planning Act 1962 from the decision of the local planning authority, in so far as that decision relates or related to any condition to which this section applies.

(3) On an appeal under section 46 of the said Act of 1962 against an enforcement notice relating to anything done in contravention of a condition to which this section applies, the Minister shall not be required to entertain the appeal in so far as the appellant claims that planning permission free from that condition ought to be granted.

(4) No compensation under Part VI, Part VII or Part X of the said Act of 1962 shall be payable in respect of the imposition of any condition to which this section applies.

(5) For the purposes of section 129(1)(b) of the said Act of 1962 (which relates to purchase notices) no account shall be taken of any condition to which this section applies.

(6) If any condition imposed by an authority granting planning permission is inconsistent with any condition to which this section applies, the last-mentioned condition shall prevail in so far as it is inconsistent with the condition so imposed.

(7) Where on an application made as mentioned in section 20(1) of the said Act of 1962 (as modified by section 22 of this Act) planning permission is granted (either unconditionally or subject to conditions) for a building to be retained, or a use of a building to be continued, without complying with a condition to which this section applies (that condition being one subject to which a previous planning permission was granted or is deemed to have been granted), nothing in section 23 of this Act or in the foregoing provisions of this section shall be construed as preventing the subsequent planning permission from operating so as to extinguish or modify that condition, as the case may be.

(8) In the application of this section to Scotland and to Wales and Monmouthshire, for the references in subsections (2) and (3) to the Minister there shall be substituted references to the Secretary of State.

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

- (a) for the reference in subsection (2) to section 23 of the said Act of 1962 there shall be substituted a reference to section 14 of the Town and Country Planning 1947 c. 53. (Scotland) Act 1947 ;
- (b) for the reference in subsection (3) to section 46 of the said Act of 1962 there shall be substituted a reference to section 21 of the said Act of 1947 ;

PART III

1954 c. 73.

1945 c. 33.

- (c) for the reference in subsection (4) to Parts VI, VII and X of the said Act of 1962 there shall be substituted a reference to Parts II and IV of the Town and Country Planning (Scotland) Act 1954, and Schedule 4 to the Town and Country Planning (Scotland) Act 1945 ;
- (d) for the reference in subsection (5) to section 129(1)(b) of the said Act of 1962 there shall be substituted a reference to section 17(1)(b) of the said Act of 1947 ;
- (e) subsection (7) shall be omitted.

Extension of
meaning of
" industrial
building " .
1960 c. 18.
1962 c. 38.

25.—(1) In the Local Employment Act 1960 and in the Town and Country Planning Act 1962 (except Part VI thereof), the expression " industrial building " shall include, in addition to the buildings specified in section 21 of the said Act of 1960, any building or part of a building used or designed for use for carrying on scientific research in the course of a trade or business.

(2) In the foregoing subsection " scientific research " means any activity in the fields of natural or applied science for the extension of knowledge.

(3) For the purposes of the provisions of section 21 of the said Act of 1960 and of subsection (1) of this section, premises which—

- (a) are used or designed for use for providing services or facilities ancillary to the use of other premises for the carrying on of any such process or research as is mentioned in those provisions ; and
- (b) are or are to be comprised in the same building or in the same curtilage as those other premises,

shall themselves be treated as used or designed for use for the carrying on of such a process or, as the case may be, of such research.

(4) In subsection (6) of section 38 of the said Act of 1962 (power to prescribe classes of industrial buildings to which that section and section 39 of that Act applies) for the words " classes of industrial buildings " there shall be substituted the words " classes or descriptions of industrial buildings ", and in subsection (2) of the said section 39 after the word " class " in each place where it occurs there shall be inserted the words " or description " .

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

- (a) in subsection (1) for the words " the Town and Country Planning Act 1962 (except Part VI thereof) " there shall be substituted the words " the Town and Country Planning (Scotland) Act 1947 " ;

1962 c. 38.

1947 c. 53.

- (b) the following subsection shall be substituted for subsection (4) of this section— PART III

“(4) In subsection (4) of section 12 of the Town and Country Planning (Scotland) Act 1947 (under which development permission for the erection of industrial buildings of prescribed classes cannot be sought unless it is certified by the Board that the development in question can be carried out consistently with the proper distribution of industry) for the words ‘industrial building of any class’ and ‘industrial buildings of any such class’ there shall be substituted the words ‘industrial building of any class or description’ and ‘industrial buildings of any such class or description’ respectively.” 1947 c. 53.

26. In subsection (2) of section 38 of the Town and Country Planning Act 1962 (which requires the Board to have particular regard, in connection with the grant of industrial development certificates, to the need for providing appropriate employment in development districts) for the words “development districts” there shall be substituted the words “development areas”; and in subsection (6) of that section (definitions) for the words from “‘development district’” onwards there shall be substituted the words “‘development area’ means any area for the time being specified as such under section 15 of the Industrial Development Act 1966 and subsection (6) of that section (which provides for references to a development area in certain provisions to have effect as if certain localities outside that area were included therein) shall apply to any such reference in this section.” Application of s. 38(2) of Act of 1962 to development areas.
1962 c. 38.

27.—(1) Section 221(1) of the Town and Country Planning Act 1962 shall apply for the purposes of this Part of this Act, in its application to England and Wales, as it applies for the purposes of that Act. Interpretation.

(2) The following provisions shall apply for the purposes of this Part of this Act, in its application to Scotland, as they apply for the purposes of the Acts in which they are contained—

- (a) section 113(1) of the Town and Country Planning (Scotland) Act 1947;
- (b) section 69(1) of the Town and Country Planning (Scotland) Act 1954;
- (c) section 54(1) of the Town and Country Planning (Scotland) Act 1959.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Grants for fishing vessels and equipment.
1962 c. 31.
1953 c. 17.

28.—(1) In section 3 of the Sea Fish Industry Act 1962 (which relates to grants in pursuance of schemes made under section 1 or 6 of the White Fish and Herring Industries Act 1953 towards expenditure on fishing vessels and engines and other equipment for such vessels)—

- (a) subsection (5) (which precludes the approval of applications for such grants after 31st December 1972), and
- (b) subsection (7) (which provides that the aggregate amount of such grants shall not exceed £17 million or such greater sum as may from time to time be prescribed),

shall cease to have effect; and subsection (8) (which limits the amount of such a grant to three-tenths of the expenditure where the vessel in question is less than eighty feet in length, and to one quarter of the expenditure in any other case) shall have effect, in relation to any such grants as are mentioned in subsection (2) of this section, with the substitution for the words “three-tenths” of the words “two-fifths” and for the words “one quarter” of the words “seven-twentieths”.

(2) The grants referred to in the foregoing subsection are grants in respect of expenditure consisting of payments made on or after 17th January 1966, being grants under a scheme made (whether before or after the commencement of this Act) under section 1 or 6 of the said Act of 1953; and any such scheme made before the commencement of this Act may be varied accordingly and, in particular, so as to provide for making up the amount of a grant already paid under the scheme to the amount permitted by this section.

Exemption from building control in development areas.
1966 c. 27.

29. For section 4 of the Building Control Act 1966 (exemption for development districts) there shall be substituted the section set out in Part I of Schedule 3 to this Act (which provides for the exemption to have effect in relation to development areas constituted under this Act).

Financial provisions.

30.—(1) Any expenses incurred by any government department under or by virtue of this Act shall be defrayed out of moneys provided by Parliament, and any receipts of any government department under or by virtue of this Act shall be paid into the Exchequer.

(2) In this section “government department” does not include the Postmaster General.

31.—(1) This Act may be cited as the Industrial Development Act 1966.

PART IV
Short title,
citation,
amendments
and repeals,
interpretation,
commence-
ment and
extent.
1960 c. 18.
1963 c. 19.

(2) Part II of this Act shall be construed as one with Part I of the Local Employment Act 1960, and may be cited together with that Act and the Local Employment Act 1963 as the Local Employment Acts 1960 to 1966.

(3) Part III of this Act may be cited together with the Town and Country Planning Acts 1962 to 1965 as the Town and Country Planning Acts 1962 to 1966 and together with the Town and Country Planning (Scotland) Acts 1947 to 1965 as the Town and Country Planning (Scotland) Acts 1947 to 1966.

(4) The enactments mentioned in Parts II and III of Schedule 3 to this Act shall have effect subject to the amendments there specified, being amendments consequential on Parts II and III of this Act; and the enactments mentioned in Part IV of that Schedule are hereby repealed to the extent specified in column 3 of that Part.

(5) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by any other enactment including an enactment contained in this Act.

(6) This Act shall come into force at the expiration of the period of seven days beginning with the day on which it is passed.

(7) The following provisions, that is to say—

(a) section 14 and the other provisions of Part I so far as they relate to grants made by virtue of any order making such provision as is mentioned in section 7(2); and

(b) section 21(6) and so much of subsection (4) of this section and Schedule 3 as amends the House of Commons Disqualification Act 1957,

shall extend to Northern Ireland but, save as aforesaid, this Act shall not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

INVESTMENT GRANTS: DEVELOPMENT AREA EXPENDITURE

Sections 1(6),
2(2) and 6(3).

1. Subject to the following provisions of this Schedule, the following expenditure on the provision of machinery or plant or of a computer (in this paragraph referred to as "equipment") qualifies as development area expenditure—

- (a) expenditure in respect of equipment provided for use in an area which is a development area at the time when the expenditure is incurred ;
- (b) expenditure in respect of equipment provided for use in an area which has at that time ceased to be a development area if it is provided under a contract entered into, or for the purposes of a project undertaken, while the area was a development area.

2. Expenditure on the production of a prototype qualifies as development area expenditure if, and only if, the Board are satisfied that the prototype is being or was produced in a development area or ought to be treated as so produced.

3. Expenditure on the provision of a computer provided for integration with machinery or plant as mentioned in section 2(2)(a) of this Act does not qualify as development area expenditure unless—

- (a) the machinery or plant is or is to be used in an area which is a development area at the time when the expenditure is incurred ; or
- (b) the machinery or plant is or is to be used in an area which was a development area at the time when a contract for the provision of the computer was entered into ; or
- (c) the machinery or plant is or is to be used in an area which has ceased to be a development area and was provided for use in that area under a contract entered into, or for the purposes of a project undertaken, while the area was a development area.

4. The following expenditure on the provision of works qualifies as development area expenditure—

- (a) expenditure in respect of works provided in an area which is a development area at the time when the expenditure is incurred ;
- (b) expenditure in respect of works provided in an area which has at that time ceased to be a development area if the works are provided under a contract entered into, or for the purposes of a project undertaken, while the area was a development area.

5.—(1) In this Schedule "development area" means, without prejudice to sub-paragraph (2) of this paragraph, any area for the time being specified as such under Part II of this Act, and any reference to a development area shall have effect as if there were included

in the development area any locality outside that area which for the time being falls to be treated as if it were included in that area for the purposes of the said Part II.

SCH. 1

(2) In relation to the provision of an asset before the date of the commencement of this Act, any reference in this Schedule to a development area shall be construed as including a reference to any area which becomes a development area on that date and to any locality outside that area which on that date falls to be treated as if it were included in that area for the purposes of Part II of this Act.

6. For the purposes of this Schedule an asset shall be treated as provided for use in an area if, and only if, the Board are satisfied that it is so provided and will continue to be used in that area ; and an asset provided in, or for use in, an area which has ceased to be a development area shall be treated as provided for the purposes of a project undertaken while that area was a development area if, and only if, the Board are satisfied that the following conditions are complied with in respect thereof, that is to say—

- (a) that its provision is required for the execution of the project ; and
- (b) that other assets required for use in that area for the execution of the project have been provided or contracted for at a time when the area was a development area ; and
- (c) that the assets so provided or contracted for form a substantial proportion of the assets required for the execution of the project.

SCHEDULE 2

Sections 1(7) and 6(4).

BODIES NOT ELIGIBLE FOR CERTAIN GRANTS

The British Railways Board.

The London Transport Board.

The British Transport Docks Board.

The British Waterways Board.

The British Overseas Airways Corporation.

The British European Airways Corporation.

The British Airports Authority.

The National Coal Board.

An Area Electricity Board.

The North of Scotland Hydro-Electric Board.

The South of Scotland Electricity Board.

The Central Electricity Generating Board.

The Electricity Council.

An Area Gas Board.

The Gas Council.

Sections 29
and 31.

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS AND REPEALS

PART I

1966 c. 27.

SECTION SUBSTITUTED FOR SECTION 4 OF THE BUILDING CONTROL ACT 1966

Development
areas.

4.—(1) There shall be exempt from control under this Act any work done in the construction or alteration of a building or of any works in a development area.

(2) There shall be exempt from control under this Act any work done in the construction or alteration of a building or of any works in a locality which has ceased to be a development area or a development district if—

(a) the construction or alteration was begun ; or

(b) a contract for the work in question, or for other work in the construction or alteration, was made,

at a time when the locality was a development area or development district.

(3) Work shall not be exempt from control by virtue of paragraph (a) of subsection (2) of this section if the construction or alteration has been interrupted for a continuous period of twelve months or more.

(4) Nothing in subsection (2) of this section shall be taken as conferring any exemption on work in respect of a building or any works by reason only that the construction of any ancillary works for the building or works in question was begun, or that a contract for work in the construction of such ancillary works was made, at such a time as is mentioned in that subsection ; but where work done in the construction or alteration of a building or of any works is exempt from control by virtue of that subsection there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for that building or those works.

(5) In this section—

“development area” means any locality at the material time specified as such under section 15 of the Industrial Development Act 1966 ;

“development district” means any locality at the material time specified as such by a notice in the Board of Trade Journal which has not been withdrawn by a further notice in that Journal.

PART II

AMENDMENTS CONSEQUENTIAL ON PARTS II OF THIS ACT

1957 c. 20.

The House of Commons Disqualification Act 1957

In Part II of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern

Ireland, in the entry "The Industrial Estates Management Corporations constituted by the Local Employment Act 1960", the word "Management" shall be omitted.

SCH. 3

The Local Employment Act 1960

1960 c. 18.

In section 1(1) for the words "the six following sections" there shall be substituted the words "sections 2, 3, 4 and 6 of this Act"; and for the word "district", in each place where it occurs, there shall be substituted the word "area".

In section 2 for the word "district" there shall be substituted the word "area".

In section 3(1) for the word "district", in both places where it occurs, there shall be substituted the word "area".

In section 4(1) for the word "district" there shall be substituted the word "area".

In section 6(1) for the word "district", in both places where it occurs, there shall be substituted the word "area".

In section 7, in subsection (1), for the word "district" there shall be substituted the word "area" and for the words "for the purposes of this Part of this Act" there shall be substituted the words "with a view to contributing to the development of industry in that area"; and in subsection (2) for the word "district" there shall be substituted the word "area".

In section 9(5), as amended by section 5 of the Highlands and Islands Development (Scotland) Act 1965, for the words "Industrial Estates Management Corporation for Scotland" there shall be substituted the words "Scottish Industrial Estates Corporation".

In section 14(2) and (3) for the word "district", wherever it occurs, there shall be substituted the word "area" and for the word "districts" there shall be substituted the word "areas".

In section 15 for the definition of "development district" there shall be substituted—

"'development area'" means, subject to subsection (6) of section 15 of the Industrial Development Act 1966, any area for the time being specified as such under that section;"

In section 17 for the word "districts" there shall be substituted the word "areas".

In Schedule 1 the word "Management" in the heading shall be omitted.

The Highlands and Islands Development (Scotland) Act 1965

In section 5(5) for the words "Industrial Estates Management Corporation for Scotland" there shall be substituted the words "Scottish Industrial Estates Corporation".

In section 13(6) for the words "Industrial Estates Management Corporation for Scotland" there shall be substituted the words "Scottish Industrial Estates Corporation".

SCH. 3

PART III

AMENDMENTS CONSEQUENTIAL ON PART III OF THIS ACT

1947 c. 53.

The Town and Country Planning (Scotland) Act 1947

In section 113(1), in the definition of "industrial building", there shall be added at the end the words "as extended by section 25 of the Industrial Development Act 1966".

1960 c. 18.

The Local Employment Act 1960

In section 16(1) after the words "prescribed classes" there shall be added the words "or descriptions".

In section 18(1) after the words "prescribed classes" there shall be added the words "or descriptions".

In section 18(2) after the words "the prescribed classes" there shall be added the words "or descriptions", and for the words "the classes prescribed" there shall be substituted the words "the classes or descriptions prescribed".

In section 19(1) after the words "prescribed classes" there shall be added the words "or descriptions".

1962 c. 38.

The Town and Country Planning Act 1962

In section 221(1), in the definition of "industrial building", there shall be added at the end the words "and section 25 of the Industrial Development Act 1966".

PART IV

REPEALS

Chapter	Short title	Extent of Repeal
8 & 9 Eliz. 2. c. 18.	The Local Employment Act 1960.	Section 1(2), (3), (4) and (6). Section 5, except as provided in section 20(6) of this Act. Section 10(3)(b). Section 12(2), (3), (4) and (5). Section 14(1), except as provided in section 21(5) of this Act. Section 19(4). In section 28, in subsection (3) the words from "or the" to "1937" and subsections (5) and (8)(b).
10 & 11 Eliz. 2. c. 31.	The Sea Fish Industry Act 1962.	Section 3(5) and (7).
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	Section 38(5).
1963 c. 19.	The Local Employment Act 1963.	Section 1, except as provided in section 16(2) of this Act. Section 3.



Family Provision Act 1966

1966 CHAPTER 35

An Act to amend the law of England and Wales in relation to the rights after a person's death of that person's spouse or former spouse and children, and to repeal section 47(5) of the Administration of Estates Act 1925, as amended. [17th November 1966]

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

1.—(1) In the case of a person dying after the coming into force of this section, section 46(1) of the Administration of Estates Act 1925, as amended by section 1 of the Intestates' Estates Act 1952 and set out in Schedule 1 to that Act, shall apply as if the net sums charged by paragraph (i) on the residuary estate in favour of a surviving husband or wife were as follows, that is to say,—

- Increase of net sum payable to surviving husband or wife on intestacy.*
1925 c. 23.
1952 c. 64.
- (a) under paragraph (2) of the Table (which charges a net sum of £5,000 where the intestate leaves issue) a sum of £8,750 or of such larger amount as may from time to time be fixed by order of the Lord Chancellor; and
 - (b) under paragraph (3) of the Table (which charges a net sum of £20,000 where the intestate leaves certain close relatives but no issue) a sum of £30,000 or of such larger amount as may from time to time be so fixed.

(2) Accordingly in relation to the estate of a person dying after the coming into force of this section sections 46, 48 and 49 (as so amended and set out) of the Administration of Estates Act 1925 shall be further amended as follows:—

- (a) in the Table in section 46(1)(i) for the words "net sum of £5,000" in paragraph (2), and for the words "net

sum of £20,000” in paragraph (3), there shall in each case be substituted the words “fixed net sum”, and at the end of the Table there shall be added—

“The fixed net sums referred to in paragraphs (2) and (3) of this Table shall be of the amounts provided by or under section 1 of the Family Provision Act 1966”;

(b) in sections 46(4) and 48(2)(a) for the words “the net sum of £5,000 or, as the case may be, £20,000”, and in section 49(1)(aa) for the words “the net sum of £5,000 or £20,000”, there shall in each case be substituted the words “the fixed net sum”;

and any reference in any other enactment to the said net sum of £5,000 or the said net sum of £20,000 shall have effect as a reference to the corresponding net sum of the amount fixed by or under this section.

(3) Any order of the Lord Chancellor under this section fixing the amount of either of the said net sums shall have effect (and, so far as relates to that sum, shall supersede any previous order) in relation to the estate of any person dying after the coming into force of the order.

(4) Any order of the Lord Chancellor under this section shall be made by statutory instrument, and a draft of the statutory instrument shall be laid before Parliament.

Removal of restriction on applications under Inheritance (Family Provision) Act 1938.
1938 c. 45.
1952 c. 64.

2.—(1) In section 1(1) of the Inheritance (Family Provision) Act 1938, as amended by Schedule 3 to the Intestates’ Estates Act 1952, there shall be omitted the proviso (under which no application may be made under the Act where the surviving spouse has not less than two-thirds of the income of the deceased’s net estate and there is no other dependant except children of the surviving spouse).

(2) This section shall not apply to applications made with reference to the death of any person dying more than six months before the coming into force of this section, nor shall the repeal by this Act of the said proviso affect its operation in relation to any such application.

Periodical payments under Inheritance (Family Provision) Act 1938 or under s. 26 of Matrimonial Causes Act 1965.

3.—(1) In section 1 of the Inheritance (Family Provision) Act 1938, as amended by Schedule 3 to the Intestates’ Estates Act 1952, there shall be omitted subsection (3) (under which the amount of the periodical payments ordered by way of maintenance out of the deceased’s estate for a spouse and children are limited to the estimated income of his net estate at the date of the order).

(2) In section 3 of the Inheritance (Family Provision) Act 1938 c. 45. 1938, as so amended, there shall be inserted as a new subsection (1A):—

“(1A) Any order under this Act providing for maintenance by way of periodical payments may provide for payments of a specified amount, or for payments equal to the whole or part of the income of the net estate or of the income of any part to be set aside or appropriated under this Act of the net estate, or may provide for the amount of the payments or any of them to be determined in any other way which the court thinks fit”;

and in section 28(3) of the Matrimonial Causes Act 1965 (main- 1965 c. 72. tenance out of deceased's estate for former spouse) after the words “Section 3 of the Inheritance (Family Provision) Act 1938” there shall be inserted the words “as amended by the Family Provision Act 1966”.

(3) This section shall come into force on the date of the passing of this Act, and orders made before that date under the Inheritance (Family Provision) Act 1938, or under any Act applying section 3 of the Inheritance (Family Provision) Act 1938, shall be deemed to have been within the powers of the Act in question if they would have been within those powers had the amendments made by this section in the Inheritance (Family Provision) Act 1938 been made by the Intestates' Estates Act 1952 c. 64. Act 1952.

4.—(1) An order for maintenance under section 1 or 4 of the Inheritance (Family Provision) Act 1938 (maintenance out of deceased's estate for spouse or child), or under section 26 of the Matrimonial Causes Act 1965 (maintenance out of deceased's estate for former spouse), may in any case in which the court sees fit provide for maintenance in whole or in part by way of a lump sum payment; and accordingly—

(a) in the said section 1, as amended by Schedule 3 to the Intestates' Estates Act 1952, the words “Where the value of a deceased's net estate does not exceed five thousand pounds” at the beginning of subsection (4) shall be omitted, and after the word “power” in that subsection there shall be inserted the words “if it sees fit”; and

(b) in the said section 26 for the words “if the value of the net estate of the deceased does not exceed five thousand pounds” in subsection (3) there shall be substituted the words “if the court sees fit”.

(2) This section shall not apply to orders made with reference to the death of any person dying before the coming into force of this section.

Time limit for applications under Inheritance (Family Provision) Act 1938 or under s. 25 or s. 26 of Matrimonial Causes Act 1965.
1938 c. 45.
1965 c. 72.

5.—(1) With a view to extending and making uniform the period for making certain applications to the court, the amendments provided for by this section shall be made in the following enactments, that is to say—

- (a) section 2 of the Inheritance (Family Provision) Act 1938 (applications for maintenance out of deceased's estate by spouse or child); and
- (b) section 25 of the Matrimonial Causes Act 1965 (applications for alteration of maintenance agreements after death of one party); and
- (c) section 26 of the Matrimonial Causes Act 1965 (applications for maintenance out of deceased's estate by former spouse).

1952 c. 64. (2) In section 2 of the Inheritance (Family Provision) Act 1938, as amended by Schedule 3 to the Intestates' Estates Act 1952, for subsection (1) there shall be substituted—

“(1) Except as provided by section 4 of this Act, an application under this Act shall not, without the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of the deceased is first taken out”;

and accordingly subsection (1A) (which enables the time for making applications to be extended by the court, but in particular circumstances only) shall be omitted, and in subsection (1B) for the words “the possibility that the court might exercise its power to extend that period” there shall be substituted the words “the possibility that the court might permit an application under this Act after the end of that period”.

(3) In section 25(1) and in section 26(1) of the Matrimonial Causes Act 1965 there shall be omitted paragraphs (a) and (b), and there shall be added at the end of the subsection—

“An application under this section shall not, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of the deceased is first taken out”.

(4) This section shall not apply to applications made with reference to the death of any person dying more than six months before the coming into force of this section, nor shall the repeal by this Act of any enactment referred to in this section affect the operation of that enactment in relation to applications so made.

6.—(1) After section 4 of the Inheritance (Family Provision) Act 1938 there shall be inserted a new section 4A in the terms set out in Schedule 1 to this Act. Interim orders on applications under Inheritance (Family Provision) Act 1938 or under s. 26 of Matrimonial Causes Act 1965.

(2) After section 28 of the Matrimonial Causes Act 1965 there shall be inserted a new section 28A in the same terms, except that— 1938 c. 45. 1965 c. 72.

(a) in subsection (1) of the new section the words “ under this Act ” shall be replaced by the words “ under section 26 of this Act ”; and

(b) in subsection (3) of the new section the words “ section 3 of this Act ” shall be replaced by the words “ section 3 of the Inheritance (Family Provision) Act 1938 as applied by section 28 of this Act ”;

and in section 26(6) of the Matrimonial Causes Act 1965 (which defines terms used in that and the next following section) for the words “ the next following section ” there shall be substituted the words “ the three next following sections ”.

7.—(1) A county court shall have all the jurisdiction of the High Court to hear and determine any proceedings for an order (or for permission to apply for an order) under section 1 of the Inheritance (Family Provision) Act 1938 or under section 26 of the Matrimonial Causes Act 1965, where it is shown to the satisfaction of the court that the value of the deceased’s net estate as it is to be determined for purposes of the relief sought does not exceed the sum of £5,000 or such larger sum as may from time to time be fixed for this purpose by order of the Lord Chancellor. Extension to county court of jurisdiction under Inheritance (Family Provision) Act 1938 and s. 26 of Matrimonial Causes Act 1965.

(2) Where a county court makes an order in relation to a person’s estate under section 1 of the Inheritance (Family Provision) Act 1938 or under section 26 of the Matrimonial Causes Act 1965, the court shall have all the jurisdiction of the High Court for the purpose of any further proceedings under section 4 or section 27, as the case may be, of the same Act.

(3) Where there are commenced in the High Court any such proceedings as are referred to in subsection (1) above, and it appears to the court that the value of the deceased’s net estate is such as would give jurisdiction in the matter to a county court if proceedings were commenced there, the court may, if it thinks fit, whether upon the application of any party to the proceedings or otherwise, order that the proceedings be transferred to any county court which the court may deem the most convenient.

(4) Accordingly in the Inheritance (Family Provision) Act 1938, as amended by Schedule 3 to the Intestates’ Estates Act 1952, there shall be inserted in section 5(1), in the definition of “ the court ”, after the word “ Durham ” the words “ or a county 1952 c. 64.

1965 c. 72. court ” (and in section 3(3) for the words “ An office copy ” there shall be substituted the words “ A copy ”); and in the Matrimonial Causes Act 1965 there shall be inserted in section 26(6) as the first of the definitions there set out the definition—

“ ‘ court ’ includes a county court in relation to cases in which a county court has jurisdiction ”.

(5) Any order of the Lord Chancellor under subsection (1) above shall be made by statutory instrument, and a draft of the statutory instrument shall be laid before Parliament; and—

1959 c. 22. (a) in relation to proceedings commenced in a county court before the coming into force of any such order the court may, if it thinks fit, refuse to make an order under section 66 of the County Courts Act 1959 (transfer to High Court of proceedings outside jurisdiction of county court), if the proceedings are within the jurisdiction of the county court as extended by the order of the Lord Chancellor; but

(b) the coming into force of any such order of the Lord Chancellor shall not be taken to affect any order previously made under section 66.

Amendment of reference in Inheritance (Family Provision) Act 1938 to adopted children.

1938 c. 45.
1952 c. 64.
1926 c. 29.
1964 c. 57.

8.—(1) In the Inheritance (Family Provision) Act 1938, as amended by Schedule 3 to the Intestates’ Estates Act 1952, the definition in section 5(1) of the expressions “ son ” and “ daughter ” shall be amended by substituting for the words “ by virtue of an order made under the provisions of the Adoption of Children Act 1926 ” (which have effect by virtue of later enactments and in particular the Adoption Act 1964 so that children adopted anywhere in the United Kingdom, the Isle of Man and the Channel Islands are included) the words “ in pursuance of adoption proceedings taken in any part of the United Kingdom, the Isle of Man and the Channel Islands ”.

(2) Accordingly in section 26(6) of the Matrimonial Causes Act 1965 (which provides, among other things, for the word “ dependant ” to have the same meaning as in the Inheritance (Family Provision) Act 1938) after the words “ the Inheritance (Family Provision) Act 1938 ” there shall be inserted the words “ as amended by the Family Provision Act 1966 ”.

Administration of Estates Act 1925 s. 47(5) to be omitted.

1925 c. 23.

9. In section 47 of the Administration of Estates Act 1925, as amended by section 1 of the Intestates’ Estates Act 1952 and set out in Schedule 1 to that Act, there shall be omitted subsection (5) (which has no operative effect, but contains a declaratory provision about the failure of certain trusts under section 46 in favour of a class of relatives of an intestate).

10.—(1) This Act may be cited as the Family Provision Act **Short title,**
1966. **repeal, etc.**

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule, subject however to any saving provided for in the foregoing sections of this Act; and in accordance with the provisions of this Act the Inheritance (Family Provision) Act 1938 c. 45. 1938, as respects cases to which it applies as amended by Schedule 3 to the Intestates' Estates Act 1952 and by this Act, shall have 1952 c. 64. effect as set out in Schedule 3 to this Act.

(3) Nothing in this Act extends to Scotland or to Northern Ireland.

(4) This Act, apart from section 3, shall come into force on such date as may be appointed by order of the Lord Chancellor made by statutory instrument, and different dates may be appointed for the coming into force of different provisions.

SCHEDULES

Section 6.

SCHEDULE 1

NEW SECTION 4A (INTERIM ORDERS) OF INHERITANCE
(FAMILY PROVISION) ACT 1938

(1) Where on an application for maintenance under this Act it appears to the court—

- (a) that the applicant is in immediate need of financial assistance, but it is not yet possible to determine what order (if any) should be made on the application for the provision of maintenance for the applicant; and
- (b) that property forming part of the net estate of the deceased is or can be made available to meet the need of the applicant;

the court may order that, subject to such conditions or restrictions, if any, as the court may impose and to any further order of the court, there shall be paid to or for the benefit of the applicant out of the deceased's net estate such sum or sums and (if more than one) at such intervals as the court thinks reasonable.

(2) In determining what order, if any, should be made under this section the court shall, so far as the urgency of the case admits, take account of the same considerations as would be relevant in determining what order should be made on the application for the provision of maintenance for the applicant; and any subsequent order for the provision of maintenance may provide that sums paid to or for the benefit of the applicant by virtue of this section shall be treated to such extent, if any, and in such manner as may be provided by that order as having been paid on account of the maintenance provided for by that order.

(3) Subject to subsection (2) above, section 3 of this Act shall apply in relation to an order under this section as it applies in relation to an order providing for maintenance.

(4) Where the deceased's personal representative pays any sum directed by an order under this section to be paid out of the deceased's net estate, he shall not be under any liability by reason of that estate not being sufficient to make the payment, unless at the time of making the payment he has reasonable cause to believe that the estate is not sufficient.

SCHEDULE 2

Section 10.

REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 23.	The Administration of Estates Act 1925.	In section 47, the subsection (5) inserted by the Intestates' Estates Act 1952.
1 & 2 Geo. 6. c. 45.	The Inheritance (Family Provision) Act 1938.	In section 1, subsection (1) proviso and subsection (3). In section 2, the subsection (1A) inserted by the Intestates' Estates Act 1952. In section 4(1), the words (inserted as aforesaid) " or, as the case may be, of that period as extended under subsection (1A) of that section ". In section 5(1) the definition of " annual income ".
15 & 16 Geo. 6 and 1 Eliz. 2. c. 64.	The Intestates' Estates Act 1952.	So much of section 1(3) or of Schedule 1 as sets out the new subsection (5) of section 47 of the Administration of Estates Act 1925. Section 8. So much of Schedule 3 as amends section 1(1) proviso of the Inheritance (Family Provision) Act 1938, or substitutes a new section 1(3) of that Act, or amends section 2(1) of that Act, or inserts section 2(1A) of that Act, or inserts in section 4(1) or 5(1) of that Act words repealed by this Schedule. Schedule 4.
1965 c. 72.	The Matrimonial Causes Act 1965.	Section 25(1)(a) and (b). Section 26(1)(a) and (b).

Section 10.

SCHEDULE 3

INHERITANCE (FAMILY PROVISION) ACT 1938 AS AMENDED BY
INTESTATES' ESTATES ACT 1952 AND THIS ACT

Power for court to order payment out of net estate of deceased for benefit of surviving spouse or child.

1.—(1) Where, after the commencement of this Act, a person dies domiciled in England leaving—

- (a) a wife or husband,
- (b) a daughter who has not been married, or who is, by reason of some mental or physical disability, incapable of maintaining herself,
- (c) an infant son, or
- (d) a son who is, by reason of some mental or physical disability, incapable of maintaining himself,

then, if the court on application by or on behalf of any such wife, husband, daughter or son as aforesaid (in this Act referred to as a "dependant" of the deceased) is of opinion that the disposition of the deceased's estate effected by his will, or the law relating to intestacy, or the combination of his will and that law, is not such as to make reasonable provision for the maintenance of that dependant, the court may order that such reasonable provision as the court thinks fit shall, subject to such conditions or restrictions, if any, as the court may impose, be made out of the deceased's net estate for the maintenance of that dependant.

(2) The provision for maintenance to be made by an order shall, subject to the provisions of subsection (4) of this section, be by way of periodical payments and the order shall provide for their termination not later than—

- (a) in the case of a wife or husband, her or his re-marriage;
- (b) in the case of a daughter who has not been married, or who is under disability, her marriage or the cesser of her disability, whichever is the later;
- (c) in the case of an infant son, his attaining the age of twenty-one years;
- (d) in the case of a son under disability, the cesser of his disability;

or, in any case, his or her earlier death.

(4) The court shall have power, if it sees fit, to make an order providing for maintenance, in whole or in part, by way of a lump sum payment.

(5) In determining whether, and in what way, and as from what date, provision for maintenance ought to be made by an order, the court shall have regard to the nature of the property representing the deceased's net estate and shall not order any such provision to be made as would necessitate a realisation that would be improvident having regard to the interests of the deceased's dependants and of the person who, apart from the order, would be entitled to that property.

(6) The court shall, on any application made under this Act, have regard to any past, present or future capital or income from any source of the dependant of the deceased to whom the application relates, to the conduct of that dependant in relation to the deceased

and otherwise, and to any other matter or thing which in the circumstances of the case the court may consider relevant or material in relation to that dependant, to persons interested in the estate of the deceased, or otherwise.

(7) The court shall also, on any such application, have regard to the deceased's reasons, so far as ascertainable, for making the dispositions made by his will (if any), or for refraining from disposing by will of his estate or part of his estate, or for not making any provision, or any further provision, as the case may be, for a dependant, and the court may accept such evidence of those reasons as it considers sufficient including any statement in writing signed by the deceased and dated, so, however, that in estimating the weight, if any, to be attached to any such statement the court shall have regard to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement.

(8) The court in considering for the purposes of subsection (1) of this section whether the disposition of the deceased's estate effected by the law relating to intestacy, or by the combination of the deceased's will and that law, makes reasonable provision for the maintenance of a dependant shall not be bound to assume that the law relating to intestacy makes reasonable provision in all cases.

2.—(1) Except as provided by section 4 of this Act, an application under this Act shall not, without the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of the deceased is first taken out. Time within which application must be made.

(1B) The provisions of this Act shall not render the personal representatives of the deceased liable for having distributed any part of the estate of the deceased after the expiration of the said period of six months on the ground that they ought to have taken into account the possibility that the court might permit an application under this Act after the end of that period, but this subsection shall be without prejudice to any power to recover any part of the estate so distributed arising by virtue of the making of an order under this Act.

(1C) In considering under the foregoing subsections the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

(2) For the purpose of section 162(1) of the Supreme Court of 1925 c. 49. Judicature (Consolidation) Act 1925 (which relates to the discretion of the court as to the persons to whom administration is to be granted) a dependant of a deceased person by whom or on whose behalf an application under this Act is proposed to be made shall be deemed to be a person interested in his estate.

3.—(1) Where an order is made under this Act then for all purposes including the purposes of the enactments relating to death duties the will or the law relating to intestacy or both the will and the law relating Effect and form of order.

SCH. 3 to intestacy, as the case may be, shall have effect, and shall be deemed to have had effect as from the deceased's death, subject to such variations as may be specified in the order for the purpose of giving effect to the provision for maintenance thereby made.

(1A) Any order under this Act providing for maintenance by way of periodical payments may provide for payments of a specified amount, or for payments equal to the whole or part of the income of the net estate or of the income of any part to be set aside or appropriated under this Act of the net estate, or may provide for the amount of the payments or any of them to be determined in any other way which the court thinks fit.

(2) The court may give such consequential directions as it thinks fit for the purpose of giving effect to an order made under this Act, but no larger part of the net estate shall be set aside or appropriated to answer by the income thereof the provision for maintenance thereby made than such a part as, at the date of the order, is sufficient to produce by the income thereof the amount of the said provision.

(3) A copy of every order made under this Act shall be sent to the principal probate registry for entry and filing, and a memorandum of the order shall be endorsed on, or permanently annexed to, the probate or letters of administration under which the estate is being administered.

Variation of orders.

4.—(1) On an application made at a date after the expiration of the period specified in section 2(1) of this Act the court may make such an order as is hereinafter mentioned, but only as respects property the income of which is at that date applicable for the maintenance of a dependant of the deceased, that is to say,

(a) an order for varying the previous order on the ground that any material fact was not disclosed to the court when the order was made, or that any substantial change has taken place in the circumstances of the dependant or of a person beneficially interested in the property under the will or, as the case may be, under the law relating to intestacy, or

(b) an order for making provision for the maintenance of another dependant of the deceased.

(2) An application to the court for an order under paragraph (a) of the preceding subsection may be made by or on behalf of a dependant of the deceased or by the trustees of the property or by or on behalf of a person beneficially interested therein under the will or, as the case may be, under the law relating to intestacy.

Interim orders.

4A.—(1) Where on an application for maintenance under this Act it appears to the court—

(a) that the applicant is in immediate need of financial assistance, but it is not yet possible to determine what order (if any) should be made on the application for the provision of maintenance for the applicant; and

(b) that property forming part of the net estate of the deceased is or can be made available to meet the need of the applicant;

SCH. 3

the court may order that, subject to such conditions or restrictions, if any, as the court may impose and to any further order of the court, there shall be paid to or for the benefit of the applicant out of the deceased's net estate such sum or sums and (if more than one) at such intervals as the court thinks reasonable.

(2) In determining what order, if any, should be made under this section the court shall, so far as the urgency of the case admits, take account of the same considerations as would be relevant in determining what order should be made on the application for the provision of maintenance for the applicant; and any subsequent order for the provision of maintenance may provide that sums paid to or for the benefit of the applicant by virtue of this section shall be treated to such extent, if any, and in such manner as may be provided by that order as having been paid on account of the maintenance provided for by that order.

(3) Subject to subsection (2) above, section 3 of this Act shall apply in relation to an order under this section as it applies in relation to an order providing for maintenance.

(4) Where the deceased's personal representative pays any sum directed by an order under this section to be paid out of the deceased's net estate, he shall not be under any liability by reason of that estate not being sufficient to make the payment, unless at the time of making the payment he has reasonable cause to believe that the estate is not sufficient.

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

Interpretation.

“ the court ” means the High Court and also the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham or a county court where those courts respectively have jurisdiction;

“ death duties ” means estate duty and every other duty leviable or payable on death;

“ net estate ” means all the property of which a deceased person had power to dispose by his will (otherwise than by virtue of a special power of appointment) less the amount of his funeral, testamentary and administration expenses, debts and liabilities and estate duty payable out of his estate on his death;

“ will ” includes codicil;

“ son ” and “ daughter ” respectively include a male or female child adopted by the deceased in pursuance of adoption proceedings taken in any part of the United Kingdom, the Isle of Man and the Channel Islands, and also the son or daughter of the deceased en ventre sa mere at the date of the death of the deceased.

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SCH. 3

(2) References in this Act to any enactment or any provision of any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

Short title
and extent.

6.—(1) This Act may be cited as the Inheritance (Family Provision) Act 1938.

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



Veterinary Surgeons Act 1966

1966 CHAPTER 36

An Act to make fresh provision for the management of the veterinary profession, for the registration of veterinary surgeons and veterinary practitioners, for regulating their professional education and professional conduct and for cancelling or suspending registration in cases of misconduct; and for connected purposes.

[17th November 1966]

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 Council

1.—(1) For the purpose of managing the affairs of the The Council of the Royal College of Veterinary Surgeons. Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say—

- (a) twenty-four persons (hereafter in this Act referred to as “elected members of the Council”) elected from among themselves by members of the College residing outside the Republic of Ireland;
- (b) four persons appointed by the Privy Council;
- (c) for each university in the United Kingdom for which a recognition order is in force, two persons appointed by that university of whom at least one shall be a member of the College.

(2) There shall continue to be a President and two Vice-Presidents of the College elected from among themselves by members of the Council.

(3) Schedule 1 to this Act shall have effect with respect to the tenure of office, election and appointment of the President and Vice-Presidents of the College and of the other members of the Council and with respect to other matters relating to the Council.

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(4) Where the Privy Council make an order under section 3 of this Act which will result in a change in the number of members appointed under subsection (1)(c) of this section, they may by order after consultation with the Council of the College—

- (a) make such alteration in the number of elected members of the Council of the College as appears to them expedient in view of the making of the order under the said section 3 for the purpose of securing that there is a majority of elected members over all other members of the Council of the College ; and
- (b) make such consequential provision with respect to the term of office of the elected members (including provision modifying Schedule 1 to this Act) as appears to them necessary or expedient in consequence of the change in the total number of elected members.

Registration and qualification for registration

2.—(1) There shall continue to be a register known as the register of veterinary surgeons (hereafter in this Act referred to as “the register”) containing the names, addresses and qualifications of all persons who are entitled under the provisions of this Act to be registered therein.

(2) The register shall consist of four lists—

- (a) one, to be called the general list, of persons entitled to be registered in the register under section 3 or 4 of this Act ;
- (b) one, to be called the Commonwealth list, of persons entitled to be so registered as holding some Commonwealth qualification ;
- (c) one, to be called the foreign list, of persons so registered as holding some foreign qualification ;
- (d) one, to be called the temporary list, of persons entitled to be so registered under section 7 of this Act.

3.—(1) Where—

- (a) a university in the United Kingdom provides courses of study and examinations leading to a veterinary degree, and
- (b) it appears to the Privy Council, after consultation with the Council of the College, that the courses of study and examinations are such as sufficiently to guarantee that holders of the degree will have acquired the knowledge and skill needed for the efficient practice of veterinary surgery,

the Privy Council may by order (in this Act referred to as “a recognition order”) direct that any person on whom, during the continuance in force of the order, the degree is

Register of
veterinary
surgeons.

Right of
holders of
university
degrees to be
registered.

conferred after attending those courses at that university shall be entitled to be registered in the register and shall on being so registered become a member of the College.

(2) If, while a recognition order is in force, it appears to the Council that the courses of study and examinations leading to the degree to which the order relates are no longer such as to justify the continuance in force of the order, the Council may make representations to that effect to the Privy Council.

(3) Where any representations are made under the last foregoing subsection, the Privy Council shall give notice to the university in question that the representations have been made, together with such particulars thereof as may be requisite to enable the university to formulate their observations on or objections to the representations.

(4) The Privy Council shall consider any such representations and any such observations or objections made within such time not less than two months from the giving of the notice under the last foregoing subsection as the Privy Council may determine, and may if they think fit by order revoke or suspend the recognition order.

(5) An order under the last foregoing subsection suspending a recognition order may be revoked by a subsequent order of the Privy Council if it appears to them expedient in consequence of representations made by the Council of the College or by the university in question that the recognition order should be revived.

4.—(1) On the application of any university in the United Kingdom for which no recognition order is in force the Privy Council may after consultation with the Council of the College direct the College to hold examinations in veterinary surgery for the students of veterinary surgery attending at that university; and any such student passing any such examination shall be entitled to be registered in the register and shall on being so registered become a member of the College.

Examination by the College of students of certain universities.

(2) A direction under the foregoing subsection with respect to any university shall cease to have effect on the coming into force or revival of a recognition order for that university or may be revoked by a subsequent direction of the Privy Council made after consultation with that university and with the Council of the College.

5.—(1) The following provisions of this section shall have effect for the purpose of securing that the courses of study to be followed by students training to be veterinary surgeons and the standard of proficiency required for registration in the register shall be such as sufficiently to guarantee that persons registered in the register will have acquired the knowledge and skill needed for the efficient practice of veterinary surgery; and it shall be

Supervisory functions of the Council.

the duty of the Council to exercise the powers conferred on them by those provisions so far as necessary for that purpose.

(2) The Council may appoint persons to visit the universities for which recognition orders are in force or are proposed to be made, and any other universities which for the time being provide or propose to provide courses leading to examination by the College, and to report on the courses of study, staffing, accommodation and equipment available for training in veterinary surgery and the other arrangements and facilities for such training.

(3) The Council may appoint persons to attend at examinations in any aspect of veterinary surgery at universities for which recognition orders are in force or are proposed to be made and to report to the Council as to the sufficiency of the examinations and as to such other matters relating thereto as the Council may require :

Provided nothing in this subsection shall authorise a person appointed therein to interfere with the conduct of any examination.

(4) On the receipt of any report made under this section—

- (a) the Council shall send a copy of the report to the university concerned ;
- (b) the university may within the period of two months from the receipt of the copy make observations on or objections to the report to the Council ;
- (c) as soon as practicable after the expiration of that period the Council shall send the Privy Council a copy of the report and of any such observations or objections which are duly made, together with the comments of the former on the report and the observations or objections.

(5) A university for which a recognition order is in force shall, on being requested in writing so to do by the Council, furnish the Council with such information as may be specified in the request as to the courses of study and examinations leading to the degree to which the recognition order relates ; and a university for whose students of veterinary surgery examinations are held under the last foregoing section shall, on being so requested, furnish the Council with such information as may be so specified as to the courses of study preparing students for those examinations.

Qualification
for registration
as a Common-
wealth or
foreign
practitioner.

6.—(1) A person who shows to the satisfaction of the registrar—

- (a) that he is of good character,
- (b) that he holds a Commonwealth or foreign qualification in veterinary surgery, and

- (c) that he has satisfied the Council that he has the requisite knowledge and skill to fit him for practising veterinary surgery in the United Kingdom,

shall be entitled to be registered in the register and on being so registered shall become a member of the College.

(2) Without prejudice to any other steps which the Council may take for the purpose of satisfying themselves that a person has the said knowledge and skill, the Council shall for that purpose, except in a case falling within the next following subsection, require him to sit for examinations held for the purposes of this section by or under arrangements made by the College.

(3) If a Commonwealth or foreign qualification held by a person is of a kind accepted for the time being by the Council as constituting, in itself, satisfactory proof of that person's possessing the requisite knowledge and skill to fit him for practising veterinary surgery in the United Kingdom, that person shall be taken to have satisfied the Council that he has the said knowledge and skill.

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

(5) The Council may direct that a particular person who has passed the examinations required to obtain a Commonwealth or foreign qualification shall be treated for the purposes of this section as a person holding a Commonwealth or foreign qualification, as the case may be.

(6) For the purposes of this Act, a Commonwealth qualification is a qualification granted in a place outside the United Kingdom which is within the Commonwealth, and a foreign qualification is a qualification granted in any other place outside the Commonwealth and the Republic of Ireland.

7.—(1) The Council may, with a view to permitting—

Temporary registration.

- (a) a person who satisfies them that he has attended a course of study, and has passed the examinations, leading to a degree to which a recognition order relates; and
- (b) a person holding a Commonwealth or foreign qualification in veterinary surgery,

to practise veterinary surgery temporarily or otherwise subject to restrictions, direct that he be registered in the register subject to such restrictions as the Council may specify in the direction with respect to the period for which, the place or places at which

and the circumstances in which he may practise veterinary surgery ; and any person with respect to whom a direction is given under this subsection shall be entitled to be registered in the register subject to the entry against his name of the restrictions so specified.

(2) Registration under this section shall not make it lawful for a person to practise veterinary surgery otherwise than subject to the said restrictions.

(3) Where a person registered under this section fails to comply with any of the restrictions subject to which he is registered, the Council may cause his name to be removed from the register.

(4) The Council may direct that a particular person who has passed the examinations required to obtain a Commonwealth or foreign qualification shall be treated for the purposes of this section as a person holding a Commonwealth or foreign qualification, as the case may be.

Supplementary
veterinary
register.

8.—(1) There shall continue to be a register known as the supplementary veterinary register containing the names and addresses of the following persons (to be known as veterinary practitioners), that is to say—

- (a) the persons who immediately before the commencement of this Act were registered in that register ;
- (b) the persons who having been so registered at some previous time were not then so registered, but whose names are restored to that register under section 18 of this Act ; and
- (c) the persons entitled to be registered in that register under the next following subsection.

(2) Any person who for an aggregate of not less than seven out of the ten years immediately preceding 2nd December 1965 held a licence under section 7 of the Veterinary Surgeons Act 1948 (licensing of employees of certain societies and institutions providing free treatment for animals) shall be entitled to be registered in the supplementary veterinary register, but shall not be entitled to practise veterinary surgery—

- (a) otherwise than as an employee of any society or institution mentioned in subsection (1) of that section ;
- or
- (b) except with permission granted by the Council and subject to such restrictions as the Council may impose.

(3) Where a person is registered in the supplementary veterinary register under the last foregoing subsection, the entry against his name in the register shall state—

- (a) whether he is the employee of any such society or institution as aforesaid ;

1948 c. 52.

- (b) whether he has been granted permission to practise veterinary surgery ; and
 (c) any restrictions subject to which he may practise it.

(4) Where a person registered in the supplementary veterinary register under subsection (2) of this section fails to comply with any restrictions subject to which he is so registered, the Council may cause his name to be removed from the register.

(5) A certificate purporting to be a certificate of the Minister of Agriculture, Fisheries and Food stating that any person held, or did not hold, a licence under section 7 of the Veterinary Surgeons Act 1948 for a period specified in the certificate shall be conclusive for the purposes of this section of the matters stated in the certificate. 1948 c. 52.

Supplementary provisions as to the register and registration

9.—(1) The register shall be kept by the registrar of the College who shall be appointed by the Council. Keeping, evidential effect and publication of the register.

(2) The registrar shall perform such other duties in connection with the register as the Council may direct, and in the execution of his duties he shall act on such evidence as in each case appears sufficient.

(3) The Council shall cause the register to be printed and published as often as they think fit.

(4) If in any year the register is not published, the Council shall cause any alterations in the entries in that register which have been made since the last publication thereof to be printed and published within that year.

(5) A copy of the register purporting to be printed and published by the Council shall, as altered by any alterations purporting to be printed and published by the Council, be evidence (and in Scotland sufficient evidence) that the persons specified in the register are registered therein ; and the absence of a person's name from any such copy shall be evidence (and in Scotland sufficient evidence) that he is not registered in the register.

(6) In the case of a person whose name does not appear in any such copy of the register as altered as aforesaid, a certified copy, under the hand of the registrar, of the entry relating to that person in the register shall be evidence (and in Scotland sufficient evidence) of the entry.

(7) The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any registered person.

(8) The foregoing provisions of this section shall apply in relation to the supplementary veterinary register as they apply in relation to the register of veterinary surgeons.

Procedure for registration.

10.—(1) Any right to registration in the register or the supplementary veterinary register shall be conditional on the making of an application supported by such evidence as is required by the following subsection and, in the case of registration in the supplementary veterinary register of persons mentioned in section 8(1)(c) of this Act, on the making of the application within six months of the commencement of this Act.

(2) A person applying to be registered in either of the said registers shall produce or send to the registrar the document conferring or evidencing his qualification for registration, together with a statement of his name and address and such other particulars, if any, as may be required for registration.

Power to make regulations, etc., with respect to the register.

11.—(1) The Council may make regulations with respect to the form and keeping of the register, the making of entries therein and the removal of entries therefrom 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 in any year subsequent to the year in which he was first registered ;
- (c) authorising the registrar, notwithstanding anything in this 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.

(2) Regulations under this section may authorise the registrar to remove 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.

(3) If, within such period as may be prescribed by regulations under this section, any person whose name has been removed from the register in accordance with regulations made by virtue of the last foregoing subsection pays the fee due from him, together with such additional sum (if any) as may be so prescribed, his name shall be restored to the register and, if the Council so direct, shall be deemed for all purposes not to have been removed therefrom.

(4) Regulations under this section prescribing fees may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in prescribed cases.

(5) The Council may give directions authorising any additional qualifications specified in the directions to be entered in the

register on the application of registered veterinary surgeons by whom they are held.

(6) The foregoing provisions of this section shall apply in relation to the supplementary veterinary register as they apply in relation to the register of veterinary surgeons; but any regulations under this section may make different provision in relation to the two registers.

12. Where a person's name is entered in the Commonwealth list or the foreign list, or an additional qualification granted in a place outside the United Kingdom is entered against a person's name in any part of the register, the registrar shall enter the qualification by virtue of which that person is registered or, as the case may be, the additional qualification, in such abbreviated form as the registrar, after consultation with the Council, may select as being convenient.

Abbreviations of qualifications granted abroad.

13.—(1) The registrar shall remove from the register the name of every deceased person and, on registering the death of a registered veterinary surgeon, a registrar of births and deaths shall, without charge, send forthwith by post to the registrar a copy certified under his hand of the entry in the register of deaths relating to the death.

Removal of names of deceased persons and of those who have ceased to practise.

(2) If a registered veterinary surgeon has ceased to practise the registrar may at his request or with his consent remove his name from the register.

(3) The registrar may send by post to a registered veterinary surgeon a notice inquiring whether he has ceased to practise or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, he may remove the name of the registered veterinary surgeon from the register.

(4) Where a person's name has been removed from the register under subsection (2) or (3) of this section, the name may be restored to the register on his application unless the original entry of his name was incorrectly or fraudulently made.

(5) This section shall apply in relation to the supplementary veterinary register and persons registered in that register as it applies in relation to the register of veterinary surgeons and registered veterinary surgeons.

14. It shall be the duty of the Council to refer to the disciplinary committee any case in which it appears to the Council that an entry in the register of veterinary surgeons or the supplementary veterinary register has been fraudulently made and to remove from that register any other entry which has been incorrectly made.

Incorrect and fraudulent entries in the register.

Disciplinary and similar proceedings

Preliminary investigation and disciplinary committees.

15.—(1) The Council shall set up a committee of the Council to be known as the preliminary investigation committee which shall be charged with the duty of conducting a preliminary investigation into every disciplinary case (that is to say, a case in which it is alleged that a person is liable to have his name removed from the register or to have his registration suspended under the next following section) and of deciding whether the case should be referred to the disciplinary committee.

(2) There shall continue to be a committee of the Council known as the disciplinary committee charged with the duty of considering and determining—

- (a) any disciplinary case referred to them by the preliminary investigation committee; and
- (b) any other case of which the disciplinary committee has cognizance under section 18 of this Act.

(3) The provisions of Part I of Schedule 2 to this Act shall have effect with respect to the constitution of the preliminary investigation and disciplinary committees, and the provisions of Part II of that Schedule shall have effect with respect to the procedure of the disciplinary committee.

Removal of names from register for crime or disgraceful conduct.

16.—(1) If—

- (a) a person registered in the register is convicted in the United Kingdom or elsewhere of a criminal offence which, in the opinion of the disciplinary committee, renders him unfit to practise veterinary surgery; or
- (b) any such person is judged by the disciplinary committee to have been guilty of disgraceful conduct in any professional respect; or
- (c) the disciplinary committee is satisfied that the name of any such person has been fraudulently entered in the register,

the committee may, if they think fit, direct that his name shall be removed from the register or (except in a case falling within paragraph (c) of this subsection) that his registration therein shall be suspended, that is to say, it shall not have effect during a period specified in the direction.

(2) Where the disciplinary committee direct that a person's name shall be removed from the register or that his registration shall be suspended under this section, the registrar shall serve a notice of the direction on him.

(3) This section shall apply in relation to the supplementary veterinary register and persons registered in that register as it applies in relation to the register of veterinary surgeons and registered veterinary surgeons.

17.—(1) A person in relation to whom a direction has been given under the last foregoing section may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to Her Majesty in Council in accordance with such rules as Her Majesty in Council may by order provide for the purposes of this section ; and the Judicial Committee Act 1833 shall apply in relation to the disciplinary committee as it applies in relation to such courts as are mentioned in section 3 of that Act (reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).

Appeals in disciplinary and other cases.

1833 c. 41.

(2) The Council of the College 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, shall be deemed to be a party thereto whether they appeared on the hearing of the appeal or not.

(3) A direction under the last foregoing section shall take effect—

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time ;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal ;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.

18.—(1) Where a person's name has been removed from the register of veterinary surgeons or the supplementary veterinary register in pursuance of a direction under section 16 of this Act, the name of that person shall not again be entered in the register from which it was removed unless the disciplinary committee on application made to them in that behalf otherwise direct.

Restoration of name after removal or suspension.

(2) Where the registration of a person in either of the said registers is suspended in pursuance of any such direction, the name of that person shall not be entered in the register so long as the suspension has effect unless the disciplinary committee on application made to them in that behalf otherwise direct.

(3) An application under this section for the restoration of a name to either of the said registers or for the removal of a suspension of registration shall not be made to the disciplinary committee—

- (a) within ten months of the date of removal or suspension ; or
- (b) within ten months of a previous application thereunder.

Restriction of practice of veterinary surgery

Restriction
of practice of
veterinary
surgery by
unqualified
persons.

19.—(1) Subject to the following provisions of this section, no individual shall practise, or hold himself out as practising or as being prepared to practise, veterinary surgery unless he is registered in the register of veterinary surgeons or the supplementary veterinary register, and an individual who acts in contravention of this subsection shall be liable—

- (a) on summary conviction to a fine not exceeding £100 ;
- (b) on conviction on indictment to a fine.

1952 c. 55.
1954 c. 48.

(2) Notwithstanding anything in the Magistrates' Courts Act 1952, the Summary Jurisdiction (Scotland) Act 1954 or the Summary Jurisdiction Acts (Northern Ireland), summary proceedings for an offence under this section may be commenced at any time within the period of one year from the time when the offence was committed.

(3) The Council may make regulations exempting from subsection (1) of this section the carrying out or performance of any veterinary treatment, test or operation prescribed by the regulations, subject to compliance with prescribed conditions, by students of veterinary surgery of any prescribed class.

(4) Subsection (1) of this section shall not prohibit—

- (a) the carrying out of any experiment duly authorised under the Cruelty to Animals Act 1876 ;
- (b) the doing of anything specified in Part I of Schedule 3 to this Act and not excluded by Part II of that Schedule ;
- (c) the performance by a registered medical practitioner of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings ;
- (d) the carrying out or performance of any treatment, test or operation by a registered medical practitioner or a registered dentist at the request of a person registered in the register of veterinary surgeons or the supplementary veterinary register ;
- (e) the carrying out or performance of any minor treatment, test or operation specified in an order made by the Ministers after consultation with the Council, so long as any conditions so specified are complied with.

1876 c. 77.

(5) The Ministers may, after consultation with the Council and with persons appearing to the Ministers to represent interests so appearing to be substantially affected, by order amend the provisions of Schedule 3 to this Act.

(6) Any order under subsection (4) or (5) of this section may be varied or revoked by a subsequent order of the Ministers under that subsection made after the like consultation.

20.—(1) If a person not registered in the register takes or uses the title of veterinary surgeon or any name, title, addition or description implying that he is so registered, he shall be guilty of an offence. Prohibition of use of practitioners' titles by unqualified persons.

(2) If any person not registered in the register of veterinary surgeons or the supplementary veterinary register takes or uses the title of veterinary practitioner or any name, title, addition or description implying that he is a practitioner of, or qualified to practise, veterinary surgery to any greater extent than is authorised by or under subsection (3) of the last foregoing section, he shall be guilty of an offence.

(3) Without prejudice to the foregoing provisions of this section, if any person uses, in connection with any business carried on by him or at any premises at which such a business is carried on, a description implying that he or any person acting for the purposes of the business possesses veterinary qualifications which he does not in fact possess he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction to a fine not exceeding £100 ;
- (b) on conviction on indictment to a fine.

(5) Where an offence by a body corporate under this section is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or a 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.

(6) Subsection (2) of section 19 of this Act shall apply in relation to offences under this section as it applies in relation to offences under that section.

Agreements with the Republic of Ireland

21.—(1) For the purpose of giving effect to any agreement with respect to veterinary surgeons entered into (whether before or after the commencement of this Act) between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland Her Majesty may by Order in Council make such provision as appears to Her to be expedient— Power to give effect to agreements with the Republic of Ireland.

- (a) for the appointment or election of additional members of the Council to represent the Republic of Ireland ;

- (b) for empowering the Privy Council, on the recommendation of the Council, to make an order—
- (i) directing that the holders of any university veterinary degree of the Republic of Ireland specified in the order shall be entitled, subject to any exception so specified and on compliance with any conditions so specified, to be registered in the register and shall on being so registered become a member of the College ; and
 - (ii) revoking or suspending any order made by virtue of the foregoing sub-paragraph ;
- (c) for imposing duties on the Council with respect to any reports received by them in pursuance of any such agreement ;
- (d) without prejudice to the last foregoing sub-paragraph, for requiring or enabling the disciplinary committee to act on any report made to the Council in pursuance of any such agreement by any committee of the Veterinary Council of the Republic of Ireland in connection with a disciplinary case as if the facts stated in the report had been found by the disciplinary committee on inquiring into the case under this Act.

(2) Any Order in Council under this section may contain such incidental, consequential, transitional or supplementary provision as may appear to Her Majesty to be necessary or proper in consequence of the provisions of any such agreement or for giving full effect thereto (including provision amending this Act or any instrument thereunder).

(3) Any Order in Council under this section may be varied or revoked by a subsequent Order thereunder.

Miscellaneous and general

Default powers
of the Privy
Council.

22.—(1) If it appears to the Privy Council that the Council of the College have failed, but ought, to discharge any of their functions under this Act, the Privy Council may notify their opinion to the Council of the College and may direct them to discharge that function in such a manner and within such a period as may be specified in the direction.

(2) If the Council of the College fail to comply with a direction under the foregoing subsection with respect to any function of theirs, the Privy Council may themselves discharge that function.

Exercise of
powers
conferred on
the Privy
Council.

23.—(1) For the purpose of exercising any powers of this Act conferred on the Privy Council a quorum of the Privy Council shall be two.

(2) Any document purporting to be—

- (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made ; and

(b) signed by the Clerk of the Privy Council or any other person authorised by the Privy Council in that behalf, shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of the terms of the instrument.

24.—(1) No person registered in the register of veterinary surgeons or the supplementary veterinary register shall if actually practising veterinary surgery be liable to serve on any jury in Great Britain. Exemption from jury service.

(2) For section 10(1) of the Juries Act (Northern Ireland) 1953 there shall be substituted the following subsection:— 1953 c. 19. (N.I.)

“ (1) No person registered in the register of veterinary surgeons or the supplementary veterinary register shall, if actually practising veterinary surgery, be liable to serve on any jury, and accordingly there shall be added at the end of Schedule 3 to the Jury Laws Amendment Act (Northern Ireland) 1926 (exemption from serving on juries) 1926 c. 15. (N.I.) the words ‘ persons registered in the register of veterinary surgeons or the supplementary veterinary register, if actually practising.’ ”

25.—(1) No regulation or rules of the Council under this Act shall have effect unless approved by order of the Privy Council. Regulations, rules and orders.

(2) Any order under the foregoing subsection may be revoked by a subsequent order of the Privy Council.

(3) Any power to make orders conferred by this Act on the Privy Council or the Ministers, and any power to make rules so conferred on the Lord Chancellor, shall be exercisable by statutory instrument.

(4) The Ministers shall not make an order under section 19(5) of this Act unless a draft of the order has been approved by both Houses of Parliament.

(5) Any statutory instrument made under this Act in the exercise of powers conferred by section 1(4), 3, 19(4) or 21 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

26.—(1) In this Act “ notice ” means a notice in writing. Notices.

(2) Any notice or other document authorised or required to be served under this Act on a person registered in the register of veterinary surgeons or the supplementary veterinary register may, without prejudice to any other method of service, be served on him by post in a letter addressed to him at his

address in the relevant register, or at his last known address if that address differs from his address in the relevant register and it appears to the registrar that such service will be more effective.

Interpretation. 27.—(1) In this Act, except so far as the context otherwise requires,—

- “ animals ” includes birds and reptiles ;
- “ College ” means the Royal College of Veterinary Surgeons ;
- “ Commonwealth qualification ” and “ foreign qualification ” have the meanings respectively assigned to them by section 6 of this Act ;
- “ Council ” means the Council of the College ;
- “ disciplinary case ” has the meaning assigned to it by section 15 of this Act ;
- “ elected members of the Council ” has the meaning assigned to it by section 1 of this Act ;
- “ the Ministers ” means the Minister of Agriculture, Fisheries and Food, the Secretary of State and the Minister of Agriculture for Northern Ireland acting jointly ;
- “ qualification ” 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 ;
- “ recognition order ” has the meaning assigned to it by section 3 of this Act ;
- “ register ” means the register of veterinary surgeons ;
- “ veterinary surgery ” means the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, shall be taken to include—
 - (a) the diagnosis of diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes ;
 - (b) the giving of advice based upon such diagnosis ;
 - (c) the medical or surgical treatment of animals ;
 and
 - (d) the performance of surgical operations on animals.

(2) Anything required by this Act to be done by or to the registrar may be done by or to any assistant registrar appointed by the Council.

(3) References in this Act to any other enactment shall be construed as references thereto as amended, and as including references thereto as extended, by or under any subsequent enactment.

28.—(1) The enactments described in Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule. Repeal, saving and transitional provisions

(2) Nothing in this Act shall be construed as derogating from so much of the charter of the College dated 8th March 1844 as incorporates the College, recognises the veterinary art as a profession, authorises the College to have a common seal, to hold property, to sue and be sued and to appoint officers and servants and provides for the vesting of the property of the College.

(3) In so far as any Order in Council, regulation, rule, order or other instrument made or issued under any enactment repealed or any charter provision superseded by this Act or any other thing done under any such enactment or provision could have been made, issued or done under a corresponding provision of this Act it shall not be invalidated by the repeals effected by this section or by any other provision of this Act but shall have effect as if made, issued or done under that corresponding provision.

(4) Without prejudice to the last foregoing subsection—

- (a) any person registered in the register immediately before the commencement of section 2 of this Act by reason of his having obtained a diploma granted on examination by the College shall be treated as if he had been registered in that register in the general list;
- (b) any person registered in the register under section 13 of the Veterinary Surgeons Act 1881 as a colonial practitioner or a foreign practitioner immediately before the commencement of the said section 2 shall be treated as if he had been registered in the register in the Commonwealth list or the foreign list, as the case may require;
- (c) any order made under section 1 of the Veterinary Surgeons Act 1948 and in force immediately before the commencement of section 3 of this Act shall have effect as if it had been made under the said section 3.

(5) Without prejudice to subsection (3) of this section, any provision of this Act relating to anything done or required

or authorised to be done under, or by reference to, that provision or any other provision of this Act shall have effect as if any reference to that provision or to that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act or the corresponding charter provision superseded by this Act, as the case may require.

(6) Without prejudice to subsection (3) of this section, the tenure of office of a person elected or appointed a member of the Council, or President or Vice-President of the College, before the day appointed for the commencement of Schedule 1 to this Act, or of any person thereafter elected or appointed to fill a casual vacancy in the office of a person of the former description, shall be computed as if the said Schedule 1 had come into operation on the day on which the person of the former description was elected or appointed a member of the Council or President or Vice-President of the College, as the case may be.

(7) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of sections 19 and 20 of this Act.

(8) Any enactment passed before this Act referring, whether specifically or by means of a general description, to an enactment repealed or a charter provision superseded by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued (whether before or after the passing of this Act) referring whether specifically or by means of a general description, to an enactment repealed or a charter provision superseded by this Act shall, unless the contrary intention appears, be similarly construed.

(9) In this section "charter provision" means a provision of a charter of the College.

29.—(1) This Act may be cited as the *Veterinary Surgeons Act 1966*.

(2) It is hereby declared that this Act extends to Northern Ireland, and for the purposes of section 6 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 for that section to come into operation) this Act shall be treated as passed before that day.

(3) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint and different days may be appointed under this subsection for different purposes ;

Short title,
extent and
commence-
ment.
1920 c. 67.

and any reference in this Act to the commencement of any provision thereof shall be construed as a reference to the day appointed under this subsection for the coming into operation of that provision.

(4) Any Order under this section may make such transitional provision as appears to Her Majesty to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions, of any provisions of this Act then in force or of any provisions then in force of the enactments described in Schedule 4 to this Act as appear to Her to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the Order).

SCHEDULES

Section 1(3).

SCHEDULE 1

PROVISIONS AS TO THE COUNCIL

Tenure of office of members and of President and Vice-Presidents

1.—(1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and the day on which a member of the Council ordinarily retires shall be the day of the annual general meeting of the College in the year in which he retires.

(2) Subject to the provisions of this Schedule, six of the elected members of the Council, being those who have been such members for the longest time without re-election, shall retire in each year.

(3) If on the coming into force of a recognition order for any university a member of the Council is appointed by the university between two annual general meetings of the College, then, subject to the following provisions of this Schedule, the term of office of that member shall not expire until the fourth annual general meeting after it began.

2. Subject to the provisions of this Schedule, the term of office of the President or a Vice-President of the College shall be, as near as may be, one year, and he shall retire at the next meeting of the Council after the annual general meeting, but shall hold office until that next meeting notwithstanding that he has ceased to be a member of the Council, unless he resigns office as President or Vice-President or ceases to be a member of the Council under paragraph 3, 4 or 5 of this Schedule.

3. A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office as member and the President or a Vice-President of the College may at any time by a like notice resign his office as such.

4. An elected member of the Council, or a member of the Council appointed by a university as being a member of the College, shall cease to hold office if he ceases to be a member of the College.

5. If a recognition order ceases to be in force for any university, any member appointed to the Council by that university shall thereupon cease to hold office.

Elections, appointments and casual vacancies

6.—(1) Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the College at which the vacancy occurs.

(2) Elections to fill an ordinary vacancy in the office of President or Vice-President shall be held at the meeting of the Council at which the vacancy occurs.

7.—(1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled—

- (a) by the unsuccessful candidate at the last previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or
- (b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or
- (c) if there were no unsuccessful candidates at that election, by a person appointed by the Council.

(2) Where a casual vacancy occurs among members of the Council appointed by the Privy Council or a university, the vacancy shall be filled by the Privy Council or that university, as the case may be.

(3) Where a casual vacancy occurs in the office of President or Vice-President of the College, the vacancy shall be filled by an election held at the first meeting of the Council after the vacancy occurs.

(4) A person filling a casual vacancy among the elected members of the Council or in the office of President or Vice-President of the College shall hold office until the date on which the person whose vacancy he fills would have regularly retired.

8. A person ceasing to be a member of the Council or President or Vice-President of the College shall be eligible to be re-elected or re-appointed.

9. Elections of elected members of the Council shall be conducted in accordance with a scheme made by the Council and approved by the Privy Council.

10. A scheme under the last foregoing paragraph may be amended by the Council, but no amendment of the scheme shall have effect unless approved by the Privy Council.

Supplementary

11. The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member.

12. The additional elected members of the Council required to bring the number of such members up to twenty-four shall be elected before, and shall come into office at, the annual general meeting of the College in 1968.

13. Of the persons elected members of the Council at the election of such members in 1968 one shall retire in each of the three next following years, being—

- (a) that one of the successful candidates who at that election received the smallest number of votes and remains a member by virtue of being so elected, or

SCH. 1

- (b) if two or more such candidates received an equal number of votes, the candidate who has been registered on the register for the shortest period or, if two or more such candidates have been registered for a shorter period than any other but for the same period as each other, one of them chosen by lot.

Section 15(3).

SCHEDULE 2

PRELIMINARY INVESTIGATION AND DISCIPLINARY COMMITTEES

PART I

CONSTITUTION OF THE COMMITTEES

1.—(1) The preliminary investigation committee shall consist of the President and Vice-Presidents of the College and three other members of the Council elected from among themselves by the members of the Council.

(2) Ordinary elections of the members of the preliminary investigation committee, other than the President or the Vice-Presidents, shall be held at the first meeting of the Council following the annual general meeting of the College and any election to fill a casual vacancy occurring among those members shall be held at the next meeting of the Council after the vacancy occurs.

(3) The quorum for a meeting of the preliminary investigation committee shall be three, of whom at least one shall be the President or a Vice-President of the College.

2.—(1) The disciplinary committee shall consist of a chairman elected by the Council and of eleven other members so elected.

(2) A person shall not be qualified to be a member of the disciplinary committee unless he is a member of the Council.

(3) Not less than six members of the disciplinary committee shall be elected members of the Council, and not less than one member of the disciplinary committee shall be a member of the Council appointed to the Council by the Privy Council.

(4) For the purpose of any proceedings relating to the supplementary veterinary register there shall be added to the disciplinary committee four persons appointed by the Ministers, being persons registered in the supplementary veterinary register.

(5) No person who acted as a member of the preliminary investigation committee with respect to any case shall act as a member of the disciplinary committee with respect to that case.

(6) 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, except that a quorum for a meeting of the committee to hear a disciplinary case against a person registered in the supplementary veterinary register shall be seven, of whom at least one shall be an elected member of the Council and at least two shall be persons so registered.

3. The members of the preliminary investigation committee and the disciplinary committee shall hold office for such term as may be determined from time to time by the Council.

PART II

SCH. 2

PROCEDURE OF DISCIPLINARY COMMITTEE

4.—(1) For the purpose of any proceedings before the disciplinary committee in England and Wales or Northern Ireland the committee 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.

(2) The provisions of section 49 of the Supreme Court of Judicature 1925 c. 49. (Consolidation) Act 1925 or of the Attendance of Witnesses Act 1854 c. 34. 1854 (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before the disciplinary committee in England and Wales or, as the case may be, Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

(3) For the purpose of any proceedings before a disciplinary committee in Scotland, the committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation, to grant warrant for the recovery of documents, and to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

5.—(1) The Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings in disciplinary cases before the disciplinary committee and in particular—

- (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 by the rules, to the person alleged to be liable to have his name removed or suspended from the register ;
- (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 by the rules ;
- (d) for requiring proceedings before the committee to be held in public except so far as may be provided by the rules ;
- (e) for requiring, in cases where it is alleged that a person is guilty of disgraceful conduct in any professional respect, that where the committee judges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates.

Y

SCH. 2

(2) As respects proceedings before the disciplinary committee not falling within the foregoing sub-paragraph the Council shall have power to make rules with respect to all or any of the matters mentioned in the foregoing sub-paragraph, but shall not be required to do so.

6.—(1) For the purpose of advising the disciplinary committee on questions of law arising in disciplinary cases there shall in all such cases 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 an assessor to the disciplinary committee shall be exercisable by the Council, but if no assessor appointed by the Council is available to act in any particular proceedings the committee may itself appoint an assessor qualified as aforesaid for those proceedings.

(3) The Lord Chancellor may make rules as to the functions of assessors appointed under this paragraph, and in particular such rules may contain provision for securing—

(a) that where an assessor advises the disciplinary committee on any question of law as to evidence, procedure or any other matters specified by 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 while the committee is deliberating in private, 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 does not accept the advice of the assessor on such a question as aforesaid,

and may contain such incidental and supplementary provisions as the Lord Chancellor considers expedient.

(4) An assessor may be appointed under this paragraph 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) The Council may pay to an assessor appointed under this paragraph remuneration at such rates as may be determined by the Council with the consent of the Lord Chancellor.

Section 19(4).

SCHEDULE 3

EXEMPTIONS FROM RESTRICTIONS ON PRACTICE OF VETERINARY SURGERY

PART I

TREATMENT AND OPERATIONS WHICH MAY BE GIVEN OR CARRIED OUT BY UNQUALIFIED PERSONS

Any treatment given to an animal by the owner thereof, by another member of a household of which the owner is a member, or by a person in the employment of the owner or of any other member of such a household.

Anything (except a laparotomy) done, otherwise than for reward, to an animal used in agriculture, as defined in the Agriculture Act 1947, by the owner of the animal or by a person engaged or employed in caring for animals so used. SCH. 3
1947 c. 48.

The rendering in an emergency of first aid for the purpose of saving life or relieving pain.

The performance by any person of or over the age of eighteen of any of the following operations, that is to say—

- (a) castration or caaponising, whether by chemical means or otherwise ;
- (b) the tailing of a lamb ;
- (c) the docking of the tail of a dog before its eyes are open ;
- (d) the amputation of the dew claws of a dog before its eyes are open.

The performance, by any person of the age of seventeen undergoing instruction in animal husbandry, of any operation mentioned in the last foregoing paragraph if either of the following conditions is complied with:—

- (a) the instruction is given by a person registered in the register of veterinary surgeons or the supplementary veterinary register and the operation is performed under his direct personal supervision ;
- (b) the instruction is given at a recognised institution and the operation is performed under the direct personal supervision of a person appointed to give such instruction at the institution :

and in this paragraph ' recognised institution ' means—

- (i) as respects Great Britain, an institution maintained or assisted (in England and Wales) by a local education authority or (in Scotland) by an education authority or in either case an institution for the giving of further education as respects which a grant is paid by the Secretary of State or an institution recognised for the purposes of this paragraph by the Secretary of State ;
- (ii) as respects Northern Ireland, an agricultural college maintained by the Ministry of Agriculture for Northern Ireland.

PART II

EXCLUSIONS FROM PROVISIONS OF PART I

Nothing in section 19(4)(b) of this Act shall authorise the castration—

- (a) of a horse, pony, ass or mule ;
- (b) of a bull which has reached the age of twelve months ; or
- (c) of a goat, ram, boar, cat or dog which has reached the age of six months.

Section 28(1).

SCHEDULE 4**ENACTMENTS REPEALED**

Chapter	Short Title	Extent of Repeal
44 & 45 Vict. c. 62.	The Veterinary Surgeons Act 1881.	The whole Act.
22 & 23 Geo. 5. c. 10.	The Veterinary Surgeons (Irish Free State Agreement) Act 1932.	The whole Act.
11 & 12 Geo. 6. c. 52.	The Veterinary Surgeons Act 1948.	The whole Act, except sections 23, 30 and 31(1) and Schedule 2.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In Schedule 3, paragraph 2.



Barbados Independence Act 1966

1966 CHAPTER 37

An Act to make provision for, and in connection with, the attainment by Barbados of fully responsible status within the Commonwealth. [17th November 1966]

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

1.—(1) On and after 30th November 1966 (in this Act referred to as “the appointed day”) Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Barbados. Fully responsible status of Barbados.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Barbados as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of Barbados.

2.—(1) On and after the appointed day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) there were added at the end the words “and Barbados”. Consequential modifications of British Nationality Acts.

(2) Except as provided by section 3 of this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if he becomes on that day a citizen of Barbados.

(3) Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a

woman by virtue of her marriage to a person who on the appointed day ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

Retention of citizenship of United Kingdom and Colonies by certain citizens of Barbados.

3.—(1) Subject to subsection (5) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony; or
- (b) is or was a person naturalised in the United Kingdom and Colonies; or
- (c) was registered as a citizen of the United Kingdom and Colonies; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said section 2(2) if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

(3) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under the said section 2(2) unless her husband does so.

(4) Subject to subsection (5) of this section, the reference in subsection 1(b) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

(5) Any reference in this section to a colony, a protectorate or a protected state is a reference to a territory which is a colony, a protectorate or a protected state, as the case may be, within the meaning of the British Nationality Act 1948, on the appointed day, and accordingly does not include a reference to Barbados; and subsection (1) of this section shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not such a colony, protectorate or protected state on the appointed day.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) shall have effect for the purposes of this section as if this section were included in that Act.

1948 c. 56.

4.—(1) Notwithstanding anything in the Interpretation Act 1889, the expression “colony” in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Barbados.

Consequential
modification
of other
enactments.
1889 c. 63.

(2) On and after the appointed day—

(a) the expression “colony” in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Barbados, and

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

(b) in the definitions of “Commonwealth force” in section 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in section 135(1) of the said Act of 1957, at the end there shall be added the words “or Barbados”.

(3) If any enactment contained in an Act of the present Session passed before the appointed day (whether before or after the passing of this Act) provides for the continuance in force of the said Acts of 1955 after the end of the year 1966, no Order in Council made under that enactment which continues either of those Acts in force for a further period shall extend to Barbados as part of its law.

(4) For the purposes of the making, on or after the appointed day, of Orders in Council under the West Indies Act 1962, and for the purposes of the making on or after that day of grants under section 8 of that Act, Barbados shall be treated as not being a colony within the meaning of that Act.

1962 c. 19.

(5) On and after the appointed day the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments specified respectively in that Schedule.

(6) Subsection (5) of this section, and Schedule 2 to this Act, shall not extend to Barbados as part of its law.

5.—(1) Her Majesty may by Order in Council made before the appointed day provide a constitution for Barbados to come into effect on that day.

Power to
provide new
constitution
for Barbados.

(2) An Order in Council under this section (in this section referred to as a “Constitution Order”) may include provision as to the manner in which the legislature of Barbados may alter any provisions of that Order, or may alter any law which alters any of those provisions; and a constitution provided by a Constitution Order may include provision as to the manner in which the legislature of Barbados may alter that constitution or any provisions of that constitution, or may alter any law which alters that constitution or any provisions thereof.

(3) In this section references to altering a constitution or to altering any provision or law include references—

- (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
- (b) to modifying it (whether by omitting, amending or overriding any of its provisions or inserting additional provisions in it or otherwise); and
- (c) to suspending its operation for any period or terminating any such suspension.

(4) A Constitution Order may contain such transitional or other incidental or supplementary provisions as appear to Her Majesty to be necessary or expedient.

(5) Any Constitution Order shall be laid before Parliament after being made.

Short title and interpretation. 6.—(1) This Act may be cited as the Barbados Independence Act 1966.

(2) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULES

SCHEDULE 1

Section 1.

LEGISLATIVE POWERS OF BARBADOS

1. The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Barbados. 1865 c. 63.

2. No law and no provision of any law made on or after the appointed day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and accordingly the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Barbados.

3. The legislature of Barbados shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the preceding provisions of this Schedule—

(a) sections 735 and 736 of the Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Barbados; and 1894 c. 60.

(b) section 4 of the Colonial Courts of Admiralty Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in Barbados. 1890 c. 27.

SCHEDULE 2

Section 4.

AMENDMENTS NOT AFFECTING THE LAW OF BARBADOS

Diplomatic immunities

1. In section 461 of the Income Tax Act 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

(a) in subsection (2), before the words "for any state" there shall be inserted the words "or Barbados";

(b) in subsection (3), before the words "and 'Agent-General'" there shall be inserted the words "or Barbados".

2. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the word "and" in the last place where it occurs there shall be inserted the word "Barbados". 1952 c. 18.

3. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the word "and" in the last place where it occurs there shall be inserted the word "Barbados". 1961 c. 11.

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Financial

1958 c. 6.

4. In section 2(4) of the Import Duties Act 1958, before the words "together with" there shall be inserted the word "Barbados".

Visiting forces

1933 c. 6.

5. In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Barbados as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

1931 c. 4
(22 & 23
Geo. 5.).

1952 c. 67.

6. In the Visiting Forces Act 1952—

(a) in paragraph (a) of section 1(1) (countries to which that Act applies) at the end there shall be added the words "Barbados or";

(b) in section 10(1)(a), the expression "colony" shall not include Barbados;

and, until express provision with respect to Barbados is made by an Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Barbados.

Ships and aircraft

1894 c. 60.

1949 c. 43.

7. In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words "or in any" there shall be inserted the words "or Barbados".

1948 c. 44.

8. In section 6(2) of the Merchant Shipping Act 1948, at the end of the proviso there shall be added the words "or Barbados".

1939 c. 70.

9. The Ships and Aircraft (Transfer Restriction) Act 1939 shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Barbados; and the penal provisions of that Act shall not apply to persons in Barbados (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

1934 c. 49.

10. In the Whaling Industry (Regulation) Act 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Barbados.

1960 c. 38.

11. In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, the expression "colony" shall not include Barbados.

Copyright

1911 c. 46.

1956 c. 74.

12. If the Copyright Act 1911, so far as in force in the law of Barbados, is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of Schedule 7 to the Copyright Act 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Barbados, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Commonwealth Institute

SCH. 2

13. In section 8(2) of the Imperial Institute Act 1925, as amended 1925 ch. xvii. by the Commonwealth Institute Act 1958 (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words “ and Barbados ”.



Sea Fisheries Regulation Act 1966

1966 CHAPTER 38

An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949) the Sea Fisheries Regulation Acts 1888 to 1930 and certain other enactments relating to the sea fisheries of England and Wales.

[17th November 1966]

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:—

Sea fisheries districts and local fisheries committees

Establishment
of sea
fisheries
districts
and local
fisheries
committees.

1.—(1) The Minister may, on the application of a county council or borough council, by order—

- (a) create a sea fisheries district comprising any part of the sea within the national or territorial waters of the United Kingdom adjacent to England or Wales, either with or without any part of the adjoining coast, and
- (b) define the limits of the district, and the area chargeable with any expenses under this Act, and
- (c) provide for the constitution of a local fisheries committee for the regulation of the sea fisheries carried on within the district;

and the Minister may, by a subsequent order made on the like application, or made on the application of the local fisheries committee and after consultation with every county or borough council concerned, vary or revoke any order made under this section, or unite two or more districts or parts of districts into a separate sea fisheries district or dissolve any sea fisheries district that may have been created.

(2) The power to make orders under this section shall be exercisable by statutory instrument, and a draft of a statutory instrument containing any such order shall be laid before Parliament.

2.—(1) The local fisheries committee for a sea fisheries district shall be a committee of such county council or of such borough council as may be determined by the order creating the district, or a joint committee of such councils, being county councils or borough councils, as may be so determined, and shall consist of—

Constitution
of local
fisheries
committee.

- (a) such number of members to be appointed by the council, or by the constituent councils in such proportions as may be so determined, and
- (b) such number of additional members, not exceeding the number of members required to be appointed by the council or constituent councils, as may be appointed in accordance with subsection (2) below.

(2) The additional members of a local fisheries committee shall include one person appointed by each river authority having jurisdiction within the district of the committee and as to the rest shall be persons appointed by the Minister as being persons acquainted with the needs and opinions of the fishing interests of that district.

In this subsection “fishing interests” includes all persons interested in fisheries, either as owners of fisheries or interests therein, fishermen, fishing-boat owners, fish curers, fish merchants or otherwise.

(3) The term of office of any person who at the commencement of this Act is, or after the said commencement becomes, a member of a local fisheries committee shall expire not later than the end of the triennial period in which he took or takes office.

In this subsection “triennial period” means the period of three years beginning with the 1st July 1964 and with every third anniversary of that day.

(4) A member of a local fisheries committee who at the time of his appointment was a member of the council by whom he was appointed shall, upon ceasing to be a member of the council, also cease to be a member of the committee, but for the purpose of the foregoing provision a member of a council shall not be deemed to have ceased by reason of retirement to be a member of the council, if he has been re-elected a member thereof not later than the day of his retirement.

(5) An order constituting a local fisheries committee may contain such regulations consistent with this Act with respect to the number and mode of appointment of the members of the committee, and with respect to other matters relating to the constitution of the committee, as the Minister thinks expedient.

1933 c. 51.

(6) Section 96 of the Local Government Act 1933 (proceedings of committees and joint committees) shall, in relation to a local fisheries committee, have effect subject to the provisions of the order constituting the committee.

Ratepayers may apply for order under s. 1 if council refuse, etc. to apply.

3. If a county council or borough council, to whom an application in that behalf has been made by not less than twenty persons, being persons who are ratepayers and inhabitants of the county or borough, as the case may be, and interested in sea fisheries, refuse to apply to the Minister for an order creating a sea fisheries district or neglect to apply for such an order within six months from the date of the application, the persons who made the application may, within twelve months from the said date, apply to the Minister for such an order; and the Minister shall, unless the council in question satisfy the Minister that such an order should not be made, proceed as if the application had been made by the council.

Draft of certain orders under s. 1 to be published locally.

4.—(1) Before making an order creating a sea fisheries district the Minister shall cause a draft of the order to be published locally in such manner as he may direct, and shall, if any objection is made to the draft order or any of the provisions thereof, cause such local inquiry to be held as may in his opinion be required.

(2) Due notice of an inquiry under this section shall be given by advertisement or otherwise, and the report of the person holding the inquiry shall, if the order to which the inquiry related is to be made, be laid before Parliament with the draft of the statutory instrument containing the order.

Powers of local fisheries committees

Byelaws for regulation, etc. of sea fisheries.

5.—(1) The local fisheries committee for a sea fisheries district may, subject to such regulations as may be made in that behalf by the Minister by statutory instrument, make byelaws, to be observed within their district, for all or any of the following purposes, namely—

- (a) for restricting or prohibiting, either absolutely or subject to any exceptions and regulations, the fishing for or taking of all or any specified kinds of sea fish during any period specified in the byelaw ;

- (b) for restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the by-laws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish and for determining the size of mesh, form and dimensions of any instrument of fishing for sea fish ;
- (c) for prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing ;
- (d) for the regulation, protection and development of fisheries for all or any specified kinds of shellfish, including—
 - (i) the fixing of the sizes and condition at which shellfish may not be removed from a fishery, and the mode of determining such sizes ;
 - (ii) the obligation to re-deposit in specified localities any shellfish the removal or possession of which is prohibited by or in pursuance of any Act ;
 - (iii) the protection of shellfish laid down for breeding purposes ;
 - (iv) the protection of culch and other material for the reception of the spat or young of any kinds of shellfish ; and
 - (v) the obligation to re-deposit such culch and other material in specified localities ;
- (e) for constituting within their district any district of oyster cultivation for the purposes of section 4 of the Fisheries (Oyster, Crab and Lobster) Act 1877 1877 c. 42. (which prohibits the sale of oysters between certain dates) ;
- (f) for directing that the proviso to section 8 of the said Act (which affords a defence to a person charged with an offence under that section) shall not apply ;
- (g) for revoking or amending any order made under section 10 of the said Act (which authorises the making of orders prohibiting or restricting the taking of crabs and lobsters in certain areas) ;
- (h) for revoking or amending any byelaw made under this section.

(2) A byelaw made under this section may provide for its application either to the whole or any specified part or parts of the district for which it is made and either during the whole or any specified part or parts of the year.

Restrictions
on power to
make byelaws.

6. Nothing in this Act shall authorise a local fisheries committee to make any byelaw which—

- (a) prejudicially affects any right of several fishery, or any right on, to or over any portion of the sea shore, where any such right is enjoyed by any person under any local or special Act of Parliament, or any Royal charter, letters patent, prescription, or immemorial usage, except with the consent of that person, or
- (b) affects any byelaw made by a river authority and for the time being in force within the district of the committee or restricts the power of such an authority to make any byelaw having effect within that district, or
- (c) affects any power of a local authority to discharge sewage in pursuance of any power conferred by a general or local Act of Parliament or by a provisional order confirmed by Parliament.

Confirmation
of byelaws.

7.—(1) No byelaw made by a local fisheries committee under this Act shall have effect until confirmed by the Minister.

(2) The Minister may, before confirming any such byelaw, cause such local inquiry as he thinks fit to be held with respect to the byelaw, and may, in any case, confirm the byelaw, either without modification or with such modifications as may be assented to by the local fisheries committee who made the byelaw.

Power of
Minister
to revoke
byelaws.

8. If it appears to the Minister that the revocation of a byelaw made by any local fisheries committee is necessary or desirable for the maintenance or improvement of fisheries, he may, after giving notice to the committee and considering any objection raised by them, and, if so required by them, holding a public inquiry, revoke the byelaw.

Copies and
evidence
of byelaws.

9.—(1) A local fisheries committee shall cause copies of all byelaws made by them under this Act, and for the time being in force, to be kept posted up in some conspicuous place or places within their district and shall supply copies of all such byelaws to any applicant on payment of a sum not exceeding one penny for each copy.

(2) The production of a copy of any byelaw made under this Act, purporting to be signed by a secretary or assistant secretary of the Ministry of Agriculture, Fisheries and Food, shall be conclusive evidence of the byelaw and of the due making and confirmation thereof.

10.—(1) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, but nothing in this section shall exempt British sea-fishery officers from their statutory duty of enforcing the laws and regulations affecting vessels engaged in sea fishing.

Appointment
and powers
of fishery
officers.

(2) For the purpose of enforcing byelaws made by a local fisheries committee any fishery officer appointed by the committee may within the limits of the district, or of any adjoining sea fisheries district or district under the jurisdiction of a river authority or of a harbour authority,—

- (a) stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaw ;
- (b) examine any instrument used in fishing for fish and search any container used in carrying fish ; and
- (c) seize any sea fish or instrument taken or used in contravention of any such byelaw.

(3) For the enforcement of the provisions of any such byelaw every such officer shall be deemed to be a constable and to have the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to at common law or by statute.

(4) A local fisheries committee may, with the consent of any river authority, appoint as an officer of the committee any officer of that authority ; and a river authority may, with the consent of a local fisheries committee, appoint as an officer of the authority any officer of that committee.

11.—(1) If any person without reasonable excuse (proof whereof shall lie on him) refuses to allow a fishery officer to exercise the powers conferred on him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

Penalty for
obstructing,
etc. fishery
officer or
contravening
byelaws.

(2) Where any vessel is used for fishing in any manner constituting a contravention of any byelaw of a local fisheries committee having effect by virtue of section 5(1)(a) or (b) above, the skipper and the owner of the vessel shall, subject to subsection (3) below, each be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, fifty pounds or, in the case of a second offence, one hundred and fifty pounds or, in the case of a third or subsequent

offence, to imprisonment for a term not exceeding three months or to a fine not exceeding three hundred pounds or to both such imprisonment and such fine.

(3) In any proceedings which by virtue of this section are taken against the owner of a vessel in respect of an offence under subsection (2) above committed by the skipper, it shall be a good defence for the owner to prove that he exercised all due diligence to prevent the commission of that offence.

(4) Subsections (2) and (3) above shall, in relation to any vessel which at the material time is under charter, have effect as if any reference in those subsections to the owner were a reference to the charterer.

(5) Without prejudice to the operation of subsections (2), (3) and (4) above, any person who contravenes any byelaw of a local fisheries committee shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds.

(6) Where any offence under subsection (2) or (5) above 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 officer of the body corporate, 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.

(7) Where any offence under subsection (1) or (5) above is committed on the sea coast or at sea beyond the ordinary jurisdiction of a magistrates' court and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county or borough having a separate commission of the peace which abuts on that sea coast or adjoins that sea, and may be tried and punished accordingly.

Entry of premises on which offence suspected to have been committed.

12.—(1) If a justice of the peace is satisfied by information on oath that there is probable cause to suspect that a breach of a byelaw of a local fisheries committee has been committed on any premises, or that any sea fish or instrument taken or used in contravention of any such byelaw is concealed on any premises, he may grant a warrant to any fishery officer appointed under section 10 above, or any police officer, empowering him to enter and search the premises, at such time or times in the day or night as may be specified in the warrant, for the purpose of detecting the offence or the concealed fish or instrument and to seize any such fish or instrument which may be found on the premises.

(2) A warrant under this section shall not continue in force for more than one week from the date thereof.

13.—(1) A local fisheries committee may stock or restock any public fishery for shellfish, and for that purpose may incur such expenses as may be sanctioned by the Minister. Other powers of local fisheries committees.

(2) A local fisheries committee may, with the approval of the Minister and subject to such conditions as he may impose, undertake, or cause to be undertaken, the destruction of predatory fish, predatory marine animals, predatory birds and eggs of predatory birds, if and so far as such destruction appears to the committee to be desirable for the preservation and improvement of the fisheries within their district and is not illegal under any Act other than the Sea Fish Industry Act 1938. 1938 c. 30.

(3) A local fisheries committee may contribute or undertake to contribute to the expenses of a harbour authority constituted under the Fishery Harbours Act 1915 for a harbour to which that Act applies situate wholly or partly in the district of the committee. 1915 c. 48.

(4) A local fisheries committee may contribute to the payment of the cost of executing works for the maintenance or improvement of any small harbour situate wholly or partly in their district, being a harbour as to which the Minister is satisfied that it is principally used by persons engaged in the sea fishing industry.

In this subsection "harbour" includes any haven, cove or other landing place and "works" includes slipways, capstans and other works facilitating the landing, launching or beaching of vessels in any harbour.

(5) Subject to section 11(1) of the Sea Fisheries Act 1883, any local fisheries committee may, within their district, enforce the provisions of the Fisheries (Oyster, Crab and Lobster) Act 1877 and of any other Act relating to sea fisheries. 1883 c. 22.
1877 c. 42.

Miscellaneous and supplemental

14. Every local fisheries committee shall collect such statistics relating to the sea fisheries within the district of the committee, and make such returns to the Minister as to the proceedings of the committee under this Act and as to the said sea fisheries, as the Minister may reasonably require. Returns by local fisheries committees.

15. At least once in every year the Minister shall convene a meeting composed of not less than one representative selected by each of the local fisheries committees to confer with the heads of the Fisheries Department of his department and for consultative purposes on matters relating to this Act. Annual meetings of representatives of committees.

16. A local fisheries committee may repay to any member of the committee the amount of any travelling expenses necessarily incurred by him—

(a) in attending any meeting of the committee or any meeting convened by the Minister under section 15 above; Payment of travelling expenses incurred by members of committee.

- (b) in carrying out any inspection necessary for the exercise of the powers, or the discharge of the duties, of the committee ;

and any such amount repaid by such committee to any member thereof shall be treated as part of the expenses of the committee.

Expenses, etc.
of committees.

17.—(1) The expenses of a local fisheries committee, so far as payable by a county council, shall, according as the order constituting the committee provides, be expenses for general county purposes or for special county purposes and if for special county purposes shall be chargeable on such part only of the county as may be directed by the order.

(2) Any expenses which such a committee is required by the Minister to incur in the collection of statistics shall be paid out of moneys provided by Parliament.

(3) The accounts of a local fisheries committee which by virtue of section 2(1) above is a joint committee of councils shall be made up yearly to the 31st March.

Provisions
with respect
to areas under
jurisdiction
of river or
harbour
authorities.

18.—(1) Where a proposed sea fisheries district will adjoin or overlap the area of a river authority, the Minister shall, by the order defining the limits of the sea fisheries district, draw a line at or near the mouth of every river or stream flowing into the sea or into any estuary within those limits or, at the option of the Minister, at or near the mouth of any estuary within those limits, and the sea fisheries district shall not extend into that river, stream or estuary above that line ; but the order may provide with respect to that river, stream or estuary that the river authority shall have the powers of a local fisheries committee.

(2) Where an area is under the jurisdiction of a river authority, or of a harbour authority, and an application for the creation of a sea fisheries district comprising that area or any part thereof has not been made or has been refused, the Minister may, if he thinks fit, by order confer on the river authority or harbour authority, as the case may be, the powers of a local fisheries committee with respect to that area, and may by a subsequent order revoke or vary any order made under this subsection if the area, or any part thereof, is subsequently comprised in a sea fisheries district.

The power to make orders under this subsection shall be exercisable by statutory instrument.

(3) Where by virtue of this section a river authority or harbour authority have the powers of a local fisheries committee, then, subject to section 119 of the Water Resources Act 1963 (procedure relating to byelaws made by a river authority), those powers shall be exercisable subject to the like conditions

as the like powers are exercisable by such a committee and the provisions of this Act shall apply in relation to byelaws made or officers appointed in exercise of any such powers as if the byelaws were made or the officers appointed by a local fisheries committee.

19. A county or borough council may pay, or contribute to the payment of, any expenses incurred by a river authority in exercise of their powers under this Act. Council may pay, etc. certain expenses of river authority.

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

“borough” means a municipal borough which contained, according to the census of 1881, a population of not less than twenty thousand ;

“British sea-fishery officer” means any person who by virtue of section 11 of the Sea Fisheries Act 1883 or of section 25 of the Sea Fish Industry Act 1951 is a British sea-fishery officer ; 1883 c. 22. 1951 c. 30.

“harbour authority” means any person or persons being or claiming to be the owner or owners of a harbour or having the duty of improving, managing, maintaining or regulating a harbour ;

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

“sea” includes the coast up to high water mark ;

“sea fish” means fish of any description found in the sea including shellfish but does not include—

(a) fish of the salmon species, or

(b) trout which migrate to and from the sea ;

“shellfish” includes crustaceans and molluscs of any kind ;

“vessel” includes, ship, boat, lighter and other craft of any kind, whether stationary or navigated by steam or otherwise.

(2) References in this Act to any enactment are references to that Act as amended by or under any other enactment.

21.—(1) The enactments specified in Part I of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the order specified in Part II of that Schedule is hereby revoked to the extent specified in the third column of that Part of that Schedule. Repeals, revocation, savings and consequential amendment.

(2) In so far as any order, regulations, byelaw or appointment made under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeals effected by this section but shall have effect as if made or done under that corresponding provision.

(3) Without prejudice to subsection (2) above, any reference in this Act to a thing done under any provision of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done under the corresponding provision of the enactments repealed by this Act.

(4) Any reference in any document (including an enactment) to any enactment repealed by this Act, whether a specific reference or a reference to provisions of a description which includes, or apart from any repeal made by this Act includes, the enactment so repealed, shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

(5) For the purpose of determining the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

(6) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

1889 c. 63.

1955 c. 25.

(7) For section 12(6) of the Oil in Navigable Waters Act 1955 there shall be substituted the following subsection:—

“(6) If a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966 or any of its officers is authorised in that behalf under subsection (1) or (3) of this section, the committee may institute proceedings for any offence under this Act committed within the district of the committee”.

Citation,
commencement
and extent.

22.—(1) This Act may be cited as the Sea Fisheries Regulation Act 1966 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

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

SCHEDULE

Section 21.

REPEALS AND REVOCATIONS

PART I

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
51 & 52 Vict. c. 54.	The Sea Fisheries Regulation Act 1888.	The whole Act.
54 & 55 Vict. c. 37.	The Fisheries Act 1891.	Part II. In section 13, the words " or this Act ".
57 & 58 Vict. c. 26.	The Sea Fisheries (Shell Fish) Regulation Act 1894.	The whole Act.
3 Edw. 7. c. 31.	The Board of Agriculture and Fisheries Act 1903.	In the Schedule, Part 3.
5 & 6 Geo. 5. c. 48.	The Fishery Harbours Act 1915.	Section 3(3).
20 & 21 Geo. 5. c. 41.	The Sea Fisheries Regulation (Expenses) Act 1930.	The whole Act.
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Part V except sections 54(5), 58 and 59. Section 60.
1964 c. 72.	The Fishery Limits Act 1964.	In Schedule 1, the entry relating to the Sea Fisheries Regulation Act 1888.

PART II

ORDER REVOKED

Reference	Title	Extent of Revocation
S.I. 1953/773.	The Local Fisheries Committees Order 1953.	The whole Order.



Land Registration Act 1966

1966 CHAPTER 39

An Act to alter the provisions of Part XI of the Land Registration Act 1925 relating to the making of orders creating areas of compulsory registration, to restrict the rights under that Act to register unregistered land in other areas, to amend its provisions relating to losses indemnifiable under that Act and to repeal section 11 of the Small Holdings and Allotments Act 1926.
[13th December 1966]

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:—

Amendments
of Land
Registration
Act 1925.
1925 c. 21.

1.—(1) In Part XI of the Land Registration Act 1925 (power to make Orders in Council making registration compulsory in counties and other areas)—

(a) section 120(2) and sections 121 and 122 (requirements to be complied with before making of an Order), and

(b) section 120(3) (utilisation of existing land registries), shall cease to have effect.

(2) Applications under sections 4 and 8 of the said Act (first registration of title) as respects land outside an area of compulsory registration shall not be entertained except in such classes of cases as the registrar may, by notice published in such way as appears to him appropriate, from time to time specify and in those cases the registrar may require the applicant under either of those sections to show that there are special considerations which make it expedient to grant the application.

In this subsection “ area of compulsory registration ” means an area as respects which an Order in Council made or having effect under the said section 120 is in force.

(3) The registrar may under section 83(8) of the Land Registration Act 1925 grant any indemnity on account of costs or expenses taken into account under that subsection notwithstanding that no other indemnity money is payable (but subject to subsection (5)(c) of that section under which no indemnity is payable on account of costs incurred in taking or defending proceedings without the consent of the registrar). 1925 c. 21.

(4) Subsection (5)(a) of the said section 83 (losses wholly or partly due to fraud by the applicant for indemnity or, in certain cases, fraud by his predecessor in title) shall apply to any loss incurred after the commencement of this Act as if references in that paragraph to fraud included references to any act, neglect or default.

2.—(1) This Act may be cited as the Land Registration Act 1966 and the Land Registration Acts 1925 and 1936 and this Act may be cited together as the Land Registration Acts 1925 to 1966. Citation, construction, repeals and commencement.

(2) This Act shall be construed as one with the Land Registration Act 1925.

(3) The enactments mentioned in the Schedule to this Act (which include section 11 of the Small Holdings and Allotments Act 1926 imposing an obligation to register land acquired by a local authority for the purpose of small holdings) shall be repealed to the extent specified in the third column of that Schedule. 1926 c. 52.

(4) This Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

Section 2.

SCHEDULE**REPEALS**

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 21.	The Land Registration Act 1925.	Section 120(2)(3). Sections 121 and 122.
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	Section 11.
26 Geo. 5 and 1 Edw. 8. c. 26.	The Land Registration Act 1936.	Section 1.
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	In Schedule 8 Part I the entry relating to section 11 of the Small Holdings and Allotments Act 1926.
1963 c. 33.	The London Government Act 1963.	In section 80(2) the words from "and nothing" to the end of the subsection.



Expiring Laws Continuance Act 1966

1966 CHAPTER 40

An Act to continue certain expiring laws.
[13th December 1966]

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

1.—(1) The Acts mentioned in columns 1 and 2 of the Schedule to this Act (which, to the extent specified in column 3 of that Schedule, are limited to expire at the end of December 1966) shall, to that extent, continue in force till the end of December 1967.

(2) Part VII of the Licensing Act 1964 (which is limited to 1964 c. 26. expire at the end of March 1967) shall continue in force till the end of March 1968.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act 1966.

(2) Except in so far as it continues section 1 of the Aliens Restriction (Amendment) Act 1919, section 4 of the Children and Young Persons (Harmful Publications) Act 1955, section 3 of the Emergency Laws (Repeal) Act 1959 and Part I of, and Schedule 1 to, the Commonwealth Immigrants Act 1962, this Act shall not extend to Northern Ireland.

Short title and
application to
Northern
Ireland.

Section 1.

SCHEDULE

ACTS CONTINUED TILL END OF DECEMBER 1967

Chapter	Short Title	Extent to which Act is temporary in Duration and is continued in Force
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 1.
1 & 2 Eliz. 2. c. 23.	The Accommodation Agencies Act 1953.	The whole Act.
3 & 4 Eliz. 2. c. 28.	The Children and Young Persons (Harmful Publications) Act 1955.	The whole Act.
7 & 8 Eliz. 2. c. 19.	The Emergency Laws (Repeal) Act 1959.	Section 3.
10 & 11 Eliz. 2. c. 21.	The Commonwealth Immigrants Act 1962.	Part I and Schedule 1.



Arbitration (International Investment Disputes) Act 1966

1966 CHAPTER 41

An Act to implement an international Convention on the settlement of investment disputes between States and nationals of other States. [13th December 1966]

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:—

Enforcement of Convention awards

1.—(1) This section has effect as respects awards rendered pursuant to the Convention on the settlement of investment disputes between States and nationals of other States which was opened for signature in Washington on 18th March 1965. Registration of Convention awards.

That Convention is in this Act called “the Convention”, and its text is set out in the Schedule to this Act.

(2) A person seeking recognition or enforcement of such an award shall be entitled to have the award registered in the High Court subject to proof of the prescribed matters and to the other provisions of this Act.

(3) Where any pecuniary obligation imposed by the award is expressed in a currency other than the currency of the United Kingdom, the award shall be registered as if that obligation were expressed in the currency of the United Kingdom converted on the basis of the rate of exchange prevailing at the date when the award was rendered pursuant to the Convention.

(4) In addition to the pecuniary obligations imposed by the award, the award shall be registered for the reasonable costs of and incidental to registration.

(5) If at the date of the application for registration the pecuniary obligations imposed by the award have been partly satisfied, the award shall be registered only in respect of the balance, and accordingly if those obligations have then been wholly satisfied, the award shall not be registered.

1925 c. 49.

(6) The power to make rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 shall include power—

(a) to prescribe the procedure for applying for registration under this section, and to require an applicant to give prior notice of his intention to other parties,

(b) to prescribe the matters to be proved on the application and the manner of proof, and in particular to require the applicant to furnish a copy of the award certified pursuant to the Convention,

(c) to provide for the service of notice of registration of the award by the applicant on other parties,

and in this and the next following section “prescribed” means prescribed by rules of court.

(7) For the purposes of this and the next following section—

(a) “award” shall include any decision interpreting, revising or annulling an award, being a decision pursuant to the Convention, and any decision as to costs which under the Convention is to form part of the award,

(b) an award shall be deemed to have been rendered pursuant to the Convention on the date on which certified copies of the award were pursuant to the Convention dispatched to the parties.

(8) This and the next following section shall bind the Crown (but not so as to make an award enforceable against the Crown in a manner in which a judgment would not be enforceable against the Crown).

Effect of
registration.

2.—(1) Subject to the provisions of this Act, an award registered under section 1 above shall, as respects the pecuniary obligations which it imposes, be of the same force and effect for the purposes of execution as if it had been a judgment of the High Court given when the award was rendered pursuant to the Convention and entered on the date of registration under this Act, and, so far as relates to such pecuniary obligations—

(a) proceedings may be taken on the award,

(b) the sum for which the award is registered shall carry interest,

(c) the High Court shall have the same control over the execution of the award,

as if the award had been such a judgment of the High Court.

(2) Rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 may contain provisions requiring the court on proof of the prescribed matters to stay execution of any award registered under this Act so as to take account of cases where enforcement of the award has been stayed (whether provisionally or otherwise) pursuant to the Convention, and may provide for the provisional stay of execution of the award where an application is made pursuant to the Convention which, if granted, might result in a stay of enforcement of the award. 1925 c. 49.

Procedural provisions

3.—(1) The Lord Chancellor may by order direct that any of the provisions contained in— Application of Arbitration Act 1950 and other enactments.

(a) section 12 of the Arbitration Act 1950 (attendance of witnesses, production of documents, etc.) or any corresponding enactments forming part of the law of Northern Ireland, and 1950 c. 27.

(b) the Foreign Tribunals Evidence Act 1856 (which relates to the taking of evidence in the United Kingdom for the purpose of proceedings before a foreign tribunal), 1856 c. 113.

shall apply to such proceedings pursuant to the Convention as are specified in the order, with or without any modifications or exceptions specified in the order.

(2) Subject to subsection (1) above, neither the Arbitration Act 1950 nor the Arbitration Act (Northern Ireland) 1937 shall apply to proceedings pursuant to the Convention, but this subsection shall not be taken as affecting section 4(1) of the Arbitration Act 1950 (stay of court proceedings where there is submission to arbitration) or section 4 of the said Act of Northern Ireland. 1937 c. 8. (N.I.)

(3) An order made under this section—

(a) may be varied or revoked by a subsequent order so made, and

(b) shall be contained in a statutory instrument.

Immunities and privileges

4.—(1) In Section 6 of Chapter I of the Convention (which governs the status, immunities and privileges of the International Centre for Settlements of Investment Disputes established by the Convention, of members of its Council and Secretariat and of persons concerned with conciliation or arbitration under the Convention) Articles 18 to 20, Article 21(a) (with Article 22 as it applies Article 21(a)), Article 23(1) and Article 24 shall have the force of law. Status, immunities and privileges conferred by the Convention.

(2) Nothing in Article 24(1) of the Convention as given the force of law by this section shall be construed as—

- (a) entitling the said Centre to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported, or
- (b) conferring on that Centre any exemption from duties or taxes which form part of the price of goods sold, or
- (c) conferring on that Centre any exemption from duties or taxes which are no more than charges for services rendered.

(3) For the purposes of Article 20 and Article 21(a) of the Convention as given the force of law by this section, a statement to the effect that the said Centre has waived an immunity in the circumstances specified in the statement, being a statement certified by the Secretary-General of the said Centre (or by the person acting as Secretary-General), shall be conclusive evidence.

Supplemental

Government contribution to expenses under the Convention.

5. The Treasury may discharge any obligations of Her Majesty's Government in the United Kingdom arising under Article 17 of the Convention (which obliges the Contracting States to meet any deficit of the International Centre for Settlement of Investment Disputes established under the Convention), and any sums required for that purpose shall be met out of money provided by Parliament.

Application to British possessions, etc.

6.—(1) Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to—

- (a) the Isle of Man,
- (b) any of the Channel Islands,
- (c) 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 such countries or places.

(2) An Order in Council under this section—

- (a) may contain such transitional and other supplemental provisions as appear to Her Majesty to be expedient ;
- (b) may be varied or revoked by a subsequent Order in Council under this section.

Application to Scotland.

7. In the application of this Act to Scotland—

- (a) for any reference to the High Court there shall be substituted a reference to the Court of Session ;
- (b) the Court of Session shall have power by Act of Sederunt to make rules for the purposes specified in section 1(6) and section 2(2) of this Act ;

- (c) registration under section 1 of this Act shall be effected by registering in the Books of Council and Session, or in such manner as the Court of Session may by Act of Sederunt prescribe ;
- (d) for any reference to the entering of a judgment there shall be substituted a reference to the signing of the interlocutor embodying the judgment ;
- (e) for section 3 of this Act there shall be substituted the following section :—

Proceedings
in Scotland.

“ 3.—(1) The Secretary of State may by order make provision, in relation to such proceedings pursuant to the Convention as are specified in the order, being proceedings taking place in Scotland, for the attendance of witnesses, the taking of evidence and the production of documents.

(2) The Secretary of State may by order direct that the Foreign Tribunals Evidence Act 1856 (which 1856 c. 113. relates to the taking of evidence in the United Kingdom for the purpose of proceedings before a foreign tribunal) shall apply to such proceedings pursuant to the Convention as are specified in the order, with or without any modifications or exceptions specified in the order.

(3) An order made under this section—

- (a) may be varied or revoked by a subsequent order so made, and
- (b) shall be contained in a statutory instrument.” ;

and in any reference in this Act, or in the Convention as given the force of law in Scotland by this Act, to the staying of execution or enforcement of an award registered under this Act the expression “ stay ” shall be construed as meaning *sist*.

8. In the application of this Act to Northern Ireland—

(a) references to the High Court shall, unless the context otherwise requires, be construed as references to the High Court in Northern Ireland,

(b) for the references to section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 there shall be substituted references to section 7 of the Northern Ireland Act 1962.

Application
to Northern
Ireland.

9.—(1) This Act may be cited as the Arbitration (International Investment Disputes) Act 1966.

Short title
and com-
mencement.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom.

Z

Section 1.

SCHEDULE

TEXT OF CONVENTION

**CONVENTION ON THE SETTLEMENT OF INVESTMENT
DISPUTES BETWEEN STATES AND NATIONALS OF OTHER
STATES**

PREAMBLE

The Contracting States

Considering the need for international co-operation for economic development, and the role of private international investment therein ;

Bearing in mind the possibility that from time to time disputes may arise in connection with such investment between Contracting States and nationals of other Contracting States ;

Recognizing that while such disputes would usually be subject to national legal processes, international methods of settlement may be appropriate in certain cases ;

Attaching particular importance to the availability of facilities for international conciliation or arbitration to which Contracting States and nationals of other Contracting States may submit such disputes if they so desire ;

Desiring to establish such facilities under the auspices of the International Bank for Reconstruction and Development ;

Recognizing that mutual consent by the parties to submit such disputes to conciliation or to arbitration through such facilities constitutes a binding agreement which requires in particular that due consideration be given to any recommendation of conciliators, and that any arbitral award be complied with ; and

Declaring that no Contracting State shall by the mere fact of its ratification, acceptance or approval of this Convention and without its consent be deemed to be under any obligation to submit any particular dispute to conciliation or arbitration,

Have agreed as follows :

CHAPTER I

**INTERNATIONAL CENTRE FOR SETTLEMENT OF
INVESTMENT DISPUTES**

SECTION 1

Establishment and Organization

ARTICLE 1

(1) There is hereby established the International Centre for Settlement of Investment Disputes (hereinafter called the Centre).

SCH.

(2) The purpose of the Centre shall be to provide facilities for conciliation and arbitration of investment disputes between Contracting States and nationals of other Contracting States in accordance with the provisions of this Convention.

ARTICLE 2

The seat of the Centre shall be at the principal office of the International Bank for Reconstruction and Development (hereinafter called the Bank). The seat may be moved to another place by decision of the Administrative Council adopted by a majority of two-thirds of its members.

ARTICLE 3

The Centre shall have an Administrative Council and a Secretariat and shall maintain a Panel of Conciliators and a Panel of Arbitrators.

SECTION 2

The Administrative Council

ARTICLE 4

(1) The Administrative Council shall be composed of one representative of each Contracting State. An alternate may act as representative in case of his principal's absence from a meeting or inability to act.

(2) In the absence of a contrary designation, each governor and alternate governor of the Bank appointed by a Contracting State shall be *ex officio* its representative and its alternate respectively.

ARTICLE 5

The President of the Bank shall be *ex officio* Chairman of the Administrative Council (hereinafter called the Chairman) but shall have no vote. During his absence or inability to act and during any vacancy in the office of President of the Bank, the person for the time being acting as President shall act as Chairman of the Administrative Council.

ARTICLE 6

(1) Without prejudice to the powers and functions vested in it by other provisions of this Convention, the Administrative Council shall

- (a) adopt the administrative and financial regulations of the Centre ;
- (b) adopt the rules of procedure for the institution of conciliation and arbitration proceedings ;
- (c) adopt the rules of procedure for conciliation and arbitration proceedings (hereinafter called the Conciliation Rules and the Arbitration Rules) ;
- (d) approve arrangements with the Bank for the use of the Bank's administrative facilities and services ;
- (e) determine the conditions of service of the Secretary-General and of any Deputy Secretary-General ;

SCH. (f) adopt the annual budget of revenues and expenditures of the Centre ;

(g) approve the annual report on the operation of the Centre. The decisions referred to in sub-paragraphs (a), (b), (c) and (f) above shall be adopted by a majority of two-thirds of the members of the Administrative Council.

(2) The Administrative Council may appoint such committees as it considers necessary.

(3) The Administrative Council shall also exercise such other powers and perform such other functions as it shall determine to be necessary for the implementation of the provisions of this Convention.

ARTICLE 7

(1) The Administrative Council shall hold an annual meeting and such other meetings as may be determined by the Council, or convened by the Chairman, or convened by the Secretary-General at the request of not less than five members of the Council.

(2) Each member of the Administrative Council shall have one vote and, except as otherwise herein provided, all matters before the Council shall be decided by a majority of the votes cast.

(3) A quorum for any meeting of the Administrative Council shall be a majority of its members.

(4) The Administrative Council may establish, by a majority of two-thirds of its members, a procedure whereby the Chairman may seek a vote of the Council without convening a meeting of the Council. The vote shall be considered valid only if the majority of the members of the Council cast their votes within the time limit fixed by the said procedure.

ARTICLE 8

Members of the Administrative Council and the Chairman shall serve without remuneration from the Centre.

SECTION 3

The Secretariat

ARTICLE 9

The Secretariat shall consist of a Secretary-General, one or more Deputy Secretaries-General and staff.

ARTICLE 10

(1) The Secretary-General and any Deputy Secretary-General shall be elected by the Administrative Council by a majority of two-thirds of its members upon the nomination of the Chairman for a term of service not exceeding six years and shall be eligible for re-election. After consulting the members of the Administrative Council, the Chairman shall propose one or more candidates for each such office.

SCH.

(2) The offices of Secretary-General and Deputy Secretary-General shall be incompatible with the exercise of any political function. Neither the Secretary-General nor any Deputy Secretary-General may hold any other employment or engage in any other occupation except with the approval of the Administrative Council.

(3) During the Secretary-General's absence or inability to act, and during any vacancy of the office of Secretary-General, the Deputy Secretary-General shall act as Secretary-General. If there shall be more than one Deputy Secretary-General, the Administrative Council shall determine in advance the order in which they shall act as Secretary-General.

ARTICLE 11

The Secretary-General shall be the legal representative and the principal officer of the Centre and shall be responsible for its administration, including the appointment of staff, in accordance with the provisions of this Convention and the rules adopted by the Administrative Council. He shall perform the function of registrar and shall have the power to authenticate arbitral awards rendered pursuant to this Convention, and to certify copies thereof.

SECTION 4

The Panels

ARTICLE 12

The Panel of Conciliators and the Panel of Arbitrators shall each consist of qualified persons, designated as hereinafter provided, who are willing to serve thereon.

ARTICLE 13

(1) Each Contracting State may designate to each Panel four persons who may but need not be its nationals.

(2) The Chairman may designate ten persons to each Panel. The persons so designated to a Panel shall each have a different nationality.

ARTICLE 14

(1) Persons designated to serve on the Panels shall be persons of high moral character and recognized competence in the fields of law, commerce, industry or finance, who may be relied upon to exercise independent judgment. Competence in the field of law shall be of particular importance in the case of persons on the Panel of Arbitrators.

(2) The Chairman, in designating persons to serve on the Panels, shall in addition pay due regard to the importance of assuring representation on the Panels of the principal legal systems of the world and of the main forms of economic activity.

SCH.

ARTICLE 15

- (1) Panel members shall serve for renewable periods of six years.
- (2) In case of death or resignation of a member of a Panel, the authority which designated the member shall have the right to designate another person to serve for the remainder of that member's term.
- (3) Panel members shall continue in office until their successors have been designated.

ARTICLE 16

- (1) A person may serve on both Panels.
- (2) If a person shall have been designated to serve on the same Panel by more than one Contracting State, or by one or more Contracting States and the Chairman, he shall be deemed to have been designated by the authority which first designated him or, if one such authority is the State of which he is a national, by that State.
- (3) All designations shall be notified to the Secretary-General and shall take effect from the date on which the notification is received.

SECTION 5

Financing the Centre

ARTICLE 17

If the expenditure of the Centre cannot be met out of charges for the use of its facilities, or out of other receipts, the excess shall be borne by Contracting States which are members of the Bank in proportion to their respective subscriptions to the capital stock of the Bank, and by Contracting States which are not members of the Bank in accordance with rules adopted by the Administrative Council.

SECTION 6

Status, Immunities and Privileges

ARTICLE 18

The Centre shall have full international legal personality. The legal capacity of the Centre shall include the capacity

- (a) to contract ;
- (b) to acquire and dispose of movable and immovable property ;
- (c) to institute legal proceedings.

ARTICLE 19

To enable the Centre to fulfil its functions, it shall enjoy in the territories of each Contracting State the immunities and privileges set forth in this Section.

ARTICLE 20

The Centre, its property and assets shall enjoy immunity from all legal process, except when the Centre waives this immunity.

ARTICLE 21

SCH.

The Chairman, the members of the Administrative Council, persons acting as conciliators or arbitrators or members of a Committee appointed pursuant to paragraph (3) of Article 52, and the officers and employees of the Secretariat

- (a) shall enjoy immunity from legal process with respect to acts performed by them in the exercise of their functions, except when the Centre waives this immunity ;
- (b) not being local nationals, shall enjoy the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by Contracting States to the representatives, officials and employees of comparable rank of other Contracting States.

ARTICLE 22

The provisions of Article 21 shall apply to persons appearing in proceedings under this Convention as parties, agents, counsel, advocates, witnesses or experts ; provided, however, that subparagraph (b) thereof shall apply only in connection with their travel to and from, and their stay at, the place where the proceedings are held.

ARTICLE 23

- (1) The archives of the Centre shall be inviolable, wherever they may be.
- (2) With regard to its official communications, the Centre shall be accorded by each Contracting State treatment not less favourable than that accorded to other international organizations.

ARTICLE 24

- (1) The Centre, its assets, property and income, and its operations and transactions authorized by this Convention shall be exempt from all taxation and customs duties. The Centre shall also be exempt from liability for the collection or payment of any taxes or customs duties.
- (2) Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Centre to the Chairman or members of the Administrative Council, or on or in respect of salaries, expense allowances or other emoluments paid by the Centre to officials or employees of the Secretariat.
- (3) No tax shall be levied on or in respect of fees or expense allowances received by persons acting as conciliators, or arbitrators, or members of a Committee appointed pursuant to paragraph (3) of Article 52, in proceedings under this Convention, if the sole jurisdictional basis for such tax is the location of the Centre or the place where such proceedings are conducted or the place where such fees or allowances are paid.

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CHAPTER II

JURISDICTION OF THE CENTRE

ARTICLE 25

(1) The jurisdiction of the Centre shall extend to any legal dispute arising directly out of an investment, between a Contracting State (or any constituent subdivision or agency of a Contracting State designated to the Centre by that State) and a national of another Contracting State, which the parties to the dispute consent in writing to submit to the Centre. When the parties have given their consent, no party may withdraw its consent unilaterally.

(2) "National of another Contracting State" means:

(a) any natural person who had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration as well as on the date on which the request was registered pursuant to paragraph (3) of Article 28 or paragraph (3) of Article 36, but does not include any person who on either date also had the nationality of the Contracting State party to the dispute; and

(b) any juridical person which had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration and any juridical person which had the nationality of the Contracting State party to the dispute on that date and which, because of foreign control, the parties have agreed should be treated as a national of another Contracting State for the purposes of this Convention.

(3) Consent by a constituent subdivision or agency of a Contracting State shall require the approval of that State unless that State notifies the Centre that no such approval is required.

(4) Any Contracting State may, at the time of ratification, acceptance or approval of this Convention or at any time thereafter, notify the Centre of the class or classes of disputes which it would or would not consider submitting to the jurisdiction of the Centre. The Secretary-General shall forthwith transmit such notification to all Contracting States. Such notification shall not constitute the consent required by paragraph (1).

ARTICLE 26

Consent of the parties to arbitration under this Convention shall, unless otherwise stated, be deemed consent to such arbitration to the exclusion of any other remedy. A Contracting State may require the exhaustion of local administrative or judicial remedies as a condition of its consent to arbitration under this Convention.

ARTICLE 27

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(1) No Contracting State shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its nationals and another Contracting State shall have consented to submit or shall have submitted to arbitration under this Convention, unless such other Contracting State shall have failed to abide by and comply with the award rendered in such dispute.

(2) Diplomatic protection, for the purposes of paragraph (1), shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.

CHAPTER III

CONCILIATION

SECTION 1

Request for Conciliation

ARTICLE 28

(1) Any Contracting State or any national of a Contracting State wishing to institute conciliation proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

(2) The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to conciliation in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

(3) The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

SECTION 2

Constitution of the Conciliation Commission

ARTICLE 29

(1) The Conciliation Commission (hereinafter called the Commission) shall be constituted as soon as possible after registration of a request pursuant to Article 28.

(2) (a) The Commission shall consist of a sole conciliator or any uneven number of conciliators appointed as the parties shall agree.

(b) Where the parties do not agree upon the number of conciliators and the method of their appointment, the Commission shall consist of three conciliators, one conciliator appointed by each party and the third, who shall be the president of the Commission, appointed by agreement of the parties.

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ARTICLE 30

If the Commission shall not have been constituted within 90 days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 28, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the conciliator or conciliators not yet appointed.

ARTICLE 31

(1) Conciliators may be appointed from outside the Panel of Conciliators, except in the case of appointments by the Chairman pursuant to Article 30.

(2) Conciliators appointed from outside the Panel of Conciliators shall possess the qualities stated in paragraph (1) of Article 14.

SECTION 3

Conciliation Proceedings

ARTICLE 32

(1) The Commission shall be the judge of its own competence.

(2) Any objection by a party to the dispute that that dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Commission, shall be considered by the Commission which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

ARTICLE 33

Any conciliation proceeding shall be conducted in accordance with the provisions of this Section and, except as the parties otherwise agree, in accordance with the Conciliation Rules in effect on the date on which the parties consented to conciliation. If any question of procedure arises which is not covered by this Section or the Conciliation Rules or any rules agreed by the parties, the Commission shall decide the question.

ARTICLE 34

(1) It shall be the duty of the Commission to clarify the issues in dispute between the parties and to endeavour to bring about agreement between them upon mutually acceptable terms. To that end, the Commission may at any stage of the proceedings and from time to time recommend terms of settlement to the parties. The parties shall cooperate in good faith with the Commission in order to enable the Commission to carry out its functions, and shall give their most serious consideration to its recommendations.

(2) If the parties reach agreement, the Commission shall draw up a report noting the issues in dispute and recording that the parties have reached agreement. If, at any stage of the proceedings, it appears to the Commission that there is no likelihood of agreement between the parties, it shall close the proceedings and shall draw up a report noting the submission of the dispute and recording the

failure of the parties to reach agreement. If one party fails to appear or participate in the proceedings, the Commission shall close the proceedings and shall draw up a report noting that party's failure to appear or participate.

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ARTICLE 35

Except as the parties to the dispute shall otherwise agree, neither party to a conciliation proceeding shall be entitled in any other proceeding, whether before arbitrators or in a court of law or otherwise, to invoke or rely on any views expressed or statements or admissions or offers of settlement made by the other party in the conciliation proceedings, or the report or any recommendations made by the Commission.

CHAPTER IV

ARBITRATION

SECTION 1

Request for Arbitration

ARTICLE 36

(1) Any Contracting State or any national of a Contracting State wishing to institute arbitration proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

(2) The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to arbitration in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

(3) The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

SECTION 2

Constitution of the Tribunal

ARTICLE 37

(1) The Arbitral Tribunal (hereinafter called the Tribunal) shall be constituted as soon as possible after registration of a request pursuant to Article 36.

(2) (a) The Tribunal shall consist of a sole arbitrator or any uneven number of arbitrators appointed as the parties shall agree.

(b) Where the parties do not agree upon the number of arbitrators and the method of their appointment, the Tribunal shall consist of three arbitrators, one arbitrator appointed by each party and the third, who shall be the president of the Tribunal, appointed by agreement of the parties.

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ARTICLE 38

If the Tribunal shall not have been constituted within 90 days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 36, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the arbitrator or arbitrators not yet appointed. Arbitrators appointed by the Chairman pursuant to this Article shall not be nationals of the Contracting State party to the dispute or of the Contracting State whose national is a party to the dispute.

ARTICLE 39

The majority of the arbitrators shall be nationals of States other than the Contracting State party to the dispute and the Contracting State whose national is a party to the dispute ; provided, however, that the foregoing provisions of this Article shall not apply if the sole arbitrator or each individual member of the Tribunal has been appointed by agreement of the parties.

ARTICLE 40

(1) Arbitrators may be appointed from outside the Panel of Arbitrators, except in the case of appointments by the Chairman pursuant to Article 38.

(2) Arbitrators appointed from outside the Panel of Arbitrators shall possess the qualities stated in paragraph (1) of Article 14.

SECTION 3

Powers and Functions of the Tribunal

ARTICLE 41

(1) The Tribunal shall be the judge of its own competence.

(2) Any objection by a party to the dispute that that dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Tribunal, shall be considered by the Tribunal which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

ARTICLE 42

(1) The Tribunal shall decide a dispute in accordance with such rules of law as may be agreed by the parties. In the absence of such agreement, the Tribunal shall apply the law of the Contracting State party to the dispute (including its rules on the conflict of laws) and such rules of international law as may be applicable.

(2) The Tribunal may not bring in a finding of *non liquet* on the ground of silence or obscurity of the law.

(3) The provisions of paragraphs (1) and (2) shall not prejudice the power of the Tribunal to decide a dispute *ex aequo et bono* if the parties so agree.

ARTICLE 43

SCH.

Except as the parties otherwise agree, the Tribunal may, if it deems it necessary at any stage of the proceedings,

- (a) call upon the parties to produce documents or other evidence, and
- (b) visit the scene connected with the dispute, and conduct such enquiries there as it may deem appropriate.

ARTICLE 44

Any arbitration proceeding shall be conducted in accordance with the provisions of this Section and, except as the parties otherwise agree, in accordance with the Arbitration Rules in effect on the date on which the parties consented to arbitration. If any question of procedure arises which is not covered by this Section or the Arbitration Rules or any rules agreed by the parties, the Tribunal shall decide the question.

ARTICLE 45

(1) Failure of a party to appear or to present his case shall not be deemed an admission of the other party's assertions.

(2) If a party fails to appear or to present his case at any stage of the proceedings the other party may request the Tribunal to deal with the questions submitted to it and to render an award. Before rendering an award, the Tribunal shall notify, and grant a period of grace to, the party failing to appear or to present its case, unless it is satisfied that that party does not intend to do so.

ARTICLE 46

Except as the parties otherwise agree, the Tribunal shall, if requested by a party, determine any incidental or additional claims or counter-claims arising directly out of the subject-matter of the dispute provided that they are within the scope of the consent of the parties and are otherwise within the jurisdiction of the Centre.

ARTICLE 47

Except as the parties otherwise agree, the Tribunal may, if it considers that the circumstances so require, recommend any provisional measures which should be taken to preserve the respective rights of either party.

SECTION 4

The Award

ARTICLE 48

(1) The Tribunal shall decide questions by a majority of the votes of all its members.

(2) The award of the Tribunal shall be in writing and shall be signed by the members of the Tribunal who voted for it.

(3) The award shall deal with every question submitted to the Tribunal, and shall state the reasons upon which it is based.

SCH.

(4) Any member of the Tribunal may attach his individual opinion to the award, whether he dissents from the majority or not, or a statement of his dissent.

(5) The Centre shall not publish the award without the consent of the parties.

ARTICLE 49

(1) The Secretary-General shall promptly dispatch certified copies of the award to the parties. The award shall be deemed to have been rendered on the date on which the certified copies were dispatched.

(2) The Tribunal upon the request of a party made within 45 days after the date on which the award was rendered may after notice to the other party decide any question which it had omitted to decide in the award, and shall rectify any clerical, arithmetical or similar error in the award. Its decision shall become part of the award and shall be notified to the parties in the same manner as the award. The periods of time provided for under paragraph (2) of Article 51 and paragraph (2) of Article 52 shall run from the date on which the decision was rendered.

SECTION 5

Interpretation, Revision and Annulment of the Award

ARTICLE 50

(1) If any dispute shall arise between the parties as to the meaning or scope of an award, either party may request interpretation of the award by an application in writing addressed to the Secretary-General.

(2) The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter. The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision.

ARTICLE 51

(1) Either party may request revision of the award by an application in writing addressed to the Secretary-General on the ground of discovery of some fact of such a nature as decisively to affect the award, provided that when the award was rendered that fact was unknown to the Tribunal and to the applicant and that the applicant's ignorance of that fact was not due to negligence.

(2) The application shall be made within 90 days after the discovery of such fact and in any event within three years after the date on which the award was rendered.

(3) The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter.

(4) The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision. If the applicant requests stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Tribunal rules on such request.

ARTICLE 52

SCH.

(1) Either party may request annulment of the award by an application in writing addressed to the Secretary-General on one or more of the following grounds:

- (a) that the Tribunal was not properly constituted ;
- (b) that the Tribunal has manifestly exceeded its powers ;
- (c) that there was corruption on the part of a member of the Tribunal ;
- (d) that there has been a serious departure from a fundamental rule of procedure ; or
- (e) that the award has failed to state the reasons on which it is based.

(2) The application shall be made within 120 days after the date on which the award was rendered except that when annulment is requested on the ground of corruption such application shall be made within 120 days after discovery of the corruption and in any event within three years after the date on which the award was rendered.

(3) On receipt of the request the Chairman shall forthwith appoint from the Panel of Arbitrators an *ad hoc* Committee of three persons. None of the members of the Committee shall have been a member of the Tribunal which rendered the award, shall be of the same nationality as any such member, shall be a national of the State party to the dispute or of the State whose national is a party to the dispute, shall have been designated to the Panel of Arbitrators by either of those States, or shall have acted as a conciliator in the same dispute. The Committee shall have the authority to annul the award or any part thereof on any of the grounds set forth in paragraph (1).

(4) The provisions of Articles 41-45, 48, 49, 53 and 54, and of Chapters VI and VII shall apply *mutatis mutandis* to proceedings before the Committee.

(5) The Committee may, if it considers that circumstances so require, stay enforcement of the award pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Committee rules on such request.

(6) If the award is annulled the dispute shall, at the request of either party, be submitted to a new Tribunal constituted in accordance with Section 2 of this Chapter.

SECTION 6

Recognition and Enforcement of the Award

ARTICLE 53

(1) The award shall be binding on the parties and shall not be subject to any appeal or to any other remedy except those provided for in this Convention. Each party shall abide by and comply with the terms of the award except to the extent that enforcement shall

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SCH. have been stayed pursuant to the relevant provisions of this Convention.

(2) For the purposes of this Section, "award" shall include any decision interpreting, revising or annulling such award pursuant to Articles 50, 51 or 52.

ARTICLE 54

(1) Each Contracting State shall recognize an award rendered pursuant to this Convention as binding and enforce the pecuniary obligations imposed by that award within its territories as if it were a final judgment of a court in that State. A Contracting State with a federal constitution may enforce such an award in or through its federal courts and may provide that such courts shall treat the award as if it were a final judgment of the courts of a constituent state.

(2) A party seeking recognition or enforcement in the territories of a Contracting State shall furnish to a competent court or other authority which such State shall have designated for this purpose a copy of the award certified by the Secretary-General. Each Contracting State shall notify the Secretary-General of the designation of the competent court or other authority for this purpose and of any subsequent change in such designation.

(3) Execution of the award shall be governed by the laws concerning the execution of judgments in force in the State in whose territories such execution is sought.

ARTICLE 55

Nothing in Article 54 shall be construed as derogating from the law in force in any Contracting State relating to immunity of that State or of any foreign State from execution.

CHAPTER V

**REPLACEMENT AND DISQUALIFICATION OF
CONCILIATORS AND ARBITRATORS**

ARTICLE 56

(1) After a Commission or a Tribunal has been constituted and proceedings have begun, its composition shall remain unchanged; provided, however, that if a conciliator or an arbitrator should die, become incapacitated, or resign, the resulting vacancy shall be filled in accordance with the provisions of Section 2 of Chapter III or Section 2 of Chapter IV.

(2) A member of the Commission or Tribunal shall continue to serve in that capacity notwithstanding that he shall have ceased to be a member of the Panel.

(3) If a conciliator or arbitrator appointed by a party shall have resigned without the consent of the Commission or Tribunal of which he was a member, the Chairman shall appoint a person from the appropriate Panel to fill the resulting vacancy.

ARTICLE 57

SCH.

A party may propose to a Commission or Tribunal the disqualification of any of its members on account of any fact indicating a manifest lack of the qualities required by paragraph (1) of Article 14. A party to arbitration proceedings may, in addition, propose the disqualification of an arbitrator on the ground that he was ineligible for appointment to the Tribunal under Section 2 of Chapter IV.

ARTICLE 58

The decision on any proposal to disqualify a conciliator or arbitrator shall be taken by the other members of the Commission or Tribunal as the case may be, provided that where those members are equally divided, or in the case of a proposal to disqualify a sole conciliator or arbitrator, or a majority of the conciliators or arbitrators, the Chairman shall take that decision. If it is decided that the proposal is well-founded the conciliator or arbitrator to whom the decision relates shall be replaced in accordance with the provisions of Section 2 of Chapter III or Section 2 of Chapter IV.

CHAPTER VI

COST OF PROCEEDINGS

ARTICLE 59

The charges payable by the parties for the use of the facilities of the Centre shall be determined by the Secretary-General in accordance with the regulations adopted by the Administrative Council.

ARTICLE 60

(1) Each Commission and each Tribunal shall determine the fees and expenses of its members within limits established from time to time by the Administrative Council and after consultation with the Secretary-General.

(2) Nothing in paragraph (1) of this Article shall preclude the parties from agreeing in advance with the Commission or Tribunal concerned upon the fees and expenses of its members.

ARTICLE 61

(1) In the case of conciliation proceedings the fees and expenses of members of the Commission as well as the charges for the use of the facilities of the Centre, shall be borne equally by the parties. Each party shall bear any other expenses it incurs in connection with the proceedings.

(2) In the case of arbitration proceedings the Tribunal shall, except as the parties otherwise agree, assess the expenses incurred by the parties in connection with the proceedings, and shall decide how and by whom those expenses, the fees and expenses of the members of the Tribunal and the charges for the use of the facilities of the Centre shall be paid. Such decision shall form part of the award.

SCH.

CHAPTER VII**PLACE OF PROCEEDINGS****ARTICLE 62**

Conciliation and arbitration proceedings shall be held at the seat of the Centre except as hereinafter provided.

ARTICLE 63

Conciliation and arbitration proceedings may be held, if the parties so agree,

- (a) at the seat of the Permanent Court of Arbitration or of any other appropriate institution, whether private or public, with which the Centre may make arrangements for that purpose ; or
- (b) at any other place approved by the Commission or Tribunal after consultation with the Secretary-General.

CHAPTER VIII**DISPUTES BETWEEN CONTRACTING STATES****ARTICLE 64**

Any dispute arising between Contracting States concerning the interpretation or application of this Convention which is not settled by negotiation shall be referred to the International Court of Justice by the application of any party to such dispute, unless the States concerned agree to another method of settlement.

CHAPTER IX**AMENDMENT****ARTICLE 65**

Any Contracting State may propose amendment of this Convention. The text of a proposed amendment shall be communicated to the Secretary-General not less than 90 days prior to the meeting of the Administrative Council at which such amendment is to be considered and shall forthwith be transmitted by him to all the members of the Administrative Council.

ARTICLE 66

(1) If the Administrative Council shall so decide by a majority of two-thirds of its members, the proposed amendment shall be circulated to all Contracting States for ratification, acceptance or approval. Each amendment shall enter into force 30 days after dispatch by the depositary of this Convention of a notification to Contracting States that all Contracting States have ratified, accepted or approved the amendment.

(2) No amendment shall affect the rights and obligations under this Convention of any Contracting State or of any of its constituent

subdivisions or agencies, or of any national of such State arising out of consent to the jurisdiction of the Centre given before the date of entry into force of the amendment.

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CHAPTER X FINAL PROVISIONS

ARTICLE 67

This Convention shall be open for signature on behalf of States members of the Bank. It shall also be open for signature on behalf of any other State which is a party to the Statute of the International Court of Justice and which the Administrative Council, by a vote of two-thirds of its members, shall have invited to sign the Convention.

ARTICLE 68

(1) This Convention shall be subject to ratification, acceptance or approval by the signatory States in accordance with their respective constitutional procedures.

(2) This Convention shall enter into force 30 days after the date of deposit of the twentieth instrument of ratification, acceptance or approval. It shall enter into force for each State which subsequently deposits its instrument of ratification, acceptance or approval 30 days after the date of such deposit.

ARTICLE 69

Each Contracting State shall take such legislative or other measures as may be necessary for making the provisions of this Convention effective in its territories.

ARTICLE 70

This Convention shall apply to all territories for whose international relations a Contracting State is responsible, except those which are excluded by such State by written notice to the depositary of this Convention either at the time of ratification, acceptance or approval or subsequently.

ARTICLE 71

Any Contracting State may denounce this Convention by written notice to the depositary of this Convention. The denunciation shall take effect six months after receipt of such notice.

ARTICLE 72

Notice by a Contracting State pursuant to Article 70 or 71 shall not affect the rights or obligations under this Convention of that State or of any of its constituent subdivisions or agencies or of any national of that State arising out of consent to the jurisdiction of the Centre given by one of them before such notice was received by the depositary.

SCH.**ARTICLE 73**

Instruments of ratification, acceptance or approval of this Convention and of amendments thereto shall be deposited with the Bank which shall act as the depositary of this Convention. The depositary shall transmit certified copies of this Convention to States members of the Bank and to any other State invited to sign the Convention.

ARTICLE 74

The depositary shall register this Convention with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

ARTICLE 75

The depositary shall notify all signatory States of the following:

- (a) signatures in accordance with Article 67 ;
- (b) deposits of instruments of ratification, acceptance and approval in accordance with Article 73 ;
- (c) the date on which this Convention enters into force in accordance with Article 68 ;
- (d) exclusions from territorial application pursuant to Article 70 ;
- (e) the date on which any amendment of this Convention enters into force in accordance with Article 66 ; and
- (f) denunciations in accordance with Article 71.

DONE at Washington in the English, French and Spanish languages, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Convention.

(Here follow the signatures)



Local Government Act 1966

1966 CHAPTER 42

An Act to make further provision, in relation to England and Wales, with respect to the payment of grants to local authorities, rating and valuation, the classification and lighting of highways and the powers of local authorities to place staff and facilities at the disposal of Ministers concerned with highways and to make payments offsetting the effect of the selective employment tax; to repeal or amend certain enactments relating to local licences and registrations; and for purposes connected with the matters aforesaid.

[13th December 1966]

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

GRANTS

Rate support grants for local authorities

1.—(1) Subject to the provisions of this Part of this Act, the Minister shall, for the year 1967-68 and each subsequent year, make grants to local authorities in England and Wales in accordance with this section; and any grants made in pursuance of this subsection shall be known as “rate support grants”.

(2) For the purpose of fixing the aggregate amount of the rate support grants for any year the Minister shall determine—

- (a) the aggregate amount which is to be available for the payment out of moneys provided by Parliament of grants (other than housing subsidies) to local authorities in respect of their relevant expenditure for that year; and

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1964 c. 18.
1966 c. 9.

- (b) the portion of that amount which the Minister estimates will be allocated to grants in respect of specific services and grants under the Rating (Interim Relief) Act 1964 and the Rating Act 1966 ;

and the amount remaining after deducting that portion from the aggregate amount aforesaid shall, subject to section 3 of this Act, be the aggregate amount of the rate support grants for that year.

(3) Before determining the amount and the portion mentioned in paragraphs (a) and (b) of subsection (2) of this section 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, and shall take into consideration—

- (a) the current level of prices, costs and remuneration, any future variation in that level which can be foreseen and the latest information available to him as to the rate of relevant expenditure ;
- (b) any probable fluctuation in the demand for services giving rise to relevant expenditure so far as the fluctuation is attributable to circumstances prevailing in England and Wales as a whole which are not under the control of local authorities ; and
- (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop those services ;

and for the purpose of determining the said amount and portion the Minister may make such adjustments in respect of relevant expenditure and grants as appear to him to be required to offset the effects on those factors of the constitution or alteration after the passing of this Act of any joint board.

(4) The aggregate amount of the rate support grants for any year shall be divided by the Minister into three parts (to be known respectively as “the needs element”, “the resources element” and “the domestic element”) which shall be of such amounts respectively as may be prescribed ; and the provisions of Schedule 1 to this Act shall, subject to sections 3 and 4 of this Act, have effect with respect to the determination of the amounts payable to any local authority in respect of those elements for any year and with respect to the other matters there mentioned.

(5) Payments in respect of elements of rate support grant shall be made to any local authority at such times as the Minister may with the consent of the Treasury determine and shall be made in aid of the revenues of the authority generally ; but no payment in respect of the needs element shall be made to the

council of a county district and no payment in respect of the domestic element shall be made to a county council or the Greater London Council.

(6) In this section "housing subsidies" means such grants to local authorities out of moneys provided by Parliament for the provision of housing accommodation as may be determined by the Minister to be housing subsidies for the purposes of this section.

(7) In this section "relevant expenditure", in relation to any year, means the expenditure for that year falling to be defrayed out of the rate fund of a local authority (excluding sums falling to be paid to another local authority by virtue of a precept or other instrument) reduced by—

- (a) the amount of any payment falling to be made for that year into the housing revenue account or a trading account of the authority; and
- (b) the amount of any payments of such descriptions as the Minister may determine which fall to be made for that year into that fund;

and for the purposes of this subsection "rate fund" in relation to any local authority except the Greater London Council, the Common Council and the Council of the Isles of Scilly means the county fund or general rate fund, and in relation to the said excepted Councils means the general fund or general rate, as the case may be, and "trading account" means any account of a kind determined by the Minister to be a trading account for the purposes of this subsection.

2.—(1) The aggregate amount of the rate support grants fixed in accordance with subsection (2) of section 1 of this Act for any year and the matters which under that section or Schedule 1 to this Act are to be prescribed shall be fixed and prescribed by an order (hereafter in this Act referred to as a "rate support grant order") made by the Minister with the consent of the Treasury and after consultation with such associations of local authorities as appear to the Minister to be concerned and with any local authority with whom consultation appears to him to be desirable. Rate support grant orders.

(2) Any rate support grant order shall be laid before the Commons House of Parliament together with a report of the considerations leading to the provisions of the order, including the considerations leading to the determination of the amount and the portion mentioned in paragraphs (a) and (b) of subsection (2) of section 1 of this Act, and shall not have effect until approved by a resolution of that House.

(3) Rate support grant orders shall be made in advance for successive periods of not less than two years; and a rate support

PART I grant order may, as respects any matter to be fixed or prescribed by the order, make different provision for different years.

Variation of orders etc.

3.—(1) If it appears to the Minister that, after the time when the amount mentioned in paragraph (a) of subsection (2) of section 1 of this Act was determined for any year, an unforeseen increase has taken place in the level of prices, costs and remuneration and that the effect of the increase on the relevant expenditure of local authorities for that year is substantial, he may at any time redetermine for that year the amount mentioned in that paragraph and the portion mentioned in paragraph (b) of that subsection and, by an order made in the like manner and subject to the like provisions as a rate support grant order, increase the amounts fixed by the relevant rate support grant order as the aggregate amounts of the rate support grants and any elements of the grants for that year.

(2) The provisions of subsection (3) of section 1 and subsection (2) of section 2 of this Act relating to consultation and to a report of the considerations leading to a determination under the said section 1 shall apply to a redetermination under this section as they apply to a determination under that section.

(3) In deciding whether to exercise his power under subsection (1) of this section and in redetermining in the exercise of that power the amount and the portion there mentioned, the Minister shall have regard only to the extent by which the said amount and portion are insufficient by reason of the unforeseen increase aforesaid.

(4) An order made under subsection (1) of this section with respect to any year may, as respects that year, vary the matters prescribed by the relevant rate support grant order.

(5) In this section “relevant expenditure” has the same meaning as in section 1 of this Act.

Reduction of grants in case of default.

4.—(1) If in the case of any local authority or joint board the appropriate Minister—

(a) is satisfied that the authority or board have failed to achieve or maintain a reasonable standard in the discharge of any of their functions, regard being had to the standards maintained by other authorities and boards; and

(b) is of opinion that by reason of the failure a reduction should be made in the amount of any elements of rate support grant payable to the local authority or a constituent authority of the joint board,

he may, after affording to the local or constituent authority in question an opportunity of making representations, make and

cause to be laid before Parliament a report stating the amount of and the reasons for the proposed reduction and setting out any representations made by the authority with respect to the proposed reduction ; and if the report is approved by a resolution of the Commons House of Parliament the Minister may reduce the elements of the grant accordingly.

(2) The appropriate Minister may make regulations for prescribing standards and general requirements in relation to any function of a local authority ; and in determining for the purposes of subsection (1) of this section whether there has been such a failure as is there mentioned, regard shall be had to any such regulations and any other standards or requirements imposed by or under any enactment.

(3) Any regulations in force immediately before the passing of this Act under subsection (4) of section 3 of the Local Government Act 1958 (which authorises the making of regulations, in connection with general grants, for purposes similar to those mentioned in subsection (2) of this section) shall, without prejudice to their operation for the purposes of that Act, have effect for the purposes of this section as if made under subsection (2) of this section. 1958 c. 55.

(4) Subsection (1) of section 99 of the Education Act 1944 (which makes provision for dealing with failures by local education authorities and certain other bodies to perform duties imposed on them by that Act) shall apply to any failure to discharge a duty imposed by regulations under subsection (2) of this section as it applies to a failure to discharge a duty imposed by that Act. 1944 c. 31.

5.—(1) The Minister may make regulations for carrying the foregoing provisions of this Act into effect and, without prejudice to the generality of this provision,— Supplemental.

(a) for determining the manner in which any calculation or estimate is to be made for any of the purposes of those provisions and, in particular, for determining—

(i) the manner in which and the time as at which road-mileages, population, the numbers of persons of any description and the numbers of education units for any area are to be ascertained,

(ii) the descriptions of roads which are to be taken into account in calculating road-mileages,

(iii) the authority or person by or to whom any information required for the said purposes is to be given and the time at which and the form in which it is to be given,

(iv) the adjustments to be made for any abnormal treatment of income or expenditure in accounts ;

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- (b) for providing that the calculations or estimates by reference to which any payments are made may be treated as either conclusive or provisional or conclusive for some purposes and provisional for other purposes and, in so far as they are treated as provisional, for the making of further calculations or estimates based on information not previously available and for adjusting, in the light thereof, any payment already made ;
- (c) for modifying the operation of the foregoing provisions of this Act in relation to any authority if and in so far as any modification is required in relation to that authority in consequence of any alterations or combinations of authorities or alterations of boundaries ;

and regulations under this subsection may make different provision for different circumstances.

(2) The Minister may by regulations make provision for amounts payable under any enactment or instrument to be disregarded for any of the purposes of the foregoing provisions of this Act specified by the regulations ; and regulations under this subsection may make such alterations in any enactment or instrument as the Minister considers appropriate in consequence of any such provision made by the regulations.

(3) The Minister may by regulations amend any of the following enactments and instruments, that is to say—

1961 c. 65.
1963 c. 38.

(a) paragraph 2(3) of Schedule 1 to the Housing Act 1961 and sections 87 and 121 of the Water Resources Act 1963 ;

1958 c. 55.

(b) any other enactment (including a local Act) and any scheme, order or other instrument in which reference is made, in whatever terms, to the standard penny rate product for an area as ascertained for the purposes of section 5 of the Local Government Act 1958,

in such manner as appears to him to be appropriate for preserving the original effect of that enactment or instrument in relation to the foregoing provisions of this Act or section 6 of the Rating (Interim Relief) Act 1964 or section 10 of the Rating Act 1966.

1964 c. 18.
1966 c. 9.

(4) References in this section to the foregoing provisions of this Act include references to Schedule 1 to this Act.

Reduction of rates on dwellings by reference to the domestic element.

6.—(1) Every rating authority shall reduce the amount which, apart from this subsection, would be the amount of the general rate levied by the authority for any year on any dwelling-house or mixed hereditament in their area by the following amount in the pound, that is to say—

(a) in the case of a dwelling-house, the amount prescribed for that year in pursuance of paragraph 1 of Part III of Schedule 1 to this Act ; and

(b) in the case of a mixed hereditament, one-half (disregarding any halfpenny) of the amount so prescribed.

(2) Where the period for which the said rate is made is less than a year, the amount in the pound of the reduction to be made under subsection (1) of this section shall be such as the rating authority may determine; but the authority shall so exercise their power under this subsection as to secure that the aggregate of the amounts determined in pursuance of this subsection for any year in respect of dwelling-houses and mixed hereditaments respectively is equal to the amount mentioned in paragraph (a) or, as the case may be, paragraph (b) of subsection (1) of this section.

(3) Where a hereditament is a dwelling-house or a mixed hereditament during part only of a rate period, the reduction to be made in pursuance of the foregoing provisions of this section shall be made for that part of the period only.

(4) The Minister may by regulations provide that the foregoing provisions of this section and Part III of Schedule 1 to this Act shall have effect, in their application to the City of London, subject to such modifications as the Minister considers appropriate for securing that reductions under those provisions are apportioned between the general rate and the poor rate, for securing that payments in respect of the domestic element are treated as the proceeds of those rates in such proportions as may be determined in pursuance of the regulations and for making such supplementary provision in relation to the City as the Minister considers expedient.

(5) In this section—

“ general rate ”, in relation to the Inner and Middle Temples, means any rate in the nature of a general rate; and

“ mixed hereditament ” means a hereditament which is not a dwelling-house but in the case of which it appears to the rating authority or is determined in pursuance of subsection (6) of this section that the proportion of the rateable value of the hereditament attributable to the part of the hereditament used for the purposes of a private dwelling or private dwellings is greater than the proportion thereof attributable to the part used for other purposes (any part of the hereditament used for the letting of rooms singly for residential purposes, whether by way of a tenancy or licence and either with or without board or other services or facilities, or used as sites for movable dwellings within the meaning of

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1936 c. 49.

section 269 of the Public Health Act 1936 being treated as used for purposes other than those of a private dwelling or private dwellings).

(6) The Minister may by regulations provide for the determination as respects any hereditament of any question as to the proportions mentioned in subsection (5) of this section in any case where the occupier or the person treated for the purposes of the regulations as the occupier of the hereditament is dissatisfied by the refusal of the rating authority to treat the hereditament as a mixed hereditament for the purposes of this section or the occupier, the person aforesaid or the rating authority considers that by reason of a change of circumstances a previous determination made in respect of the hereditament by virtue of this subsection should cease to have effect; and without prejudice to the generality of the power to make regulations conferred by the foregoing provisions of this subsection, the regulations may include provision—

1948 c. 26.

- (a) applying for the purposes of a determination any of the provisions of Part III of the Local Government Act 1948, with such modifications, if any, as may be specified by the regulations;
- (b) for a determination to have effect with respect to such period, whether or not beginning before the time when an application for the determination was made, as may be provided by or under the regulations.

Specific grants

Grants for
development
and re-
development.

7.—(1) The Minister may, with the consent of the Treasury and after consultation with such associations of local authorities as appear to the Minister to be concerned and with any local authority with whom consultation appears to him to be desirable, make regulations providing for the payment to local authorities, for the year 1967-68 and subsequent years, of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities (whether before or after the passing of this Act) in or in connection with the acquisition of land approved for the purposes of the regulations, being land required for or in connection with—

- (a) the development or redevelopment as a whole of any area (whether or not defined in a development plan as an area of comprehensive development); or
- (b) the relocation of population or industry, or the replacement of open space, in the course or in consequence of such development or redevelopment,

or in respect of expenditure so incurred in or in connection with the clearing or preliminary development of such land.

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(2) For the purposes of regulations under this section land appropriated by a local authority (whether before or after the passing of this Act) for use for purposes described in subsection (1) of this section may be treated as acquired by that authority for those purposes at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

(3) Provision may be made by regulations under this section—

- (a) for the inclusion, in the expenditure incurred by local authorities in the acquisition of land approved for the purposes of the regulations, of any sums or part of sums paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);
- (b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray the expenditure in respect of which the grants are made, or by reference to the excess of such annual costs over receipts of those authorities which are attributable to such expenditure, or over the annual value of such receipts, or by reference to such other considerations as may be prescribed by the regulations;
- (c) for the payment of capital sums in substitution for any periodical grants payable under the regulations in respect of such annual costs;

and for the purposes of this section “clearing” and “preliminary development” mean the carrying out of such works as may be prescribed by or determined under the regulations.

(4) Any grants to be paid or approval given under or for the purposes of regulations under this section shall be paid or given—

- (a) in the case of local authorities in England excluding Monmouthshire, by the Minister;
- (b) in the case of local authorities in Wales or Monmouthshire, by the Secretary of State.

(5) In this section “enactment” and “local authority” have the meanings assigned by subsection (1) of section 221 of the Town and Country Planning Act 1962; and references in this 1962 c. 38.

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section to the relocation of population or industry and the replacement of open space shall be construed in accordance with that subsection, but as if for references in the definitions of those expressions to an area of extensive war damage or an area of bad lay-out or obsolete development there were substituted references to any area.

1962 c. 38.

(6) Section 184 of the Town and Country Planning Act 1962 shall cease to have effect, but without prejudice to the operation of regulations made thereunder with respect to the payment of grants for any period before the commencement of this section; and sections 185 and 186 of that Act (maximum amount of grants and supplementary provisions as to grants) shall apply to this section, and regulations thereunder, as they applied to the said section 184 and regulations under that section, and as if references to the Minister in the said section 186 included references to the Secretary of State.

Grants for
public open
spaces.

8.—(1) Subject to the provisions of this section the Minister may, with the consent of the Treasury, pay to local authorities for the year 1967-68 and subsequent years grants of such amounts and payable at such times and subject to such conditions as he may from time to time determine, either generally or in the case of any particular authority, in respect of expenditure incurred by those authorities on and after 1st April 1967 in or in connection with the acquisition for use as a public open space of land approved by the Minister for the purposes of this section.

(2) Grants under this section may be made either as periodical grants in respect of the costs from time to time incurred or treated as incurred by a local authority in respect of the borrowing of money to defray expenditure qualifying for such grants, or as capital grants in respect of such expenditure or in substitution for such periodical grants.

(3) The amount of the grant which may be paid to a local authority under this section in respect of any expenditure shall not exceed one-half of the amount of that expenditure, or of the costs incurred or treated as incurred as aforesaid on account of that expenditure, as approved by the Minister for the purposes of this section.

(4) For the purposes of this section any land appropriated by a local authority for use as a public open space may be treated as acquired by that authority for that purpose at a cost of such amount, and defrayed in such manner, as the Minister may determine.

(5) In this section "the Minister" in relation to local authorities in Wales and Monmouthshire means the Secretary of State; and "local authority" means a local authority within the meaning of the Town and Country Planning Act 1962.

9.—(1) Subject to the provisions of this section the Minister may, with the consent of the Treasury, pay to local authorities for the year 1967-68 and subsequent years amounts and payable at such times and subject to such conditions as he may from time to time determine, either generally or in the case of any particular authority, in respect of expenditure incurred by those authorities in or in connection with the acquisition at any time of land approved by the Minister for the purposes of this section, being—

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Grants for reclamation of derelict land.

- (a) derelict, neglected or unsightly land requiring reclamation or improvement ; or
- (b) land required for purposes connected with the reclamation or improvement of such land as aforesaid,

or in or in connection with the carrying out on or after 1st April 1967 of works approved as aforesaid for the reclamation or improvement of any such land.

(2) Grants under this section may be made either as periodical grants in respect of the costs from time to time incurred or treated as incurred by a local authority in respect of the borrowing of money to defray expenditure qualifying for such grants, or as capital grants in respect of such expenditure or in substitution for such periodical grants.

(3) The amount of the grant which may be paid to a local authority under this section in respect of any land shall not exceed one-half of the expenditure incurred in acquiring the land and in carrying out any works for its reclamation or improvement, as approved by the Minister for the purposes of this section, reduced, unless the Minister otherwise determines, by the value of the land after carrying out those works, or one-half of the costs incurred or treated as incurred as aforesaid on account of that expenditure as so reduced.

(4) In this section “ the Minister ” in relation to local authorities in Wales and Monmouthshire means the Secretary of State ; and “ local authority ” means a local authority within the meaning of the Town and Country Planning Act 1962.

1962 c. 38.

10.—(1) Subject to the provisions of this section the Minister of Health may pay to port health authorities grants of such amounts, and payable at such times and subject to such conditions, as he may with the consent of the Treasury determine in respect of expenditure on revenue account incurred by those authorities on and after 1st April 1967—

Grants to port and airport health authorities.

- (a) in the payment of salaries to their medical officer of health and public health inspectors ;

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1936 c. 49.

1949 c. 55.

1955 c. 16.

(4 & 5 Eliz. 2.)

(b) in the exercise of functions conferred or imposed on them by or under section 143 of the Public Health Act 1936 or the Prevention of Damage by Pests Act 1949 ;

(c) in the exercise in relation to imported food of functions conferred or imposed on them by or under the Food and Drugs Act 1955.

(2) Subject to the provisions of this section the Minister of Health may pay to the councils of county districts grants of such amounts, and payable at such times and subject to such conditions, as he may with the consent of the Treasury determine in respect of expenditure on revenue account incurred by those councils on or after 1st April 1967 in the exercise of functions conferred on them by or under section 143 of the Public Health Act 1936 in relation to the prevention of danger to public health from aircraft arriving at or leaving any place.

(3) The amount of the grant payable under this section in respect of any expenditure shall not exceed one half of that expenditure ; and no grant shall be paid under subsection (2) of this section in respect of expenditure incurred in the exercise of functions in relation to aircraft arriving at or leaving an airport vested in or under the control of the Board of Trade or an aerodrome owned or managed by the British Airports Authority.

(4) No payment shall be made by the councils of counties and county boroughs under Schedule 1 to the Public Health Act 1936 on account of salaries of medical officers of health or public health inspectors accruing on or after 1st April 1967.

Grants for certain expenditure due to immigrant population.

11.—(1) Subject to the provisions of this section the Secretary of State may pay, to local authorities who in his opinion are required to make special provision in the exercise of any of their functions in consequence of the presence within their areas of substantial numbers of immigrants from the Commonwealth whose language or customs differ from those of the community, grants of such amounts as he may with the consent of the Treasury determine on account of expenditure of such descriptions (being expenditure in respect of the employment of staff) as he may so determine.

(2) No grant shall be paid under this section in respect of expenditure incurred before 1st April 1967.

Discontinuance or reduction of certain existing grants

Discontinuance of general grants and rate-deficiency grants.

1958 c. 55.

1948 c. 26.

12. General grants under Part I of the Local Government Act 1958 and rate-deficiency grants under Part I of the Local Government Act 1948 shall not be payable for the year 1967-68 and subsequent years.

13. The Local Government Act 1958 shall have effect and be deemed always to have had effect as if it provided that the road-mileage and population of a county shall, for the purposes of subsection (4) of section 5 of that Act and paragraph 6 of Part III of Schedule 1 to that Act (which relate to the calculation of rate-deficiency grants and general grants respectively), be taken to be—

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Calculation of road-mileage etc. for grant purposes.
1958 c. 55.

- (a) in the case of the road-mileage, the total mileage, as estimated for the year 1958-59 by the Minister of Transport, of the highways in the county repairable by the inhabitants at large; and
- (b) in the case of the population, the population of the county on 30th June 1958 as estimated by the Registrar General.

14. Grants under paragraph (a)(i) and (ii) of subsection (1) of section 100 of the Education Act 1944 (which relate to the provision of milk and meals) shall not be payable for the year 1967-68 or any subsequent year.

Discontinuance of grants for school meals etc.
1944 c. 31.

15. Section 1 of the Rating (Interim Relief) Act 1964 (which provides that where the number of persons over the age of sixty-five included in the population of a rating authority's area exceeds one-tenth of the population in a year not later than 1967-68, a grant for the year shall be paid to the authority at the rate of five pounds per head of the excess) shall have effect in relation to the year 1967-68 as if for the words "one-tenth" there were substituted the words "one-fifth".

Reduction of grants under 1964 c. 18 s.1 for 1967-68.

PART II

RATES

Valuation for rating

16. In section 34 of the Local Government Act 1948 (which, as amended by the Rating and Valuation Act 1959, requires new valuation lists to be made so as to come into force on 1st April in the year 1963 and each fifth subsequent year) after the words "the year nineteen hundred and sixty-three" there shall be inserted the words "the year nineteen hundred and seventy-three"; and the period for which the valuation lists in force at the passing of this Act are to remain in force shall be extended accordingly.

Postponement of revaluation.
1948 c. 26.
1959 c. 36.

17.—(1) For the purposes of any alteration of a valuation list to be made in respect of a hereditament in pursuance of a proposal served on or made by the valuation officer after the

Valuation list according to tone of list.

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passing of this Act, the value or altered value to be ascribed to the hereditament shall not exceed the value which would have been ascribed thereto in that list if the hereditament had been subsisting throughout the year before that in which the valuation list came into force, on the assumptions that at the time by reference to which that value would have been ascertained—

(a) the hereditament was in the same state as at the time of valuation and any relevant factors (as defined by subsection (2) of this section) were those subsisting at the last-mentioned time ; and

(b) the locality in which the hereditament is situated was in the same state, so far as concerns the other premises situated in that locality and the occupation and use of those premises, the transport services and other facilities available in the locality, and other matters affecting the amenities of the locality, as at the time of valuation.

(2) In this section—

“ relevant factors ” means any of the following, so far as material to the valuation of a hereditament, namely the mode or category of occupation of the hereditament, the quantity of minerals or other substances in or extracted from the hereditament or, in the case of a public house, the volume of trade or business carried on at the hereditament ; and

“ public house ” means a hereditament being or comprising premises licensed for the sale of intoxicating liquor for consumption on the premises where the sale of such liquor is, or is apart from any other trade or business ancillary or incidental to it, the only trade or business carried on at the hereditament.

(3) References in this section to the time of valuation are references to the time by reference to which the valuation of a hereditament would have fallen to be ascertained if this section had not been enacted.

(4) This section does not apply to a hereditament which is occupied by a public utility undertaking and of which the value falls to be ascertained by reference to the profits of the undertaking carried on therein.

Application of s. 17 to proposals since 2nd December 1965.

18.—(1) Where a proposal for the alteration of a valuation list in respect of any hereditament has been served on or made by the valuation officer after 2nd December 1965 and before the passing of this Act, and has not been settled before the passing of this Act, section 17 of this Act shall apply to the proposal as it applies to a proposal served or made after the passing of this Act.

(2) Where any such proposal has been served or made as aforesaid after the said date and has been settled before the passing of this Act, then if—

- (a) a further proposal for the alteration of the valuation list in respect of the hereditament is served or made before the end of March 1967 ; and
- (b) that further proposal is expressed to be made on the ground only that the value or altered value determined pursuant to the original proposal exceeds that which would have been so determined if section 17 of this Act had applied to it,

the said section 17 shall apply to the further proposal as if for references to the time of valuation there were substituted references to the time of valuation for the purposes of the original proposal ; and any alteration made in the valuation list in respect of the hereditament in pursuance of the further proposal shall have effect for the purposes of the enactments relating to rating and valuation as if the further proposal had been served or made immediately after the original proposal.

(3) Where a further proposal for the alteration of the valuation list in respect of a hereditament has been served on the valuation officer by any other person within the time specified in paragraph (a) of subsection (2) of this section, not being a proposal expressed to be made on the ground specified in paragraph (b) of that subsection, that person may, either before or within one month after the further proposal has been settled, give notice in writing to the valuation officer of his intention to make a further proposal in respect of the hereditament on that ground ; and where such notice is given, any such further proposal made by that person which—

- (a) is expressed to be made on that ground only ; and
- (b) is served within one month after the service of the notice,

shall be treated for the purposes of the said subsection (2) as if it had been served within the time specified in paragraph (a) of that subsection.

19. For the purposes of this Act and of any other Act, whether passed before or after this Act, a proposal to alter a valuation list shall be taken to be settled when an alteration is made in the list so as to give effect to the proposal or to an agreement made in consequence of the proposal, or when proceedings on an appeal against, or a reference to arbitration relating to, an objection to the proposal (including any proceedings consequent on such an appeal or reference) are finally determined, or when the proposal is withdrawn, whichever first occurs.

PART II

Rating of unoccupied property

Application of
ss. 21 and 22.

20.—(1) The provisions of the next two following sections shall come into operation or cease to be in operation in the area of a rating authority if the authority resolve that those provisions shall apply or cease to apply to their area, and shall come into operation or cease to be in operation in that area on such day as may be specified in the resolution.

(2) The day to be specified by a resolution under subsection (1) of this section shall be—

(a) in the case of a resolution providing that the said provisions shall apply to the area in question, the first day of a rate period for that area beginning after the day on which the resolution is passed, not being earlier, if those provisions have previously applied to the area, than the expiration of the period of seven years beginning with the day when those provisions ceased or last ceased to apply to the area or of such shorter period as the Minister authorises in any particular case ;

(b) in the case of a resolution providing that the said provisions shall cease to apply to the area in question, the last day of a rate period for that area ending after the day on which the resolution is passed, not being earlier than the expiration of the period of seven years beginning with the day when those provisions came or last came into operation in the area or of such shorter period as the Minister authorises in any particular case.

(3) As soon as may be after a resolution is passed by a rating authority under this section, the authority shall cause a copy of the resolution to be published in the London Gazette and in one or more newspapers circulating in the area of the authority.

(4) A document purporting to be a copy of the minutes of a resolution passed by a rating authority under this section and to be certified under the hand of the clerk of the authority as a true copy of the minutes of the resolution shall be evidence that the resolution was passed by the authority.

(5) In this section “rating authority” does not include the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple ; and for the purposes of the next two following sections “rate”, in relation to the City of London, means the poor rate.

Liability to be
rated in
respect of
certain
unoccupied
property.

21.—(1) Where any relevant hereditament in an area in which this section is in operation is unoccupied for a continuous period exceeding three months, the person entitled to possession of the hereditament (hereafter in this and the next following section

referred to as the “owner”) shall, subject to the following provisions of this section and to the provisions of the next following section, be rated in respect of the hereditament for any relevant period of vacancy; and the enactments relating to rating and valuation shall apply accordingly as if the hereditament were occupied during that period by the owner.

(2) Subject to section 22 of this Act, the amount of any rates payable by an owner in respect of a hereditament by virtue of this section shall be one-half of the amount which would be payable if he were in occupation of the hereditament; and no reduction shall be made under section 6 of this Act in respect of any rates so payable.

(3) In this section—

“relevant hereditament” means any hereditament consisting of, or of part of, a house, shop, office, factory, mill or other building whatsoever, together with any garden, yard, court or other land ordinarily used or intended for use for the purposes of the building or part; and

“relevant period of vacancy” means, in relation to any relevant hereditament, any period beginning with the day following the end of a period of three months during which the hereditament has been continuously unoccupied and ending with the day preceding that on which the hereditament becomes or next becomes occupied or ceases to exist.

(4) Where a relevant hereditament which is unoccupied becomes occupied on any day and becomes unoccupied again on the expiration of a period of less than six weeks beginning with that day, then, for the purpose of ascertaining any period of three months during which the hereditament has been continuously unoccupied and any relevant period of vacancy in respect of the hereditament, it shall be deemed to have remained unoccupied on that day and during that period.

22.—(1) The provisions of Schedule 2 to this Act shall have effect, for the purposes of section 21 of this Act, with respect to the determination of rateable values, the treatment of newly erected and altered buildings and the other matters there mentioned. Supplementary provisions, exemptions and reliefs.

(2) In relation to a relevant hereditament being a newly erected dwelling-house within the meaning of the said Schedule 2, the said section 21 shall have effect as if for references to a period of or exceeding three months there were substituted references to a period of or exceeding six months.

(3) No rates shall be payable under the said section 21 in respect of a hereditament for, or for any part of the three

PART II months beginning with the day following the end of, any period during which—

- (a) the owner is prohibited by law from occupying the hereditament or allowing it to be occupied ;
- (b) the hereditament is kept vacant by reason of action taken by or on behalf of the Crown or any local or public authority with a view to prohibiting the occupation of the hereditament or to acquiring it ;
- 1962 c. 38. (c) the hereditament is the subject of a building preservation order under section 30 of the Town and Country Planning Act 1962, or is included in a list compiled or approved under section 32 of that Act, or is notified to the rating authority by the Minister as a building of architectural or historic interest ;
- (d) the hereditament is the subject of a preservation order or an interim preservation notice under the Ancient Monuments Acts 1913 to 1953, or is included in a list published by the Minister of Public Building and Works under those Acts ;
- 1925 c. 90. (e) an agreement is in force with respect to the hereditament under paragraph (a) of subsection (2) of section 11 of the Rating and Valuation Act 1925 (which provides for the payment of rates whether a hereditament is occupied or not) ; or
- (f) the hereditament is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office.

(4) The Minister may by regulations provide that rates shall not be payable under section 21 of this Act in respect of hereditaments of such descriptions as may be prescribed by the regulations or in such circumstances as may be so prescribed ; and the regulations may make different provision for hereditaments of different descriptions and for different circumstances.

- 1961 c. 45. (5) Section 11 of the Rating and Valuation Act 1961 (reduction or remission of rates payable by charitable and other organisations) shall apply in relation to any relevant hereditament to which that section applied when it was last occupied as if it were used for the purpose for which it was then used.

Miscellaneous

Rating of certain office premises of nationalised boards &c.
1948 c. 26.
1955 c. 9.
(4 & 5 Eliz. 2).
1965 c. 36.

23.—(1) In respect of any rate period beginning after 31st March 1967, an authority to which this section applies shall, notwithstanding anything in Part V of the Local Government Act 1948, section 6(2) of the Rating and Valuation (Miscellaneous Provisions) Act 1955 or section 3(1) of the Gas Act 1965, be liable to be rated in respect of any office premises

occupied by the authority which are not situated on operational land of the authority; and accordingly any such premises shall be rated for any such period, and shall be included in the valuation list in force during any such period for the rating area in which the premises are situated, and in every rate made for any such period by the rating authority for that area.

(2) In determining the rateable value of any office premises which are to be rated by virtue of subsection (1) of this section, any part of the premises which is not used as an office or for office purposes, or for purposes ancillary to the use of the premises as an office or for office purposes, shall be disregarded.

(3) Valuation officers shall from time to time make such proposals under Part III of the Local Government Act 1948 1948 c. 26. as appear to them to be requisite for altering valuation lists so as to give effect to the foregoing provisions of this section.

(4) A valuation officer may if he thinks fit, before making a proposal in pursuance of subsection (3) of this section in respect of any premises,—

(a) raise a question as to whether the premises are situated on operational land of an authority to which this section applies; and

(b) make an application to the appropriate Minister for the determination of the question in pursuance of the following provisions of this section,

and where a valuation officer makes such an application he shall, before the expiration of the period of seven days beginning with the date of the application, serve notice of it on the occupier of the premises and the rating authority for the area in which the premises are situated; and section 59 of the Rating and Valuation Act 1925 (which relates to the service of documents) shall apply to such a notice as it applies to the documents mentioned in that section. 1925 c. 90.

(5) Where it is determined in consequence of an application under subsection (4) of this section that the premises to which the application relates are not situated on operational land of the relevant authority to which this section applies, then—

(a) the valuation officer may make a proposal in respect of the premises by reference to the same considerations as would have been applicable if the proposal had been made on the date of the application; and

(b) any alteration in a valuation list made in pursuance of a proposal certified by the valuation officer to have been made by him in consequence of the determination shall have effect as if any notice of the proposal served on the occupier of the premises had been so served at the same time as the notice of the application served on him under subsection (4) of this section.

PART II

(6) Any question as to whether, for the purposes of this section, any premises are situated on operational land of an authority to which this section applies shall be determined—

- (a) where the authority is the British Railways Board, the London Transport Board or the British Waterways Board, by the Minister of Transport ;
- (b) in any other case, by the Minister of Power.

(7) The Minister may by regulations make such provision as he considers appropriate for securing, in the case of premises liable to be rated under this section and under another enactment and premises of which a part is liable to be rated under this section and another part is liable to be rated under another enactment, that the premises are included in the valuation list as a single hereditament with a single rateable value ; and the regulations may make different provision for different circumstances and may contain such supplemental, consequential and incidental provisions, including provisions modifying any enactment, as the Minister considers expedient for the purposes of the regulations.

1947 c. 54.

1948 c. 67.

(8) This section applies to the following authorities, that is to say, the British Railways Board, the London Transport Board, the British Waterways Board, the Central Electricity Generating Board, any Area Board within the meaning of the Electricity Act 1947, the Gas Council and any Area Board constituted for an area in England and Wales under the Gas Act 1948 and, as respects office premises situated in England, the South of Scotland Electricity Board.

(9) In this section—

“ office premises ” means any hereditament used wholly or mainly as an office or for office purposes ; and

“ operational land ”, in relation to an authority to which this section applies, means land which is used for the purpose of the carrying on of the authority’s undertaking, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purpose of the carrying on of statutory undertakings ;

and for the purposes of this subsection “ office purposes ” includes the purposes of administration, clerical work and handling money, “ clerical work ” includes writing, book-keeping, sorting papers, filing, typing, duplicating, punching cards or tapes, machine calculating, drawing and the editorial preparation of matter for publication, and “ statutory undertakings ” has the same meaning as in the Town and Country Planning Act 1962.

1962 c. 38.

24.—(1) The Minister may by order provide—

- PART II
Power to alter
distribution
of certain
payments
made by
nationalised
boards in lieu
or by way of
rates.
1948 c. 26.
- (a) that the sums paid to the Minister by the British Railways Board, the London Transport Board and the British Waterways Board or any of those Boards in pursuance of section 100 of the Local Government Act 1948 (which relates to payments by those Boards in lieu of rates) shall, instead of being distributed as provided by subsection (2) of that section (which provides for their distribution among the rating authorities in England or Wales in proportion to the rateable values of the authorities' areas for the relevant year), be distributed as provided by the order;
- (b) that the adjusted basic total of rateable values mentioned in sub-paragraph (3) of paragraph 4 of Schedule 3 to the Rating and Valuation (Miscellaneous Provisions) Act 1955 (which relates to the rating of Gas Boards) shall, in the case of all Gas Boards or any Gas Board specified by the order, instead of being apportioned and allocated as provided by that sub-paragraph (which provides for its apportionment and allocation among all the rating areas in which, in the relevant year, gas was, or was treated as, supplied to consumers or manufactured by the relevant Board), be apportioned and allocated for the purposes of that Schedule as provided by the order;
- (c) that the apportionment of the aggregate values of the distribution and generating activities mentioned in paragraph 2 of Schedule 2 to the Local Government Act 1958 (which relates to the rating of Electricity Boards) shall, in the case of all Electricity Boards or any Electricity Board specified by the order, instead of being made as provided by sub-paragraphs (a) and (b) of that paragraph (which provide for the apportionment of those values by reference to net annual value and generating capacity), be made as provided by the order;
- (d) that sub-paragraph (1) of paragraph 3 of the said Schedule 2 (which provides that the aggregate values of the generating and of the distribution activities of the Central Electricity Generating Board shall each be taken to be one half of the Board's basic value as determined for the relevant year under that Schedule) shall have effect as if for the reference to one half there were substituted references to such other fractions as may be specified by the order in relation to the Board's generating activities and distribution activities respectively;
- (e) that, in any enactment relating to rating specified by the order, any reference to the manufacture of gas shall

PART II

include a reference to such dealings with gas as may be specified by the order.

(2) If the Minister is of opinion that payments by way of rates should be made by Gas Boards by virtue of this subsection by reference to any premises occupied and used by the Gas Council or a Gas Board for the reception or liquefaction of gas or the evaporation of gas in a liquid state, being in any case gas purchased by the Council or the Board, he may make an order designating the premises for the purposes of this subsection and providing for the determination, by such method as may be specified by the order, of a value for the premises for those purposes; and where such an order is in force the Minister may direct—

- (a) that the value determined as aforesaid shall be apportioned among such Gas Boards as may be specified by the direction in such proportions as may be so specified; and
- (b) that each Board specified by the direction shall, during such period as may be so specified, be treated for rating purposes as occupying, within the area of the rating authority in which the premises designated by the order are situated (and whether or not that Board occupies or is treated as occupying any other hereditament in that area), a hereditament of a rateable value equal to the proportion of the value aforesaid allocated by the direction to that Board; and
- (c) that sub-paragraph (3) of paragraph 4 of Schedule 3 to the Rating and Valuation (Miscellaneous Provisions) Act 1955 shall have effect during the period aforesaid, in relation to each Board specified by the direction, as if the Board's adjusted basic total of rateable values mentioned in that sub-paragraph were reduced by an amount equal to the said proportion.

1955 c. 9
(4 & 5 Eliz. 2).

A direction under this subsection may be revoked or varied by a subsequent direction thereunder.

(3) Before making any order under this section the Minister shall consult with such associations of local authorities as appear to him to be concerned, with any local authority with whom consultation appears to him to be desirable and—

- (a) in the case of an order in pursuance of paragraph (a) of subsection (1) of this section, with any Board mentioned in that paragraph which appears to the Minister to be concerned;
- (b) in the case of an order in pursuance of paragraph (b) or (e) of that subsection, with the Gas Council;

- (c) in the case of an order in pursuance of paragraph (c) or (d) of that subsection, with the Electricity Council ;
- (d) in the case of an order under subsection (2) of this section, with the Gas Council.

PART II

(4) An order under this section may contain such incidental, supplemental and consequential provisions, including provisions altering any enactment or instrument, as the Minister considers expedient for the purposes of the order.

(5) In this section "Gas Board" means any Area Board constituted for an area in England and Wales under the Gas Act 1948, and "Electricity Board" means the Central Electricity Generating Board and any Area Board within the meaning of the Electricity Act 1947.

1948 c. 67.

1947 c. 54.

25. The Minister may, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, make rules as to the manner in which the product of a rate of one penny in the pound for any area is to be estimated or determined for such purposes of this Act and of any other Act, whether passed before or after this Act, as may be specified by the rules ; and rules under this section may—

Calculation of rate products.

- (a) make different provision for different purposes ;
- (b) repeal any provisions of, or of an instrument made under, an Act passed before this Act which the Minister considers will become unnecessary in consequence of the rules ;
- (c) amend any provisions of an Act passed before this Act or of an instrument made under such an Act in such manner as the Minister considers appropriate in consequence of the rules ;
- (d) provide that the provisions of any instrument having effect by virtue of an enactment repealed or amended by the rules shall continue in force as if they were contained in the rules.

26. A hereditament which is not a dwelling-house by reason only of the fact that part of it is used for purposes other than those of a private dwelling or private dwellings shall be deemed to be a dwelling-house within the meaning of the Valuation for Rating Act 1953 in any case where, if that part were a separate hereditament in the same occupation as the remainder of the hereditament and used solely for those other purposes, the separate hereditament would not be liable to be rated.

'Dwelling-house' to include certain premises used in part otherwise than as private dwelling.
1953 c. 42.

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PART III

HIGHWAYS

Grants towards construction and improvement of roads

Highway
grants and
classifications.
1959 c. 25.

27.—(1) It is hereby declared that the purposes for which advances may be made by the Minister under section 235 of the Highways Act 1959 include the carrying out of surveys with a view to ascertaining the need for the construction or improvement of highways (whether or not any such construction or improvement is carried out) and other purposes incidental or conducive to the purposes described in subsection (1) of that section.

(2) The Minister may, for all or any of the following purposes, that is to say, the purposes of the said section 235, so far as it relates to the making of advances to local highway authorities, and the purposes of any enactment or instrument (whether passed or made before or after the passing of this Act) which refers to highways classified by the Minister, classify highways and proposed highways in such manner as he may from time to time determine after consultation with the highway authorities concerned.

1919 c. 50.

(3) Section 17 of the Ministry of Transport Act 1919 shall cease to have effect so far as it relates to the construction, improvement and maintenance of roads, bridges and ferries; and in any enactment (including an enactment in any local Act) or any instrument in force at the commencement of this Part of this Act any reference to a highway classified, or classified in any class, under the said section 17 shall be construed as a reference to a highway which for the time being is classified by the Minister under subsection (2) of this section—

- (a) as a principal road for the purposes of advances under the said section 235; or
- (b) as a classified road for the purposes of that enactment or instrument.

(4) For the purposes of subsection (3) of this section any road which, immediately before the commencement of this Part of this Act, was classified under the said section 17 in Class I, II or III shall, until the Minister otherwise directs, be treated as classified under subsection (2) of this section as a classified road for the purpose of every such enactment or instrument as is mentioned in the said subsection (3).

Lighting of highways

PART III

28.—(1) The Minister and every local highway authority shall have power to provide lighting for the purposes of any highway or proposed highway for which they are or will be the highway authority, and may for that purpose—

Provision of lighting by highway authorities.

- (a) contract with any persons for the supply of gas, electricity or other means of lighting ; and
- (b) construct and maintain such lamps, posts and other works as they consider necessary.

(2) A highway authority may alter or remove any works constructed by them under this section or vested in them under the following provisions of this Part of this Act.

(3) A highway authority shall pay compensation to any person who sustains damage by reason of the execution of works authorised by this section.

(4) Section 45 of the Public Health Act 1961 (attachment of street lamps to buildings) and section 81 of that Act (summary recovery of damages for negligence) shall apply to a highway authority not being such a council as therein mentioned as they apply to such a council.

(5) For the purposes of the definition of “improvement” in section 295 of the Highways Act 1959, this section shall be treated as included in Part V of that Act.

(6) Nothing in subsection (5) of this section shall affect the provisions of section 237 of the Highways Act 1959 (which relates to contributions by county councils to the cost of maintaining and improving claimed county roads) ; but for the purposes of that section—

- (a) the cost of the maintenance and operation of a road lighting system for a claimed county road in exercise of the powers conferred by this section shall be treated as part of the cost of the maintenance of the road ; and
- (b) the cost of the provision and improvement of such a system for such a road in exercise of those powers shall be treated as expenses of an improvement of the road unconnected with its maintenance,

and the cost of the provision, improvement, maintenance and operation of a footway lighting system for such a road in exercise of those powers shall not be included among the costs and expenses in respect of which payments and contributions are to be made under that section.

29.—(1) Subject to subsection (2) of this section, the powers of a lighting authority shall not be exercised, after the commencement of this Part of this Act, for purposes of the lighting of any highway for which they are not the highway authority

Powers of existing lighting authorities.

PART III

except with the consent of the highway authority (which consent may be given either generally or in respect of any particular highway or length of highway, and either without conditions or subject to such conditions as the highway authority think fit).

(2) Subsection (1) of this section does not apply to the exercise of powers for the purpose only of the operation or maintenance of a lighting system which is not transferred to the highway authority under the following provisions of this Part of this Act.

(3) If a lighting authority are aggrieved by the refusal of a local highway authority to give their consent for the purposes of this section, or by any conditions subject to which such consent is given, they may appeal to the Minister, who may give such directions in the matter as he thinks fit.

(4) In this Part of this Act "lighting authority" means a council or other body authorised to provide lighting under section 161 of the Public Health Act 1875 or under section 3 of the Parish Councils Act 1957 or any corresponding local enactment and includes (in relation only to the transfer of property, rights and liabilities) the representative body of a rural parish not having a parish council; and references to the powers of a lighting authority are references to their powers under the said enactments.

1875 c. 55.
1957 c. 42.

Delegation
of lighting
functions of
highway
authority.

30.—(1) A highway authority may agree with the lighting authority for the delegation to the lighting authority of any of the functions of the highway authority with respect to the lighting of any highway or part of a highway within the area of the lighting authority.

(2) A lighting authority shall, for the discharge of any functions delegated to them under subsection (1) of this section, act as agents for the highway authority; and it shall be a condition of the delegation—

- (a) that any works to be executed or expenditure to be incurred by the lighting authority in the discharge of the delegated functions shall be subject to the approval of the highway authority;
- (b) that the lighting authority shall comply with any requirements of the highway authority as to the manner in which any such works are to be carried out, and with any directions of the highway authority as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions; and
- (c) that any such works shall be completed to the satisfaction of the highway authority.

(3) If at any time the highway authority are satisfied that a lighting system in respect of which the functions of that

authority are delegated under this section is not in proper repair or condition, they may give notice to the lighting authority requiring them to place it in proper repair or condition, and if the notice is not complied with within a reasonable time may themselves do anything which seems to them necessary to place the system in proper repair or condition.

(4) A highway authority may agree with a lighting authority for the carrying out by the lighting authority of any works in connection with a lighting system provided or to be provided by the highway authority within the area of the lighting authority; and subsections (2) and (3) of this section shall apply to the conditions to be included in and to the discharge of functions pursuant to any such agreement, as they apply to the conditions to be attached to a delegation of functions under subsection (1) of this section and the discharge of functions so delegated.

(5) A delegation to a lighting authority under this section may be determined by notice given to that authority by the highway authority, and functions delegated to a lighting authority under this section may be relinquished by notice given by that authority to the highway authority; but a notice under this subsection shall not take effect until 1st April in the calendar year following that in which it is given, and shall not be given during the last three months of a calendar year

31.—(1) On the date of the commencement of this Part of this Act there shall be transferred to the highway authority for any highway for which a road lighting system was then provided by a lighting authority other than the highway authority—

Transfer of
road
lighting
systems.

- (a) all lamps, lamp-posts and other apparatus which, immediately before that date, were vested in the lighting authority as part of that system;
- (b) except as provided by subsection (2) of this section, all other property or rights which, immediately before that date, were vested in the lighting authority for the purposes of that system, and all liabilities incurred by that authority for those purposes and not discharged before that date.

(2) There shall not be transferred to a highway authority by virtue of this section any right or liability of a lighting authority in respect of work done, services rendered, goods (including gas and electricity) supplied or money due for payment before the said date, and there shall not be transferred to the Minister by virtue of this section any liability of a lighting authority in respect of loans or loan charges.

(3) A highway authority and a lighting authority, or any two or more highway authorities, may make agreements with respect to the transfer of property, rights and liabilities under this section,

PART III

including agreements for defining the property, rights and liabilities thereby transferred to the highway authority or any of those authorities, and for the transfer or retention of property, rights or liabilities held or incurred for the purposes of two or more road lighting systems, or partly for the purposes of such a lighting system and partly for other purposes; and any dispute between the authorities concerned as to the property, rights or liabilities transferred by this section shall be determined—

(a) where the Minister is one of those authorities, by arbitration;

(b) in any other case, by the Minister.

(4) If at any time after the commencement of this Part of this Act a road lighting system is provided by a lighting authority for the purposes of a highway for which they are not the highway authority, the foregoing provisions of this section shall apply as if for references to the date of the commencement of this Part of this Act there were substituted a reference to such date as may be determined by agreement between the lighting authority and the highway authority or, in default of such agreement, as the Minister may direct.

(5) In this Part of this Act “road lighting system” means a lighting system which is not a footway lighting system.

Special provisions as to footway lighting systems.

32.—(1) In this Part of this Act “footway lighting system” means a system of lighting, provided for a highway, which satisfies the following conditions, that is to say that either—

(a) no lamp is mounted more than thirteen feet above ground level; or

(b) no lamp is mounted more than twenty feet above ground level and there is at least one interval of more than fifty yards between adjacent lamps in the system,

or such other conditions as may be prescribed by order of the Minister in substitution for the said conditions.

(2) Where a footway lighting system maintained by a lighting authority other than the highway authority becomes a road lighting system—

(a) in consequence of any order made by the Minister under subsection (1) of this section; or

(b) in consequence of any alterations effected by the lighting authority,

section 31 of this Act shall apply in relation to that system as if for references in subsections (1) and (2) to the date of the commencement of this Part of this Act there were substituted references to such date as may be agreed upon between the lighting authority and the highway authority or, in default of such agreement, as the Minister may direct.

(3) If in the case of a road or part of a road in which a footway lighting system is maintained by a lighting authority other than the highway authority the highway authority propose to provide a road lighting system (either as a separate system or by means of alterations of the footway lighting system), they may give notice to that effect to the lighting authority; and where such notice is given section 31 of this Act shall apply in relation to the footway lighting system as if for references in subsections (1) and (2) to the date of the commencement of this Part of this Act there were substituted references to such date as may be specified for the purpose in the notice.

Seconding of staff etc.

33.—(1) It shall be lawful for a council to enter into an agreement with the Minister for the placing at the disposal of the Minister for the purposes of his functions relating to highways, on such terms as may be provided by the agreement, of the services of persons employed by the council and of any premises, equipment and other facilities under the control of the council.

Placing of staff etc. of councils at disposal of Minister.

(2) For the avoidance of doubt it is hereby declared that for superannuation purposes service rendered by a person whose services are placed at the disposal of the Minister in pursuance of this section is service rendered to the council by whom that person is employed.

Supplemental

34.—(1) This Part of this Act shall be construed as one with the Highways Act 1959; and without prejudice to the generality of this provision—

Construction and commencement of Part III. 1959 c. 25.

(a) “the Minister” means, in relation to England exclusive of Monmouthshire the Minister of Transport, and in relation to Wales and Monmouthshire the Secretary of State;

(b) any reference in the said Act to that Act includes (unless the context otherwise requires) a reference to this Part of this Act.

(2) This Part of this Act shall come into force on 1st April 1967.

PART IV

MISCELLANEOUS AND GENERAL

35.—(1) The enactments mentioned in Part I of Schedule 3 to this Act (which among other things provide for the licensing or registration of agricultural gang masters, hawkers, passage brokers, emigrant runners, porters, guns, horses and pleasure

Amendment of certain enactments relating to licences.

PART IV boats for hire and canal boats, and for regulating activities to which the licences or registrations relate) shall cease to have effect.

(2) The enactments mentioned in the first column of Part II of Schedule 3 to this Act (which specify fees or maximum fees for licences, certificates or permits to which those enactments relate or for registration under those enactments) may be amended, by an order made by the Minister specified in relation to the enactment in question in the second column of the said Part II, so as to vary any sum specified by that enactment or so as to provide that any sum payable under that enactment shall cease to be so payable; and an order under this subsection may be limited to such cases as may be specified by the order and may make different provision for different cases specified by the order.

(3) The Postmaster General shall, before paying to the council of a county, county borough or London borough or to the Common Council the amount of the duties received by him, on or after the date when this subsection comes into force, in respect of licences for dogs or licences to deal in or for killing game issued in the county or borough or the City of London, as the case may be, deduct from that amount such sum as he considers is equal to the expenses incurred by him on work done in connection with the issue of the licences.

(4) Subsection (3) of this section shall come into force on the date when the first order under subsection (2) of this section increasing the amount of the duty in respect of any dog licence comes into force; and section 19(5) of the Post Office Act 1961 is hereby repealed on that date.

1961 c. 15.

Further provisions as to dog licences.
1959 c. 55.

36.—(1) The Minister of Agriculture, Fisheries and Food may by order amend the provisions of the Dog Licences Act 1959 with respect to the time for payment of duty under that Act, the age of any dog or hound in respect of which the duty is chargeable and the period for which a licence under that Act is to be in force; and an order under this subsection may be limited to such cases as may be specified by the order and may make different provision for different circumstances specified by the order.

(2) It shall cease to be a condition for exemption from duty under section 4 of the said Act of 1959 (which relates to dogs kept for tending sheep and cattle) that the owner of the dog in question obtains a certificate of exemption under that section.

(3) The power conferred by section 11 of the said Act of 1959 to prescribe the form of a licence shall be exercisable by the Minister of Agriculture, Fisheries and Food instead of by the Treasury.

(4) In sections 12(1) and 13 of the said Act of 1959 (under which a person is liable to a penalty of five pounds for an offence) for the words "five pounds" there shall be substituted the words "ten pounds".

PART IV

37. It shall be lawful for a local authority within the meaning of the Town and Country Planning Act 1962 to make to any person such payments as the authority consider appropriate for the purpose of offsetting, either wholly or in part, payments by way of the selective employment tax made by that person in respect of persons employed for the purposes of any contract entered into by the authority before 4th May 1966.

Payments by local authorities to offset effect of selective employment tax.
1962 c. 38.

38.—(1) With a view to facilitating the consolidation of the enactments relating to rating and valuation in England and Wales, subsections (2) and (3) of this section shall have effect as from such day as the Minister may by order appoint.

Amendments preparatory to consolidation.

(2) The following provisions (by virtue of which there subsists a residual liability to rating by reference to tithes) namely—

- (a) in section 1 of the Poor Relief Act 1601, the words "of every inhabitant parson vicar and other and" and the words "tithes impropriate or propriations of tithes"; 1601 c. 2.
- (b) section 69 of the Tithe Act 1836; 1836 c. 71.
- (c) section 1 of the Poor Rate Exemption Act 1840; 1840 c. 89.
- (d) section 1 of the Tithe Rating Act 1851; 1851 c. 50.
- (e) in Schedule 1 to the Expiring Laws Act 1922, the entry numbered (1), 1922 c. 50.

and also the provisions of the Rating and Valuation Act 1925 specified in Schedule 9 to the Tithe Act 1936 (which relate to the treatment for the purposes of rating of tithe rentcharge not extinguished by the said Act of 1936) so far as excepted from repeal by the said Act of 1936 by section 48(3) thereof and, in section 7 of the Rating Act 1874, the words "and tithe rentcharge", shall cease to have effect; and the valuation officer shall, without any proposal, cause the valuation list to be altered by the deletion therefrom of any property which he is satisfied has, by virtue of this subsection, ceased to be rateable.

1925 c. 90.
1936 c. 43.
1874 c. 54.

(3) The enactments aforesaid shall have effect subject to the provisions of Schedule 4 to this Act, being provisions designed to avoid or remove minor doubts, anomalies and inconsistencies, to remove spent, obsolete or otherwise unnecessary provisions, to bring obsolete provisions into conformity with modern practice or to facilitate improvement in the form or manner in which the law is stated.

PART IV

Application
of Act to
Isles of Scilly.

39. The provisions of this Act shall have effect in relation to the Isles of Scilly subject to such modifications as the Minister may by order direct, and the power to make an order under this section shall include power to provide that in the application of paragraph 3 of Part II of Schedule 1 to this Act both to those Isles and to counties and county boroughs references to a county shall include references to those Isles.

Orders,
regulations
and rules.

40.—(1) Any power conferred on a Minister by this Act to make an order, regulations or rules shall be exercisable by statutory instrument.

(2) An order under any provision of this Act, other than section 2 or 3, may be revoked or varied by a subsequent order under that provision.

(3) Any statutory instrument containing regulations or rules under this Act or an order under section 24, 32, 35 or 36 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

41.—(1) In this Act, except where the contrary intention appears, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“the appropriate Minister” means, in relation to any matter, the Minister in charge of the government department concerned or primarily concerned with that matter;

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

1953 c. 42.

“dwelling-house” has the same meaning as in the Valuation for Rating Act 1953;

1925 c. 90.

“hereditament” has the same meaning as in the Rating and Valuation Act 1925;

“joint board” includes a combined authority or joint committee;

“land” includes land covered by water and any interest in or right over land;

“local authority” means the council of a county, county borough or county district, the Greater London Council, the council of a London borough, the Common Council or the Council of the Isles of Scilly;

“the Minister” means the Minister of Housing and Local Government;

“rate” has the same meaning as in the Rating and Valuation Act 1925;

“rate period” means a year or part of a year, being a period for which a rate is made;

“rate support grant order” has the meaning assigned to it by section 2 of this Act ;

“rating authority” means any local authority, except the council of a county and the Greater London Council, and includes the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple ; and

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

(2) In this Act the expression “year 1967-68” means the year ending on 31st March 1968, and any corresponding expression in which two years are similarly mentioned means the year ending on 31st March in the second of those years.

(3) Any question arising under this Act as to which Minister is the appropriate Minister shall be determined by the Treasury.

(4) References in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment.

42. There shall be defrayed out of moneys provided by Parliament—

(a) any sums required for the payment of grants under this Act or of other expenses of a Minister under this Act ; and

(b) any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other Act.

43.—(1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments there specified, being amendments consequential on provisions of this Act. Consequential amendments and repeals.

(2) The enactments mentioned in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule—

(a) in the case of the enactments described in Part I, from the passing of this Act ;

(b) in the case of those described in Part II, from 1st April 1967 ;

(c) in the case of those described in Part III, from the day appointed under subsection (1) of section 38 of this Act and subject, as regards the enactments mentioned in paragraph 13 of Schedule 4 to this Act, to the provisions of that paragraph.

44.—(1) This Act may be cited as the Local Government Act 1966. Short title and extent.

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

SCHEDULES

SCHEDULE 1

RATE SUPPORT GRANTS

PART I

THE NEEDS ELEMENT

Payments comprised in the element

1.—(1) The amount of the needs element of rate support grant payable for any year to a local authority other than the Greater London Council shall, subject to paragraphs 11 to 13 of this Part of this Schedule, be the aggregate of the basic payment specified in paragraph 2 of this Part of this Schedule and of the supplementary payments specified in paragraphs 3 to 10 of this Part of this Schedule which are payable in accordance with those paragraphs.

(2) The provision to be made by a rate support grant order in pursuance of paragraphs 2 to 10 of this Part of this Schedule shall be such as to secure, to the best of the information available to the Minister when he makes the order, that the aggregate amount of the needs element which will be paid for each year shall approximate as nearly as may be to the aggregate amount of that element fixed by the order for that year.

The basic payment

2. The basic payment shall be a payment of an amount equal to the aggregate of—

- (a) an amount arrived at by multiplying a prescribed sum by the population ; and
- (b) an amount arrived at by multiplying a prescribed sum by the estimated number of persons under fifteen years of age in the population.

Supplementary payments

3. A supplementary payment shall be payable of an amount arrived at by multiplying a prescribed sum by the estimated number of persons under five years of age in the population.

4. A supplementary payment shall be payable of an amount arrived at by multiplying a prescribed sum by the estimated number of persons over sixty-five years of age in the population.

5. A supplementary payment shall be payable if the number of education units per thousand persons in the population exceeds a prescribed number, and the payment shall be a prescribed sum multiplied by the excess and by the population.

6. A supplementary payment shall be payable if the population per acre of the area of the authority exceeds a prescribed number, and the amount of the payment shall be the percentage of the basic payment arrived at by multiplying the excess by a prescribed percentage.

7. A supplementary payment shall be payable if the road-mileage of the area of the authority per thousand persons in the population

exceeds a prescribed number, and the amount of the payment shall be the smallest of the following amounts, that is to say—

- (a) a prescribed fraction of the basic payment ;
- (b) a prescribed percentage of the basic payment multiplied by the said road-mileage per thousand persons ;
- (c) such proportion of the basic payment as the difference between the said road-mileage per thousand persons and the prescribed number bears to the prescribed number.

8. A supplementary payment shall be payable of an amount equal to the aggregate of—

- (a) an amount arrived at by multiplying the road-mileage of the area of the authority (excluding trunk roads) by a prescribed sum ; and
- (b) an amount arrived at by multiplying the road-mileage of the roads classified as principal roads under section 27 of this Act in the area of the authority by—
 - (i) a prescribed sum, or
 - (ii) if the population falls short of or exceeds a prescribed number per mile of those roads, that sum reduced, or as the case may be increased, by another prescribed sum for each hundred persons in the short-fall or excess, but not in any case reduced below a further prescribed sum.

9. A supplementary payment shall be payable if the population has declined over a prescribed period and the percentage decline over that period exceeds a prescribed percentage, and the amount of the payment shall be an amount equal to the percentage of the basic payment arrived at by multiplying the excess by a prescribed fraction or number.

10.—(1) A supplementary payment shall be payable if the area of the authority or a part of it lies within the metropolitan district, and the amount of the payment shall be a prescribed percentage of the basic payment, being such percentage as appears to the Minister appropriate having regard to the higher level of prices, costs and remuneration in and around the area.

(2) Different percentages may be prescribed for the purposes of this paragraph in relation to authorities whose areas lie wholly within the metropolitan district and authorities whose areas lie partly within the district and partly outside it.

(3) In this paragraph “metropolitan district” means Greater London together with the remainder of the Metropolitan Police District.

Special provision for inner London

11.—(1) The Minister may by regulations provide that such proportion as may be determined by or under the regulations of the amount of the needs element for any year which, apart from this paragraph, would be payable to the council of an inner London

SCH. 1 borough or the Common Council shall be payable to the Greater London Council instead of to the council aforesaid; and the regulations may make different provision with respect to different councils.

(2) Before making regulations under this paragraph, the Minister shall consult with any association or committee which appears to him to be representative of the councils of the inner London boroughs and with the Common Council and the Greater London Council.

Adjustments to prevent over-payments etc. and for pooling arrangements

12. If when the needs element for any year falls to be paid it appears to the Minister that the aggregate amount of that element will exceed or fall short of its aggregate amount as fixed by the relevant rate support grant order, the Minister shall adjust the amount of that element payable to each local authority as nearly as may be in the proportion which the aggregate amount of the element as so fixed bears to the amount, as estimated by the Minister, which would be the aggregate amount of that element for that year apart from this paragraph.

13.—(1) The needs element shall be subject to adjustment, in accordance with the following provisions of this paragraph, in respect of expenditure to which this paragraph applies.

(2) The appropriate Minister may by regulations provide for ascertaining the aggregate of the expenditure to which this paragraph applies of all local authorities, for apportioning the aggregate among the authorities and for ascertaining the amount by which the needs element payable to each authority ought to be increased or decreased.

(3) The appropriate Minister shall, in accordance with regulations made by him under this paragraph, certify to the Minister at such time as may be specified by the regulations—

- (a) the estimated amount of the increases and decreases of the needs element which ought to be made for any year;
- (b) the actual amount of those increases and decreases,

and the Minister shall in paying the needs element for any year adjust the amount of that element in accordance with the certified estimated amounts and shall in paying that element for the earliest practicable subsequent year make any adjustment necessary to offset differences between the estimated and actual amounts certified.

(4) Subject to the next following sub-paragraph, this paragraph applies to expenditure incurred—

- (a) in establishing, maintaining or assisting colleges or other institutions for the training of teachers or in providing or assisting the provision of other facilities specified in directions under section 62 of the Education Act 1944;
- (b) in making payments, in such cases as may be specified by regulations made by the appropriate Minister under this paragraph, to or in respect of persons taking teachers' training or further training courses;

- (c) in the provision, or in assisting the provision, of such facilities for further education of an advanced character as may be specified by or under regulations so made ;
- (d) in the making of provision for primary, secondary or further education of pupils not belonging to the area of any local education authority ;
- (e) in the training of persons to undertake educational research or to become educational psychologists, health visitors or midwives or in respect of persons who are being so trained.

(5) The appropriate Minister may, after consultation 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, provide by regulations—

- (a) that this paragraph shall apply to such expenditure as may be specified by the regulations which is incurred by local authorities—
 - (i) upon research into any of their functions, or
 - (ii) in the training of persons in matters connected with the functions of local authorities, or
 - (iii) in respect of persons to whom the training is given, or
 - (iv) in providing, for persons who suffer from any disability of mind or body, education by special methods appropriate for persons suffering from that disability ;
- (b) that any expenditure to which this paragraph applies shall cease to be such expenditure.

(6) Any reference in this paragraph to a local authority does not include a reference to the council of a county district.

Miscellaneous

14. The Minister may, by a rate support grant order, vary, repeal or add to any of the provisions of paragraphs 2 to 10 of this Part of this Schedule, and any reference in this Act to those provisions includes a reference to them as altered by virtue of this paragraph ; but if the power conferred by this paragraph is exercised by a rate support grant order it shall not be exercised by the next following rate support grant order.

15. Notwithstanding anything in section 1(5) of this Act, payments made to the Greater London Council in respect of the needs element shall be made in aid of the expenditure of the Council chargeable on the area comprising the inner London boroughs and the City of London ; but the Council may make such adjustments between their accounts as they consider appropriate in consequence of the operation of paragraph 13 of this Schedule.

16. For the purposes of this Part of this Schedule the Inner and Middle Temples shall be treated as part of the City of London.

17. In this Part of this Schedule “population”, in relation to a local authority, means the estimated number of persons in the population of the area of the authority.

SCH. 1

PART II

THE RESOURCES ELEMENT

Condition and amount of payment

1. The resources element shall not be payable to a local authority for any year unless the product of a rate of one penny in the pound for the area of the authority for that year is less than the standard penny rate product for the area for that year.

2. The amount of the resources element payable to a local authority for any year shall, subject to paragraphs 10 and 11 of this Part of this Schedule, be the amount which bears to the expenditure of the authority for that year the same proportion as the difference between the rate products mentioned in paragraph 1 above bears to the standard penny rate product for the area of the authority for that year.

Calculation of standard penny rate product

3.—(1) For the purposes of this Part of this Schedule, the standard penny rate product for an area for any year is the sum which bears to the product of a rate of one penny in the pound for that year for the whole of England and Wales the same proportion as the population of the area bears to the population of England and Wales; but in ascertaining the standard penny rate product for a county or county borough the population of any county in the case of which the ratio of the population to the road-mileage of the county is less than seventy shall be increased by one half of the additional population needed in order that the population divided by the road-mileage should be seventy.

(2) In this paragraph "population" means estimated population.

Calculation of expenditure

4. In ascertaining the expenditure of any authority (other than the Greater London Council) for any year for the purposes of this Part of this Schedule, there shall be deducted from the amount which would be the amount of that expenditure apart from this paragraph the amount of any needs element payable to that authority for that year.

5. For the purposes of this Part of this Schedule, the expenditure of a county council or the Greater London Council shall be so much of the total expenditure of the council for the year in question for general county or general London purposes as would have fallen to be met out of rates levied within the county or Greater London if no resources element were payable.

6. For the purposes of this Part of this Schedule, the expenditure of a local authority other than a county council and the Greater London Council shall be so much of the total expenditure of the authority for the year in question as would have fallen to be met out of rates levied within the area of the authority if no resources element

were payable and, in the case of a local authority in Greater London, section 66 of the London Government Act 1963 (which provides for schemes for equalising rates) had not been passed, excluding the cost of the collection of rates as ascertained in accordance with rules under section 25 of this Act. SCH. 1
1963 c. 33.

7. Any expenditure in pursuance of section 25 of the Land Drainage Act 1961 (which enables rating authorities to pay to drainage boards the aggregate amounts of the drainage rate for so much of their area as is within a drainage district) shall be disregarded for the purposes of paragraph 6 above. 1961 c. 48.

8. For the purposes of this Part of this Schedule, sums payable by a local authority by virtue of a precept issued by a county council or the Greater London Council, in so far as payable in respect of expenditure of the council for general county or general London purposes, shall not be treated as expenditure of the authority paying those sums.

9. For the purposes of this Part of this Schedule, the amount of the expenditure of an authority falling to be met out of rates shall be ascertained without regard to any reduction of grant made under section 4 of this Act.

Adjustment of resources element

10. Paragraph 12 of Part I of this Schedule shall apply in relation to the resources element as it applies in relation to the needs element.

11.—(1) If the Minister is satisfied, as respects the councils of county districts in any county, that the part of their expenditure, as ascertained for the purposes of this Part of this Schedule, which is attributable to expenditure of the county council for special county purposes bears such a proportion to the whole of their expenditure as so ascertained that the provisions of this Act relating to the resources element will not apply equitably in relation to the county without modification, the Minister may make a scheme for applying those provisions with such modifications as may be specified in the scheme.

(2) A scheme under this paragraph may be varied or revoked by a subsequent scheme made by the Minister.

PART III

THE DOMESTIC ELEMENT

1. There shall for each year be prescribed, for the purposes of section 6 of this Act, an amount in the pound which in the opinion of the Minister corresponds to the amount of the domestic element prescribed for that year in pursuance of section 1(4) of this Act.

2. The amount of the domestic element payable to a local authority for any year shall be determined in the manner provided by regulations made by the Minister after consultation 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.

SCH. 1 3. For the purposes of the provisions of this Act relating to the domestic element, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple shall be deemed to be local authorities.

4. Any amounts payable to a local authority in respect of the domestic element shall be taken into account for the purposes of this and any other Act as if they were payable on account of rates.

Section 22.

SCHEDULE 2

RATING OF UNOCCUPIED PROPERTY

Determination of rateable values

1.—(1) Subject to the provisions of this Schedule, the rateable value of a hereditament for the purposes of section 21 of this Act shall be the rateable value ascribed to it in the valuation list in force for the area in which the hereditament is situated or, if the hereditament is not included in that list, the first rateable value subsequently ascribed to the hereditament in a valuation list in force for that area.

(2) If the relevant period of vacancy in respect of a hereditament begins before and ends at or after the time when a new valuation list comes into force for the area of the rating authority and the hereditament is not included in the previous valuation list, then—

(a) the valuation officer shall, at the request of the rating authority or the owner of the hereditament, certify to that authority the rateable value which in his opinion would (in accordance with section 17 of this Act) have been ascribed to the hereditament if it had been included in the previous list by alteration of that list ;

1948 c. 26.

(b) the provisions of Part III of the Local Government Act 1948 shall apply in relation to any such certificate as if it were a proposal by the valuation officer for the alteration of a valuation list ; and

(c) for the purposes of the liability of the owner to be rated in respect of so much of the relevant period of vacancy as fell before the coming into force of the new valuation list, the rateable value of the hereditament shall be taken to be the value as settled in pursuance of the certificate and any proceedings consequent thereon.

(3) Where two or more persons are or have been severally entitled to possession of different parts of any property which is included in a valuation list as a hereditament or to which a certificate under sub-paragraph (2) of this paragraph relates and any of those parts—

(a) consists of property suitable for inclusion in a valuation list as a separate hereditament ; and

(b) would be a relevant hereditament if it were included in a valuation list as a separate hereditament,

the part may be treated as a relevant hereditament for the purposes of sections 21 and 22 of this Act and this Schedule and the valuation officer may give such directions as he thinks fit for apportioning between those parts the rateable value ascribed to the property by the list or certificate aforesaid.

2.—(1) A rating authority may request the valuation officer to make a proposal for including in the valuation list in force for their area any unoccupied building in their area (together with any garden, yard, court or other land intended for use for the purposes of the building) which in their opinion is, or when completed will be, a newly erected dwelling-house ; and if the valuation officer thinks fit to comply with the request he may make a proposal for including the building (together with any such garden, yard, court or other land as aforesaid) as a dwelling-house in that list and for ascribing to it in the list such values as he considers are appropriate or will be appropriate when the building is completed.

(2) Where such a request is made by a rating authority and the valuation officer serves notice in writing by post or otherwise on the authority stating that he does not propose to comply with the request, the rating authority may, if they think fit, within the period of twenty-eight days beginning with the date of service of the notice, make a proposal for including the building and any other land to which the request relates as a dwelling-house in the list aforesaid and for ascribing to it in the list such values as the authority consider are appropriate or will be appropriate when the building is completed.

(3) Where a new valuation list is prepared for any area, the valuation officer shall include in the list as transmitted to the rating authority—

- (a) any dwelling-house included in the current list for that area in pursuance of a proposal under sub-paragraph (1) or (2) of this paragraph ; and
- (b) any building (with or without other land) in respect of which a proposal for its inclusion in the current list as a dwelling-house has been made by him under the said sub-paragraph (1) and has not been settled,

and, if any such proposal is made by him after the new list has been so transmitted, shall cause that list to be altered so as to include the building (with or without other land) as a dwelling-house in the new list.

(4) Where a newly erected dwelling-house is first occupied after its completion and a rateable value has, in pursuance of the foregoing provisions of this paragraph, previously been ascribed to it in the valuation list currently in force for the area in which it is situated, any different rateable value subsequently ascribed to it in that list and which, apart from this sub-paragraph, would have effect from the date when the dwelling-house is first occupied as aforesaid shall be deemed to have effect from the date on which the current list came into force or the date from which the previous rateable value had effect, whichever is the later.

SCH. 2

Completion of newly erected or altered buildings

3. For the purposes of section 21 of this Act, a newly erected building which is not occupied on the date determined under the following provisions of this Schedule as the date on which the erection of the building is completed shall be deemed to become unoccupied on that date.

4.—(1) Where a rating authority are of opinion—

- (a) that the erection of a building within their area has been completed ; or
- (b) that the work remaining to be done on a building within their area is such that the erection of the building can reasonably be expected to be completed within three months,

and that the building is, or when completed will be, comprised in a relevant hereditament, the authority may serve on the owner of the building a notice (hereafter in this paragraph referred to as “a completion notice”) stating that the erection of the building is to be treated for the purposes of this Schedule as completed on the date of service of the notice or on such later date as may be specified by the notice.

(2) If a person on whom a completion notice is served agrees in writing with the authority by whom the notice was served that the erection of the building to which the notice relates shall be treated for the purposes of this Schedule as completed on a day specified by the agreement, it shall be treated for those purposes as completed on that day and the notice shall be deemed to be withdrawn.

(3) Where a rating authority has served a completion notice on any person, the authority may withdraw the notice by a subsequent notice served on that person ; and a notice under this sub-paragraph may be served—

- (a) at any time before an appeal in pursuance of sub-paragraph (4) of this paragraph is brought against the completion notice ; and
- (b) with the agreement of the person aforesaid, at any time thereafter and before the appeal is determined.

(4) A person on whom a completion notice is served may, during the period of twenty-one days beginning with the date of service of the notice, appeal to the county court against the notice on the ground that the erection of the building to which the notice relates has not been or, as the case may be, cannot reasonably be expected to be completed by the date specified by the notice.

(5) If a completion notice served in respect of a building is not withdrawn and no appeal in pursuance of sub-paragraph (4) of this paragraph is brought against the notice or such an appeal is abandoned or dismissed, the erection of the building shall be treated for the purposes of this Schedule as completed on the date specified by the notice ; and if the notice is not withdrawn and such an appeal is brought and is not abandoned or dismissed, the erection of the building shall be treated for those purposes as completed on such date as the court shall determine.

(6) A notice under this paragraph may, without prejudice to any other mode of service, be served on any person—

- (a) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode or, in a case where an address for service has been given by that person, at that address ; or
- (b) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office ; or
- (c) where the name or address of that person cannot be ascertained after reasonable inquiry, by addressing it to him by the description of “owner” of the building (describing it) to which the notice relates and by affixing it to some conspicuous part of the building.

5. In the case of a building to which work remains to be done of a kind which is customarily done to a building of the type in question after the erection of the building has been substantially completed, it shall be assumed for the purposes of paragraph 4 of this Schedule that the erection of the building has been or can reasonably be expected to be completed at the expiration of such period beginning with the date of its completion apart from the work as is reasonably required for carrying out the work.

6. Where by reason of the structural alteration of any building a relevant hereditament becomes or becomes part of a different hereditament or different hereditaments, the relevant hereditament shall be deemed for the purposes of this Schedule to have ceased to exist on the date (as determined in pursuance of the foregoing provisions of this Schedule) of the completion of the structural alteration and, in particular, to have been omitted on that date from any valuation list in which it is then included ; but nothing in this paragraph shall be construed as affecting any liability for rates under section 21 of this Act in respect of the hereditament for any period before that date.

Supplemental

7.—(1) Where a person for the time being liable to be rated under section 21 of this Act in respect of a relevant hereditament which is not included in a valuation list, or in respect of a dwelling-house included in such a list in pursuance of paragraph 2 of this Schedule but not occupied since it was so included, serves on the valuation officer a notice referring to the hereditament or dwelling-house and stating his name and address and that he is so liable, then, in relation to any proposal for including the hereditament in a valuation list or, as the case may be, any proposal served in respect of the dwelling-house before the end of the rate period during which it is first occupied after it was so included in the list, the person aforesaid shall be treated for the purposes of the provisions of Part III of the Local Government Act 1948 c. 26.

SCH. 2 1948 relating to proposals, objections and appeals as standing in the same position as the occupier of the hereditament or dwelling-house.

(2) A notice served under sub-paragraph (1) of this paragraph in respect of such a hereditament as is there mentioned which subsequently becomes such a dwelling-house as is there mentioned shall be treated as served in respect of the dwelling-house as well as in respect of the hereditament.

(3) Where, in pursuance of such a proposal in respect of a dwelling-house as is mentioned in sub-paragraph (1) of this paragraph, an alteration is made in a valuation list which affects the amount of any rate levied under section 21 of this Act in respect of the dwelling-house, the difference, if too much has been paid, shall be repaid or allowed or, if too little has been paid, shall be paid and may be recovered as if it were the arrears of the rate.

(4) References in sub-paragraph (1) of this paragraph to a person liable as there mentioned include references to a person who would be so liable if a relevant period of vacancy had begun in relation to the hereditament or dwelling-house in question.

8. No rate shall be payable under the said section 21 in respect of a hereditament for any period during which it is deemed by virtue of subsection (4) of that section to have been unoccupied; and any rate paid under that section in respect of such a period shall be recoverable by the person by whom it was paid.

9. Any amount due in respect of rates payable by virtue of section 21 of this Act shall, without prejudice to the operation of any other enactment under which it is recoverable, be recoverable as a simple contract debt in any court of competent jurisdiction.

10. In calculating any period for the purposes of section 21 of this Act or this Schedule, any period when that section is not in force in the rating area in question shall be disregarded; but the fact that the said section 21 has ceased to be in force in any area shall not affect the operation of that section as respects any period when it was in force in the area.

11. In this Schedule—

“building” includes part of a building;

“owner”, in relation to a building, means the person entitled to possession of the building; and

“relevant hereditament” and “relevant period of vacancy” have the same meanings as in section 21 of this Act,

and references to a newly erected building or dwelling-house include references to a building or dwelling-house produced by the structural alteration of a building included in a relevant hereditament which by virtue of paragraph 6 of this Schedule has ceased or will cease to exist on the completion of the structural alteration and, in relation to a building or dwelling-house so produced, references to erection of a building shall be construed as references to the structural alteration producing it.

SCHEDULE 3

Section 35.

LICENCES ETC.

PART I

ENACTMENTS CEASING TO HAVE EFFECT

- | | |
|---|----------------------------|
| 1. The Agricultural Gangs Act 1867. | 1867 c. 130. |
| 2. The Gun Licence Act 1870. | 1870 c. 57. |
| 3. In section 172 of the Public Health Act 1875, the words from the beginning to "charge" where it first occurs and the words from "also" to "may". | 1875 c. 55. |
| 4. The Hawkers Act 1888. | 1888 c. 33. |
| 5. Sections 341 to 352 of the Merchant Shipping Act 1894, in section 365(1) of that Act paragraph (d) and the words "(e) emigrant runners", and section 23 of the Merchant Shipping Act 1906. | 1894 c. 60.
1906 c. 48. |
| 6. Section 84 of the Public Health Acts Amendment Act 1907. | 1907 c. 53. |
| 7. Sections 249(1), 250, 251(1)(a) and (b) and 252 of the Public Health Act 1936. | 1936 c. 49. |

PART II

VARIATION OF FEES FOR LICENCES, REGISTRATION ETC.

<i>Enactments specifying fees</i>	<i>Relevant Minister</i>
1. Sections 2, 7 and 13 of the Game Licences Act 1860.	1860 c. 90.
2. Section 9 of the Revenue (No. 2) Act 1861.	1861 c. 91.
3. Section 37 of the Pawnbrokers Act 1872.	1872 c. 93.
4. Section 5 of the Customs and Inland Revenue Act 1883.	1883 c. 10.
5. Section 1(1) of the Moneylenders Act 1927, excluding the proviso.	1927 c. 21.
6. Section 6 of the Theatres Act 1843 ...	1843 c. 68.
7. Section 46 of the Town Police Clauses Act 1847.	1847 c. 89
8. Section 5 of the Pedlars Act 1871 ...	1871 c. 96.
9. Sections 15, 18 and 21 of the Explosives Act 1875.	1875 c. 17.
10. Paragraph 1 of section 51 of the Public Health Acts Amendment Act 1890.	1890 c. 59.
11. Section 94(1) of the Public Health Acts Amendment Act 1907.	
12. Section 2(5) of the Cinematograph Act 1909.	1909 c. 30.
13. Section 5(1) of the Official Secrets Act 1920.	1920 c. 75.
14. Section 5(3) of the Performing Animals (Regulation) Act 1925.	1925 c. 38.
15. Section 3 of the Theatrical Employers Registration Act 1925.	1925 c. 50.
16. Section 3(5) of the Home Counties (Music and Dancing) Licensing Act 1926 (including subsection (5) as applied by any provision of a local Act).	1926 c. 31.

SCH. 3	<i>Enactments specifying fees</i>	<i>Relevant Minister</i>	
1928 c. 32.	17. Schedule 1 to the Petroleum (Consolidation) Act 1928.	} The Secretary of State.	
1936 c. 27.	18. Section 1(4) of the Petroleum (Transfer of Licences) Act 1936.		
1937 c. 12.	19. Sections 3, 8(2) and 9(2) of the Firearms Act 1937.		
1940 c. 31.	20. Section 4(1)(b) of the War Charities Act 1940 (including paragraph (b) as applied by section 41 of the National Assistance Act 1948).		
1948 c. 29.	21. Section 1(2) of the Pet Animals Act 1951.		
1951 c. 35.	22. Section 30(1) of the Adoption Act 1958.		
1958 c. 5. (7 & 8 Eliz. 2).	23. Paragraph 11 of Schedule 2, paragraph 12 of Schedule 3, paragraph 4 of Schedule 6 and paragraphs 3 and 9 of Schedule 7 to the Betting, Gaming and Lotteries Act 1963.		
1963 c. 2.	24. Paragraphs 3 and 6 of Schedule 12 to the London Government Act 1963.		
1963 c. 33.	25. Section 1(2) of the Animal Boarding Establishments Act 1963.		
1963 c. 43.	26. Section 1(2) of the Riding Establishments Act 1964.		
1964 c. 70.	27. Any provision of a local Act specifying a fee or maximum fee in respect of a licence relating to the provision of music or dancing or any other entertainment of the like kind or to a display, contest or exhibition of boxing or wrestling.		
1958 c. 8. (7 & 8 Eliz. 2).	28. Section 3(10) of the Slaughter of Animals Act 1958.		} The Minister of Agriculture, Fisheries and Food.
1959 c. 55.	29. Section 1(1) of the Dog Licences Act 1959.		
1936 c. 49.	30. Section 187(2) of the Public Health Act 1936 (including subsection (2) as applied by section 14 of the Mental Health Act 1959).		
1959 c. 72.	31. Section 37(2) of the National Assistance Act 1948 (including subsection (2) as applied by section 19 of the Mental Health Act 1959).		} The Minister of Health.
1951 c. 63.	32. Sections 2(1), 6(1) and 7(1) of the Rag Flock and Other Filling Materials Act 1951.		} The Minister of Housing and Local Government.

SCHEDULE 4

Section 38.

MINOR AMENDMENTS OF ENACTMENTS RELATING TO RATING AND VALUATION PREPARATORY TO CONSOLIDATION

1. References to a rate—

- (a) in section 4 of the Poor Relief Act 1743 and in the Poor 1743 c. 38. Rate Act 1801, shall be construed as references to that rate 1801 c. 23. whether as originally made (in whatever form) or as it has been applied in relation to particular hereditaments ;
- (b) in section 52 of the Local Government Act 1948, except in 1948 c. 26. subsection (1)(c)(i) thereof, shall be construed as references to that rate as it has been applied as aforesaid,

and in subsection (3) of the said section 52 for the words “originally made” there shall be substituted the words “first applied in relation to the hereditament in question or, as the case may require, as first amended in respect of that hereditament under paragraph (c) of that subsection”.

2. Any reference in section 4 of the Poor Relief Act 1743 or in the Poor Rate Act 1801 to the giving of notice to the churchwardens or overseers shall, notwithstanding anything in the Overseers Order S.R. & O. 1927, be construed as a reference to the giving of notice to the rating 1927/55. authority ; and—

- (a) section 59 of the Rating and Valuation Act 1925 (which 1925 c. 90. relates to the service of notices) shall apply to the service of notices required for the purposes of the said section 4 or of the said Act of 1801 as it applies to the service of notices required for the purposes of the said Act of 1925 ;
- (b) without prejudice to the provisions of the Quarter Sessions 1849 c. 45. Act 1849, the said section 4 from “but if” onwards and sections 4 and 5 of the said Act of 1801 shall cease to have effect.

3. In sections 4(c) and 5 of the Rating Act 1874, for the words 1874 c. 54. “assessment committee” there shall be substituted the words “valuation officer”.

4. In section 6(1) of the Rating Act 1874, after the words “event of” there shall be inserted the word “such”.

5. Section 7 of the Rating Act 1874 (which relates to the valuation of tin, lead and copper mines) shall have effect as if for the words “the gross value of the mine shall be taken to be the annual amount of the whole of the dues payable in respect thereof during the year ending on the thirty-first day of December preceding the date at which the valuation list is made” there were substituted the words “the gross value of the mine for the purposes of any rate period shall be taken to be the annual amount of the whole of the dues payable in respect of the mine during the year ending with 31st December falling between three and fifteen months before the beginning of that rate period”; and the valuation officer may estimate that annual amount for the purposes of the preparation of a new valuation list falling to be signed before the end of that year.

SCH. 4
1925 c. 90.

6. In section 2 of the Rating and Valuation Act 1925, subsections (1) and (5) shall apply to a rural rating area as they apply to an urban rating area, and accordingly the following enactments shall cease to have effect, that is to say—

(a) in the said subsection (1), the word “urban”;

(b) subsection (2) of the said section 2;

(c) subsection (8) of the said section 2;

1955 c. 9.
(4 & 5 Eliz. 2.)

(d) section 4(1) of the Rating and Valuation (Miscellaneous Provisions) Act 1955.

7. In section 4(6) of the Rating and Valuation Act 1925, at the end there shall be added the words “or to any precept”.

1963 c. 33.

8. In section 9(3) of the Rating and Valuation Act 1925, for the words “at the commencement of this Act” there shall be substituted the words “immediately before the scheme is proposed to come into force”, and paragraph 5(4) of Schedule 15 to the London Government Act 1963 shall cease to have effect.

9. In section 13(2) of the Rating and Valuation Act 1925 after the word “under” there shall be inserted the words “subsection (1)(a) of”.

1874 c. 54.

10. In the following enactments, that is to say:—

(a) section 7 of the Rating Act 1874;

(b) section 22(4) of the Rating and Valuation Act 1925 as added by section 5(3) of the Rating and Valuation (Miscellaneous Provisions) Act 1955;

1928 c. 44.

(c) section 2(2) of the Rating and Valuation (Apportionment) Act 1928;

1929 c. 17.

(d) section 72 of the Local Government Act 1929;

1948 c. 26.

(e) sections 57(1), 86(1) and 91 of the Local Government Act 1948;

(f) section 6(6) of the said Act of 1955;

1961 c. 45.

(g) sections 18(4) and 22(1) of the Rating and Valuation Act 1961;

1965 c. 36.

(h) section 3(10) of the Gas Act 1965,

for the words “dwelling-house” or “dwelling-houses” wherever they occur there shall be substituted the word “dwelling” or, as the case may be, the word “dwellings” and in the said section 57(1) the words “or residence” shall be omitted.

11. Section 58 of the Rating and Valuation Act 1925 shall apply to rules making any provision required by section 9(4) of that Act to be made by rules as it applies to rules prescribing anything which by that Act is to be prescribed.

12.—(1) In section 64 of the Rating and Valuation Act 1925 subsection (1) (so far as it relates to exemptions from or privileges in respect of rating) and subsection (2) shall cease to apply to any exemption or privilege conferred by a local Act or order passed or made before 22nd December 1925 unless the exemption or privilege either—

(a) is continued in operation by a scheme in force at the date of commencement of this Act under the said subsection (2); or

(b) is at the said date of commencement enjoyed in practice. SCH. 4

(2) The said subsection (2) and section 301(2) of the Highways Act 1959, so far as they apply paragraph 7 of Part III of Schedule 2 to the said Act of 1925, shall continue to have effect notwithstanding the repeal of the said Part III by the Rating and Valuation Act 1961. 1959 c. 25. 1961 c. 45.

(3) In the proviso to the said paragraph 7, for the words "any order so made shall, unless the objection is withdrawn" there shall be substituted the words "unless the objection is withdrawn, the order shall".

13. Section 66 of the Rating and Valuation Act 1925 and sections 70(3) and 71(a) to (c) of the Local Government Act 1948 shall cease to have effect, but any order in force at the date of commencement of this Act under the said section 66 or 70(3), and any regulations in force at that date under the said section 71(a) to (c), shall continue in force in the like manner, subject to the like power of revocation or variation, as if the said section 66, 70(3) or 71(a) to (c), as the case may be, continued to have effect. 1925 c. 90. 1948 c. 26.

14. In section 43 of the Local Government Act 1948—

(a) after the word "effect" there shall be inserted the words "and be deemed always to have had effect";

(b) for the word "object" there shall be substituted the words "make representations with respect".

15. In section 47(3) of the Local Government Act 1948, for the words "in books" there shall be substituted the words "and shall either be kept in books provided for that purpose or be preserved in book form by means".

16. In section 48(2)(a) of the Local Government Act 1948 for the words "either party" there shall be substituted the words "one or more parties to the appeal".

17. In section 49(1) of the Local Government Act 1948 and in section 20(10) of the Rating and Valuation Act 1961, there shall be added at the end the words "and the valuation officer shall cause the valuation list to be altered accordingly".

18. Sections 100(1), 102 and 110(b) of the Local Government Act 1948 and section 66(2) of the Transport Act 1962 shall have effect in relation to England and Wales as if for the words "local authorities" or "local authority" wherever those words occur there were substituted the words "rating authorities" or, as the case may be, "rating authority". 1962 c. 46.

19. In section 100(2) of the Local Government Act 1948, at the beginning there shall be inserted the words "Subject to section 88(2) of this Act".

20. Section 3 of the Rating and Valuation (Miscellaneous Provisions) Act 1955 shall have effect as if the repeal made in subsection (1)(a) thereof by the London Government Act 1963 had not been made. 1955 c. 9. (4 & 5 Eliz. 2.) 1963 c. 33.

- SCH. 4
1958 c. 55.
1955 c. 9.
(4 & 5 Eliz. 2.)
1965 c. 36.
21. Section 14(3) of the Local Government Act 1958 shall have effect as if the reference therein to section 6(2) of the Rating and Valuation (Miscellaneous Provisions) Act 1955 included a reference to section 3(1) of the Gas Act 1965.
- 1961 c. 45.
22. In section 12(5) of the Rating and Valuation Act 1961 after the words "exemption from" there shall be inserted the words "or abatement of".
23. In section 15(1) of the Rating and Valuation Act 1961, for the words "limits respectively" there shall be substituted the word "limit".
24. In section 16(5) of the Rating and Valuation Act 1961, for the word "therein" there shall be substituted the words "for which they were in force".
25. In section 18(2)(d) of the Rating and Valuation Act 1961, the words "net annual" in the second place where those words occur shall be omitted.
26. In the Rating and Valuation Act 1961—
- (a) at the beginning of section 22(5) there shall be added the words "Any provision of this Part of this Act relating to the apportionment of the cumulo-value of an undertaking among rating areas or parishes or with respect to any amount so apportioned shall have effect subject to the necessary modifications where, by reason of the fact that the undertaking does not extend beyond the boundaries of a single rating area or a single parish, provision for apportionment is inappropriate and";
- (b) in Schedule 3, paragraphs 1 to 4, in paragraph 5 the words from "in subsection (2)" to "and (6)", and paragraph 6, shall be omitted.
- S.I. 1965/319.
27. Notwithstanding anything in article 2(1) of the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965, the functions of the Minister of Housing and Local Government under the following enactments shall be exercisable by that Minister in relation to the whole of England and Wales and shall not be exercisable by the Secretary of State for Wales, that is to say—
- 1925 c. 90.
- (a) sections 24 and 58 of the Rating and Valuation Act 1925;
- 1948 c. 26.
- (b) sections 41(1)(c), 44(2), 94(2), 100 and 102 of the Local Government Act 1948;
- (c) section 5(5) of and paragraph 12(3) of Schedule 3 to the Rating and Valuation (Miscellaneous Provisions) Act 1955;
- (d) paragraph 24(1) of Schedule 8 to the Local Government Act 1958;
- (e) section 23 of the Rating and Valuation Act 1961; and
- (f) (for the avoidance of doubt by reason of its falling to be construed as one with Part V of the said Act of 1948) section 66 of the Transport Act 1962.
- 1962 c. 46.

28.—(1) Subject to any order under sub-paragraph (2) of this paragraph, in relation to the Isles of Scilly, references in the enactments relating to rating and valuation to a rating area or rating authority shall be construed as references respectively to those Isles and the Council of those Isles.

(2) The Minister may by order direct that the enactments aforesaid shall apply to the Isles of Scilly subject to such exceptions, adaptations and modifications, if any, as may be specified in the order.

(3) On the commencement of the first order made under sub-paragraph (2) of this paragraph the following provisions shall cease to have effect, that is to say—

- (a) section 70(2) of the Rating and Valuation Act 1925 ; 1925 c. 90.
- (b) section 138(3) of the Local Government Act 1929 so far as 1929 c. 17.
it relates to the enactments aforesaid ;
- (c) section 146 of the Local Government Act 1948, so far as it 1948 c. 26.
relates as aforesaid ;
- (d) section 17(3) of the Rating and Valuation (Miscellaneous Provisions) Act 1955 ; 1955 c. 9.
(4 & 5 Eliz. 2.)
- (e) section 39 of this Act, so far as it relates as aforesaid.

29. The following enactments shall cease to have effect, that is to say—

- (a) section 9 of the Poor Relief Act 1601 ; 1601 c. 2.
- (b) the Land Drainage (Rating) Act 1743 ; 1743 c. 37.
- (c) section 14 of the Poor Relief Act 1743 ; 1743 c. 38.
- (d) section 8 of the Poor Rate Act 1801 from “ and all and 1801 c. 23.
every ” onwards ;
- (e) section 1 of the Poor Rate Act 1839 and, in section 193(7) 1839 c. 84.
of the Local Government Act 1933, the words “ of the Poor 1933 c. 51.
Rate Act 1839 or ” ;
- (f) section 33 of the Defence Act 1860 ; 1860 c. 112.
- (g) section 12 of the Post Office Extension Act 1865 ; 1865 c. 87.
- (h) section 22 of the Telegraph Act 1868 ; 1868 c. 110.
- (i) the Poor Law Amendment Act 1868 ; 1868 c. 122.
- (j) section 7 of the Poor Rate Assessment and Collection Act 1869 c. 41.
1869 and, in section 11(7) of the Rating and Valuation Act
1925, the word “ seven ” ;
- (k) section 19 of the Poor Rate Assessment and Collection Act 1869 c. 26.
1869, section 14 of the Parliamentary and Municipal Regis-
tration Act 1878 and, in section 11(7) of the Rating and
Valuation Act 1925, the words “ and nineteen ” ;
- (l) section 11 of the Military Forces Localization Act 1872 ; 1872 c. 68.
- (m) the Assessed Rates Act 1879 ; 1879 c. 10.
- (n) the Poor Law Act 1879 ; 1879 c. 54.
- (o) section 10 of the Post Office (Sites) Act 1885 ; 1885 c. 45.
- (p) section 70(1) of the Railways Act 1921. 1921 c. 55.

Section 43.

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS

1875 c. 55.

THE PUBLIC HEALTH ACT 1875

1. In section 172 for the words "such boats" and the words "such boatmen or other persons in charge" there shall be substituted respectively the words "pleasure boats" and the words "the boatmen or other persons in charge thereof".

1936 c. 49.

THE PUBLIC HEALTH ACT 1936

2. In section 253 for the words from the beginning to "thereunder" there shall be substituted the words "If any regulation in force under this Part of this Act"; and in section 255(2)(a) for the words "this Part of this Act or any regulations made thereunder" there shall be substituted the words "regulations made under this Part of this Act".

1948 c. 26.

THE LOCAL GOVERNMENT ACT 1948

3. After section 94(2) there shall be inserted the following subsection—

"(2A) In ascertaining the gross charge aforesaid for England and Wales for any year, the Minister shall, notwithstanding anything in section 144(5) of this Act, treat the aggregate amount of the domestic element of rate support grants for that year as an amount required to be paid by virtue of the rates made for that year by authorities in England and Wales."

1958 c. 42.

THE HOUSING (FINANCIAL PROVISIONS) ACT 1958

4. In paragraph 10 of Schedule 3, at the end of sub-paragraph (1) there shall be inserted the words "and by way of sums paid in respect of the domestic element of rate support grant for that area", and at the end of sub-paragraph (2) there shall be inserted the words "(disregarding any reduction in that amount made in pursuance of section 6 of the Local Government Act 1966)".

1959 c. 53.

THE TOWN AND COUNTRY PLANNING ACT 1959

5. In section 57(1), in the definition of "grant-aided function", for the words "the Local Government Act 1958" there shall be substituted (in relation to the year 1967–68 and subsequent years) the words "section 1 of the Local Government Act 1966".

1963 c. 33.

THE LONDON GOVERNMENT ACT 1963

6. In section 31(8), after the words "Act 1958", there shall be inserted the words "or section 4(2) of the Local Government Act 1966".

7. In section 66(2) the reference to amounts payable to authorities by virtue of section 64 of that Act shall include reference to amounts payable to them in respect of the needs element.

1958 c. 55.

8. In section 70(3) the reference to section 5 of the Local Government Act 1958 shall include a reference to the provisions of this Act in so far as they relate to the resources element.

SCHEDULE 6

Section 43.

ENACTMENTS REPEALED

PART I

ENACTMENTS REPEALED FROM PASSING OF ACT

Chapter	Short Title	Extent of Repeal
30 & 31 Vict. c. 130.	The Agricultural Gangs Act 1867.	The whole Act.
33 & 34 Vict. c. 57.	The Gun Licence Act 1870.	The whole Act.
38 & 39 Vict. c. 55.	The Public Health Act 1875.	In section 172 the words from the beginning to "charge" where it first occurs and the words from "also" to "may".
43 & 44 Vict. c. 47.	The Ground Game Act 1880.	In section 4, the proviso.
45 & 46 Vict. c. 72.	The Revenue, Friendly Societies, and National Debt Act 1882.	Section 6.
46 & 47 Vict. c. 10.	The Customs and Inland Revenue Act 1883.	Section 6.
51 & 52 Vict. c. 33.	The Hawkers Act 1888.	The whole Act.
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	Sections 341 to 352. In section 365(1), paragraph (d) and the words "(e) migrant runners".
6 Edw. 7. c. 48.	The Merchant Shipping Act 1906.	Section 23.
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act 1907.	Section 84.
8 Edw. 7. c. 16.	The Finance Act 1908.	In section 6(4) the word "guns" and the proviso.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	In section 3(3) the words from "sections" to "in". Sections 249(1), 250, 251(1)(a) and (b) and 252. In section 249(2) the words "every registration authority and of"; in section 255(3) the words from "produce" to "shall"; and in section 256 the words from "or in the place to which" onwards.
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act 1937.	In section 15(1) the words "a licence to use or carry a gun under the Gun Licence Act 1870 or".
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	In section 100(4) the words from "but nothing" onwards.
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act 1955.	Section 1(8).

2 B*

SCH. 6

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 55.	The Dog Licences Act 1959.	In section 4 the words from "if the owner" in subsection (1) to the end of the section. Sections 5 and 9(2). In section 11 the words "declaration and certificate of exemption", "declaration and certificate", "declaration or certificate of exemption" and "declaration or certificate". In section 13, paragraph (b), the word "or" immediately preceding that paragraph, the words "or certificate as the case may be", the words "or certificate of exemption" in the first place where they occur and the words "or certificate" in the next place where they subsequently occur. Section 14. Section 28(3).
9 & 10 Eliz. 2. c. 45.	The Rating and Valuation Act 1961.	

PART II

ENACTMENTS REPEALED FROM 1ST APRIL 1967

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act 1919.	In section 17, paragraph (b) of subsection (1) and subsection (2).
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	In Schedule 1, paragraphs 2(1) and 3; in paragraph 4(1) the words "to whom this paragraph applies and" in both places where they occur; and in paragraph 4(2) the words from the beginning to "Provided that".
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959.	In section 63, in subsection (2), the words from "(in the order" to "declare)". In section 64, in subsection (2) the words "other than work for lighting it". Sections 83 and 84. In section 235, subsection (7). In section 295, in subsection (1) in the definition of "improvement", the words "(except sections eighty-three and eighty-four)".
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	Section 184.

PART III

SCH. 6

ENACTMENTS REPEALED FROM THE DAY APPOINTED UNDER S. 38(1)

Chapter	Short Title	Extent of Repeal
43 Eliz. 1. c. 2.	The Poor Relief Act 1601.	In section 1, the words "of every inhabitant parson vicar and other and" and the words "tithes impropriate or pro-priations of tithes". Section 9.
17 Geo. 2. c. 37.	The Land Drainage (Rating) Act 1743.	The whole Act.
17 Geo. 2. c. 38.	The Poor Relief Act 1743.	Section 4 from "but if" on-wards. Section 14.
41 Geo. 3. c. 23.	The Poor Rate Act 1801.	Sections 4 and 5. Section 8 from "and all and every" onwards. Section 69.
6 & 7 Will. 4. c. 71.	The Tithe Act 1836.	
2 & 3 Vict. c. 84.	The Poor Rate Act 1839.	The whole Act.
3 & 4 Vict. c. 89.	The Poor Rate Exemption Act 1840.	The whole Act.
14 & 15 Vict. c. 50.	The Tithe Rating Act 1851.	The whole Act.
23 & 24 Vict. c. 112.	The Defence Act 1860.	Section 33.
28 & 29 Vict. c. 87.	The Post Office Extension Act 1865.	Section 12.
31 & 32 Vict. c. 110.	The Telegraph Act 1868.	Section 22.
31 & 32 Vict. c. 122.	The Poor Law Amendment Act 1868.	The whole Act.
33 & 34 Vict. c. 41.	The Poor Rate Assessment and Collection Act 1869.	Sections 7 and 19.
35 & 36 Vict. c. 68.	The Military Forces Localization Act 1872.	Section 11.
37 & 38 Vict. c. 54.	The Rating Act 1874.	In section 7, the words "and tithe rentcharge".
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act 1878.	The whole Act.
42 & 43 Vict. c. 10.	The Assessed Rates Act 1879.	The whole Act.
42 & 43 Vict. c. 54.	The Poor Law Act 1879.	The whole Act.
48 & 49 Vict. c. 45.	The Post Office (Sites) Act 1885.	Section 10.
11 & 12 Geo. 5. c. 55.	The Railways Act 1921.	Section 70(1).
12 & 13 Geo. 5. c. 50.	The Expiring Laws Act 1922.	In Schedule 1, the entry numbered (1).

SCH. 6

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act 1925.	In section 2(1), the word "urban". Section 2(2) and (8). In section 11(7), the words "seven" and "and nineteen". In section 22(1)(b), the words "and tithe rentcharge, if any". Section 66. In section 68(1), in the definition of "gross value", the words "and tithe rentcharge, if any". Section 68(2). Schedule 3.
19 & 20 Geo. 5. c. 17.	The Local Government Act 1929.	
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	In section 193(7), the words "of the Poor Rate Act 1839 or".
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	In section 57(1) the words "or residence". Sections 70(3) and 71(a) to (c).
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act 1955.	Section 4(1).
9 & 10 Eliz. 2. c. 45.	The Rating and Valuation Act 1961.	In section 18(2)(d) the words "net annual" in the second place where they occur. In Schedule 3, paragraphs 1 to 4, in paragraph 5 the words from "in subsection (2)" to "and (6)", and paragraph 6.
1963 c. 33.	The London Government Act 1963.	In Schedule 15, paragraph 5(4).



Tribunals and Inquiries Act 1966

1966 CHAPTER 43

An Act to extend sections 1 and 7A of the Tribunals and Inquiries Act 1958 to further classes of statutory inquiries and hearings; to transfer to the Secretary of State the power to make rules of procedure under the said section 7A in respect of inquiries and hearings in Scotland; to apply section 8 of that Act to procedural rules made by the Commissioners of Inland Revenue; to make provision with respect to the attendance of members of the Council on Tribunals at personal hearings under section 231 of the Local Government Act 1933; and for purposes connected with the matters aforesaid. [13th December 1966]

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

1.—(1) In section 1 and section 7A of the Tribunals and Inquiries Act 1958, the references to a statutory inquiry shall include references to any such inquiry or hearing, or any inquiry or hearing of any such class, as may be designated by order under this section.

Extension of
1958 Act to
further
statutory
inquiries and
hearings.
1958 c. 66.

(2) The Ministers may by order designate for the purposes of this section any inquiry or hearing held or to be held in pursuance of a power conferred by any statutory provision specified or described in the order, or any class of such inquiries or hearings; and any such order may direct that section 12 of the said Act (reasons for decisions) shall apply in relation to any inquiry or hearing to which the order applies.

(3) The power of the Ministers to make orders under this section shall be exercisable by statutory instrument, and shall include power to revoke or vary an order by a subsequent order; and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In this section “the Ministers” means the Lord Chancellor and the Secretary of State, and “statutory provision” means a provision contained in or having effect under any enactment.

1959 c. 53.

1959 c. 70.

1958 c. 66.

(5) The said section 7A shall (notwithstanding the provisions as to extent of the Town and Country Planning Act 1959 and the Town and Country Planning (Scotland) Act 1959) extend to Northern Ireland in like manner as other provisions of the Tribunals and Inquiries Act 1958.

Rules of procedure for statutory inquiries in Scotland.

2.—(1) In subsection (5) of section 7A of the Tribunals and Inquiries Act 1958, for the words from “the Lord President”, in the first place where those words occur, to “Minister of the Crown”, and for the words “the Lord President of the Court of Session”, in the last place where those words occur, there shall be substituted the words “the Secretary of State”.

(2) Any rules in force in Scotland by virtue of the said section 7A immediately before the commencement of this Act shall continue in force as if made in pursuance of that section as amended by this section.

Procedural rules for certain Tribunals.

3. In section 8 of the Tribunals and Inquiries Act 1958, at the end of subsection (3), there shall be added the words “and the reference to a Minister includes a reference to the Commissioners of Inland Revenue”.

Hearings under Part X of the Local Government Act 1933.
1933 c. 51.

4. A member of the Council on Tribunals, in his capacity as such, may attend any hearing conducted under subsection (2) of section 231 of the Local Government Act 1933 (procedure on appeal or application to the Minister in respect of the district audit).

Short title and citation.

5.—(1) This Act may be cited as the Tribunals and Inquiries Act 1966.

(2) This Act and the Tribunals and Inquiries Act 1958 may be cited together as the Tribunals and Inquiries Acts 1958 and 1966.



New Towns Act 1966

1966 CHAPTER 44

An Act to raise the limit on advances imposed by section 43 of the New Towns Act 1965; to amend the Land Compensation Act 1961 and the Land Compensation (Scotland) Act 1963 in connection with extensions made after the commencement of this Act to the areas of new towns; to repeal provisions of section 46 of the New Towns Act 1965 and section 13 of the New Towns Act 1946 relating to certain accounts and reports; and for purposes connected with the matters aforesaid. [13th December 1966]

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

1. In section 43 of the New Towns Act 1965 (which provides that the aggregate amount of the advances made to development corporations and the Commission for the New Towns under the enactments mentioned in that section shall not exceed £550,000,000) for the figures "£550,000,000" there shall be substituted the figures "£800,000,000".

Raising of limit on advances imposed by 1965 c. 59 s. 43.

2. The Land Compensation Act 1961 and the Land Compensation (Scotland) Act 1963 shall have effect subject to the amendments set out in Part I and Part II respectively of the Schedule to this Act (being amendments for securing that where a change in the value of an interest in land forming part of an extension made after the commencement of this Act to the area of a new town is attributable to the carrying out or prospect of

Land Modification of Land Compensation Acts as respects extensions of areas of new towns. 1961 c. 33. 1963 c. 51.

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certain development of other land included in the extension the change shall be disregarded in certain cases in assessing compensation in connection with the acquisition of the interest, and for adjusting compensation in certain other circumstances connected with such an extension).

Repeal of provisions requiring transmission of certain accounts etc. to Comptroller and Auditor General.
1965 c. 59.
1946 c. 68.

3. In section 46(6) of the New Towns Act 1965 and section 13(5) of the New Towns Act 1946 (which among other things require the Minister of Housing and Local Government and the Secretary of State to transmit to the Comptroller and Auditor General copies of accounts sent to them by development corporations together with the reports of the auditors thereon) the words from "and a copy" to "auditor thereon" are hereby repealed.

Short title and extent.

- 4.—(1) This Act may be cited as the New Towns Act 1966.
(2) This Act does not extend to Northern Ireland.

SCHEDULE

Section 2.

AMENDMENTS OF LAND COMPENSATION ACTS

PART I

AMENDMENTS OF LAND COMPENSATION ACT 1961

1961 c. 33.

1. In the first and second columns respectively of Part I of Schedule 1, after paragraph 3 there shall be inserted the following paragraph—

<p>“ 3A. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as an extension of the site of a new town by an order under the New Towns Act 1965 becoming operative after the date of the commencement of the New Towns Act 1966.</p>	<p>Development of any land included in that area, other than the relevant land, in the course of the development of that area as part of a new town.”</p>
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1965 c. 59.

2. In paragraphs 6 and 8 of Schedule 1 after the words “ paragraph 3 ” there shall be inserted the words “ or 3A ”.

3. In section 6(2) after the words “ paragraph 3 ” there shall be inserted the words “ and so far as applicable paragraph 3A ”.

PART II

AMENDMENT OF LAND COMPENSATION (SCOTLAND) ACT 1963

1963 c. 51.

4. In the first and second columns respectively of Schedule 1, after paragraph 3 there shall be inserted the following paragraph—

<p>“ 3A. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as an extension of the site of a new town by an order under the New Towns Act 1946 becoming operative after the date of the commencement of the New Towns Act 1966.</p>	<p>Development of any land included in that area, other than the relevant land, in the course of the development of that area as part of a new town.”</p>
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1946 c. 68.



Armed Forces Act 1966

1966 CHAPTER 45

An Act to continue the Army Act 1955 and the Air Force Act 1955; to amend those Acts and the Naval Discipline Act 1957; to make fresh provision as to the engagement of persons for service in the Royal Navy, regular army and regular air force and as to the discharge and prolongation of service of ratings of the Royal Navy; to make provision as to the transfer to the reserve of such ratings; to provide for the taking into service custody in certain circumstances of persons overseas and subject to service law; and for purposes connected with the matters aforesaid. [21st December 1966]

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

CONTINUANCE OF ARMY ACT 1955 AND AIR FORCE ACT 1955

1.—(1) The Army Act 1955 and the Air Force Act 1955 shall, instead of expiring at the end of the year 1966, continue in force until the end of the year 1967 and shall then, unless continued in force in accordance with the following provisions of this section, expire. Continuance of Army Act 1955 and Air Force Act 1955. 1955 c. 18. 1955 c. 19.

(2) Subject to the provisions of the next following subsection, Her Majesty may from time to time by Order in Council provide that the Army Act 1955 or, as the case may be, the Air Force Act 1955 shall continue in force for a period of twelve months beyond the day on which it would otherwise expire.

PART I

(3) No Order in Council shall be made under the last foregoing subsection so as to continue either of the said Acts beyond the end of the year 1971.

(4) No recommendation shall be made to Her Majesty in Council to make an order under subsection (2) above unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

1961 c. 52.

(5) Section 1 of the Army and Air Force Act 1961 shall be repealed at the end of the year 1966.

PART II

AMENDMENTS OF LAW AS TO ENTRY, ENLISTMENT AND TERMS OF SERVICE IN REGULAR FORCES

Terms and Conditions of Service

Power of Defence Council to make regulations as to engagement of persons in regular forces.

2.—(1) The Defence Council may, for the purpose of regulating the terms for which persons entering the Royal Navy and enlisting in the regular army or regular air force may be entered or enlisted and the conditions of service therein, by regulation make provision for all or any of the following purposes, that is to say,—

- (a) specifying the duration of any such term, whether by reference to a number of years or another criterion or a number of years and another criterion ;
- (b) requiring any such term to be one of full-time service, or to be in part full-time service and in part service with a reserve force ;
- (c) enabling a person to determine his full-time service at any time for which provision is made under the regulations, or to transfer at any such time to a reserve force ;
- (d) restricting a person, in consideration of the acceptance by him of any benefit or advantage, from exercising any such right as is referred to in the last foregoing paragraph ;
- (e) enabling a person entered or enlisted for a term of service of a description specified in the regulations to obtain treatment as if he had entered or enlisted for a term of service of a different description ;
- (f) enabling a person to extend the term of his service, whether full-time or in a reserve force, or both ;
- (g) enabling a person to continue in service after completion of the term of his service ;
- (h) enabling a person in a reserve force to re-enter on full-time service,

and the exercise of any right conferred on a person by virtue of any of the foregoing paragraphs may be made subject to such conditions as may be specified in the regulations.

(2) Regulations under this section may make different provision for different cases, and, in particular, for entry into the Royal Navy, enlistment in the regular army and enlistment in the regular air force, and may, to such extent as appears to the Defence Council to be consequential on the provisions of the regulations, repeal, in the case of the enactments specified in columns 1 and 2 of Schedule 1 to this Act, all or any of the provisions specified in column 3 of that Schedule, and make such other consequential provisions and such incidental or transitional provisions as appear to them necessary or expedient for the purposes of the regulations.

(3) In relation to a person entered in naval service or enlisted in the regular army or the regular air force before the coming into effect of a regulation made under this section, no provision of the regulation shall be so framed so as, except with the consent of that person, to vary or revoke a right to which he is entitled by or under any Act of Parliament (including this Act) relating to entry in the Royal Navy or enlistment in the regular army or regular air force or conditions of service therein, not being a right exercisable only with the approval or consent of another person or an authority, or to impose on him an obligation to which he is not already subject.

(4) Regulations under this section shall be made by statutory instrument, and—

- (a) except in the case of a statutory instrument containing regulations whereby provision is made for repealing or amending an enactment, a statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament ; and
- (b) in the said excepted case, a draft of the statutory instrument shall be laid before Parliament.

Provisions relating to the Royal Navy

3. The seven next following sections shall have effect for the purpose of putting into effect in relation to the Royal Navy provisions similar to those having effect in relation to the regular army and the regular air force by virtue of sections 2(3) to (5), 9, 10, 11, 12, 18, 19 and 61 of the Army Act 1955 and the Air Force Act 1955, the provisions so put into effect, so far as they relate to the discharge and prolongation of service of ratings, and statements on entry in the Royal Navy, replacing

Application of sections 4 to 10.

1955 c. 18.
1955 c. 19.

PART II
1835 c. 24.
1853 c. 69.

the provisions of section 1 of the Naval Enlistment Act 1835 (so far as they so relate) and sections 9 and 16 of the Naval Enlistment Act 1853.

Postponement,
in certain
cases, of
discharge or
transfer to
Royal Fleet
Reserve of
ratings.

4.—(1) Where at the time at which, apart from this section, a rating would be entitled to be discharged, or would fall to be transferred to the Royal Fleet Reserve, either—

- (a) a state of war exists between Her Majesty and a foreign power ; or
- (b) warlike operations are in preparation or in progress ; or
- (c) men of the Royal Naval Reserve are called into actual service,

he may be retained in service in the Royal Navy for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

An exercise, by virtue of paragraph (b) above, of the power conferred by this subsection shall be reported to Parliament forthwith.

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

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

(4) Subject as aforesaid, a rating who, apart from this section, would fall to be transferred to the Royal Fleet Reserve may be retained in service in the Royal Navy for such period, ending not later than twelve months after the date on which, apart from this section, he would fall to be transferred to the Royal Fleet Reserve, as the competent authority may order, or for any period or further period during which men of the Royal Naval Reserve continue called into actual service.

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

(6) Where, at the time at which under the foregoing provisions of this section, a person is entitled to be discharged or transferred to the Royal Fleet Reserve, a state of war exists between Her Majesty and a foreign power, he may, by declaration made

before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in the Royal Navy while such a state of war exists; and, if the competent authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this section were a period continuing so long as a state of war exists:

Provided that, if it is so specified in the declaration, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require at the expiration of three months notice given by him to such officer as aforesaid.

(7) References in this section to transfer of a person to the Royal Fleet Reserve shall be construed as references to his being entered in the Royal Fleet Reserve where he is so entered in pursuance of a liability to serve therein after the completion of his term of service in the Royal Navy, being a liability incurred under the terms of his engagement to serve in the Royal Navy; and, in relation to ratings serving outside the United Kingdom, references in this section to being entitled to be transferred to the Royal Fleet Reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to that Reserve.

(8) References in this section to discharge shall not include references to discharge of a rating from the Royal Navy where on such discharge he is, under the terms of his engagement, liable to serve in the Royal Fleet Reserve after the completion of his term of service in the Royal Navy.

(9) References in this section to men of the Royal Naval Reserve being called into actual service are references to their being called into actual or permanent service under the authority of an order of Her Majesty made on its appearing to Her that national danger is imminent or a great emergency has arisen, or into actual service under section 10(1) of the Auxiliary and Reserve Forces Act 1949.

1949 c. 96.

(10) The powers conferred by the foregoing provisions of this section shall not be exercisable at any time in relation to a person who at that time is retained in naval service by virtue of section 1 of the Naval Enlistment Act 1835 or section 9 of the Naval Enlistment Act 1853.

1835 c. 24.
1853 c. 69.

5.—(1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that ratings who would otherwise fall to be transferred

Continuation of service in Royal Navy in imminent national danger.

PART II

to the Royal Fleet Reserve shall continue in service in the Royal Navy; and thereupon the last foregoing section shall apply to such persons as it applies while men of the Royal Naval Reserve are called into actual service.

(2) Where an order is made under subsection (1) above, the occasion thereof shall forthwith be communicated to Parliament.

(3) An order in force under subsection (1) above may be revoked by an order of Her Majesty signified as therein mentioned.

(4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

Discharge of ratings.
1957 c. 53.

6.—(1) Every rating, upon becoming entitled to be discharged, shall be discharged with all convenient speed but until discharged shall remain subject to the Naval Discipline Act 1957.

(2) Where a rating entered for service in the Royal Navy in the United Kingdom is, when entitled to be discharged, serving out of the United Kingdom, then—

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

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

(3) Every rating shall, on his discharge, be given a certificate of discharge containing such particulars as may be prescribed by regulations of the Defence Council.

(4) A rating who is discharged in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is discharged to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost.

(5) Subsection (8) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

Transfer of ratings to reserve.

7.—(1) Every rating, upon falling to be transferred to the Royal Fleet Reserve, shall be so transferred, but until so transferred shall remain subject to the Naval Discipline Act 1957

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

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

(3) A rating who is transferred to the Royal Fleet Reserve in the United Kingdom shall be entitled to be conveyed free of cost from the place where he is transferred to the place at which he was entered for service in the Royal Navy or to any place at which he intends to reside and to which he can be conveyed at no greater cost, but he shall not be entitled to be conveyed to a place outside the United Kingdom.

(4) Subsection (7) of section 4 above shall have effect in relation to this section as it does in relation to the said section 4.

8.—(1) If a person offering himself to be entered for service in the Royal Navy knowingly makes a false answer to any question put to him in connection with his entry into such service by, or by the direction of, an officer or other person authorised under regulations made by the Defence Council to enter persons for such service, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20.

False statements on entry into Royal Navy.

(2) Where a person guilty of an offence under the foregoing subsection becomes subject to the Naval Discipline Act 1957, the provisions of that Act shall, so long as he remains subject to it, have effect in relation to him as if an offence under the foregoing subsection were also an offence under Part I of that Act punishable with imprisonment for a term not exceeding three months or any less punishment authorised by that Act.

1957 c. 53.

9.—(1) A person under the appropriate minimum age shall not be entered for service in the Royal Navy unless consent to his being so entered has been given in writing—

Consents to entry of young persons into Royal Navy.

- (a) if he is living with both or one of his parents, by the parents or parent;
- (b) if he is not living with both or one of his parents, but a person (whether a parent or not) whose whereabouts are known or can after reasonable inquiry be ascertained has parental rights and powers in respect of him, by that person;

PART II

(c) if there is no such person as is mentioned in paragraph (b) above or if after reasonable inquiry it cannot be ascertained whether there is any such person, by any person in whose care (whether in law or in fact) he may be.

(2) Where an officer or other person authorised under regulations made by the Defence Council to enter persons for naval service is satisfied, by the production of a certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient, that a person offering himself to be entered for such service has or has not attained the appropriate minimum age, that person shall be deemed for the purposes of this section to have attained, or, as the case may be, not to have attained that age ; and a document purporting to be a certificate signed by the said officer or other person stating that he is satisfied as aforesaid shall be evidence, until the contrary is proved, that he is so satisfied.

(3) In this section the expression "appropriate minimum age" means the age of seventeen years and six months, except that, in such classes of case as may be prescribed by regulations of the Defence Council, it means the age of seventeen years.

Validity of
entry into
Royal Navy.

10.—(1) Where a person has signified acceptance of his being entered for service in the Royal Navy and has thereafter received pay as a rating, but there was a failure to comply in his case with any requirement of, or made by virtue of, this Part of this Act as to entry for service in the Royal Navy, or there exists any other ground on which, apart from this subsection, the validity of his entry could be called in question, then—

- (a) if, within three months beginning with the date on which he signified his acceptance, he claims that his entry is invalid by reason of any such failure to comply or on any such other ground, the claim shall be submitted as soon as may be to the Defence Council, and if the claim is well founded, the Defence Council shall cause him to be discharged from the Royal Navy with all convenient speed and to be released from any liability under his entry to serve in a reserve force ;
- (b) subject to the provisions of the foregoing paragraph, he shall be deemed, as from the expiration of the said three months, to have been validly entered for service in the Royal Navy notwithstanding any such failure to comply or other ground ;
- (c) notwithstanding any such failure to comply or other ground, he shall be deemed to be a rating until the end of the said period of three months or, if he is discharged before the end of that period, until his discharge.

(2) In the case of a person who, when he signified such acceptance, was under the appropriate minimum age, paragraph (a) of the foregoing subsection shall have effect as if for the words "he claims" there were substituted the words "he, or a person whose consent to the entry was required under section 9 above who did not duly consent, claims".

(3) In this section the expression "appropriate minimum age" has the meaning assigned thereto by section 9 above.

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

11. The enactments specified in Schedule 2 to this Act, being enactments which to the extent specified in column 3 of that Schedule have, by lapse of time or otherwise, become obsolete or unnecessary, shall cease to have effect to the extent so specified.

Cesser of certain obsolete, &c., enactments.

Provisions relating to Army and Air Force

12.—(1) The Army Act 1955 shall have effect with the substitution, for section 10 (power of Her Majesty by proclamation to order continuation of army service in imminent national danger) of the following section:—

Continuation of army and air-force service in imminent national danger.

"10.—(1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that soldiers who would otherwise fall to be transferred to the reserve shall continue in army service; and thereupon the last foregoing section shall apply to such soldiers as it applies while men of the reserve are called out on permanent service.

1955 c. 18.

(2) Where an order has been made under subsection (1) above, the occasion thereof shall forthwith be communicated to Parliament.

(3) An order in force under subsection (1) above may be revoked by order of Her Majesty signified as therein mentioned".

(2) The Air Force Act 1955 shall have effect with the substitution, for section 10 thereof, of a section in other respects similar to that set out in subsection (1) above but modified by the substitution for the word "soldiers", wherever occurring, of the word "airmen" and for the words "army service", of the words "air force service".

1955 c. 19.

PART II
Amendment
of provisions
as to discharge
and transfer
to reserve of
men of the
Royal
Marines.
1955 c. 18.

13.—(1) The provisions of Schedule 3 to this Act shall have effect for the purpose of making amendments in Part I of Schedule 7 to the Army Act 1955 (enlistment, service and discharge of men of the Royal Marines), being amendments whose effect is to apply to the Royal Marines, in place of paragraph 4(2) of the said Schedule 7 (which enables the commanding officer of a man of the Royal Marines serving abroad to prolong his term of service) and paragraph 4(4) thereof (which enables Her Majesty by proclamation to extend the period of service of such men for five years) the provisions, with necessary modifications, of sections 9 and 10 of the Army Act 1955, and in place of paragraph 5(3) and (4) of the said Schedule 7 (which relate to the discharge and transfer to the Royal Fleet Reserve of such men) the provisions, with necessary modifications, of sections 11(2) and (5) and 12(2) and (3) of the Army Act 1955.

(2) The powers conferred by virtue of the provisions applied by the foregoing subsection in place of the said paragraphs 4(2) and 4(4) shall not be exercisable at any time in relation to a person who at that time is retained in service in the Royal Marines by virtue of the said paragraphs.

Interpretation of Part II

Interpretation
of Part II.

14.—(1) In this Part of this Act—

“rating” means a member of the Royal Navy of or below the rate of chief petty officer ;

“commanding officer”, in relation to a person, means such officer having powers of command over that person as may be determined by or under regulations of the Defence Council ;

“competent authority” means the Defence Council or an officer prescribed by regulations of the Defence Council to act for the purposes of this Part of this Act.

(2) Regulations of the Defence Council may prescribe different officers to act as competent authority for different purposes of this Part of this Act.

PART III

OTHER AMENDMENTS OF LAW RELATING TO ARMED FORCES

1957 c. 53.

Provision applicable alike to Persons subject to Naval Discipline Act 1957, military Law or air-force Law

Taking into
custody
persons
arrested or
likely to be
arrested by
overseas
authorities.

15.—(1) A person who is subject to service law and is detained in the custody of a civil or service authority of a country outside the United Kingdom in connection with an offence punishable under the law of that country may, if he is handed over by the authority, be taken into naval, military or air force custody under this section in accordance with subsection (3) below and kept in such custody.

(2) Where a person who is subject to service law is in a country outside the United Kingdom and it appears to an officer not below the rank of lieutenant-commander or a military or air-force officer of corresponding rank or an officer below that rank in command of one of Her Majesty's ships,—

- (a) that the arrest of that person by a civil or service authority of that country in connection with an offence against the law of that country is imminent ; or
- (b) that, if a request made by a civil or service authority of that country for the arrest, in accordance with a power exercisable by members of Her Majesty's forces, of that person in connection with such an offence is not complied with, that person is likely to be arrested by that authority ;

that person—

- (i) may be arrested by that officer, irrespective of that officer's rank ; or
- (ii) may, if that officer so requires, be arrested in accordance with the next following subsection ;

and a person arrested under this section may be kept in naval, military or air-force custody under this section.

(3) A person may be taken into custody under subsection (1) above or arrested by virtue of subsection (2)(ii) above by a person described in section 45 of the Naval Discipline Act 1957, 1957 c. 53. section 74 of the Army Act 1955 or section 74 of the Air Force Act 1955 who would thereunder have power to arrest him if he had committed an offence under Part I of the said Act of 1957 or against any provision of Part II of the Army Act 1955 or Part II of the Air Force Act 1955 ; and the powers conferred by this subsection may be exercised either personally or by ordering into naval, military or air force custody or, as the case may be, arrest the person to be taken into custody or arrested or by giving orders for his being taken into custody or arrested. 1955 c. 18. 1955 c. 19.

For the purposes of this subsection a member of one service whom it is proposed should be taken into custody or arrested by a member of another service shall be treated as holding corresponding rank in that other service to the rank held by him.

(4) For the purpose of trial for, or an investigation into, the offence in connection with which a person is in custody under this section, that person,—

- (a) if he is so in custody by virtue of subsection (1) above—may, at the request of the authority by whom he was handed over in accordance with that subsection, be handed back to that authority ; or

PART III

(b) if he is so in custody by virtue of subsection (2) above, may, at the request of the authority whose apparent intention it was to arrest that person, or, as the case may be, whose request for his arrest was the occasion of his arrest under that subsection, be handed over to that authority.

(5) A person in custody by virtue of this section may be retained therein notwithstanding his ceasing at any time while he is so retained to be subject to service law.

(6) The Defence Council may make regulations with respect to all or any of the following matters, that is to say,—

(a) the manner in which persons may be taken into custody or arrested under this section ;

(b) the making of reports on the reasons why a person has been so taken into custody or arrested, and on the necessity for the keeping of a person in custody under this section, the persons by whom, the time at which, and the authority to whom such reports are to be made, and, in the case of reports as to the keeping of a person in custody, the frequency with which such reports are to be made ;

(c) the custody and treatment of persons kept in custody under this section, and their removal from one country to another ; and

(d) the giving of directions, by such persons as may be specified in or determined under the regulations, with respect to all or any of the matters above mentioned.

(7) None of the following provisions (which relate to proceedings after arrest of a person under service law) shall apply to a person kept in custody by virtue of this section, that is to say, section 46 of the Naval Discipline Act 1957, sections 53 and 75 of the Army Act 1955 and sections 53 and 75 of the Air Force Act 1955.

1957 c. 53.

1955 c. 18.

1955 c. 19.

(8) This section shall apply to a person to whom—

(a) any enactment contained in Part I of the Naval Discipline Act 1957 applies by virtue of section 118 of that Act (application to civilians) ; or

(b) Part II of the Army Act 1955 applies by virtue of section 209 of that Act (application to civilians) ; or

(c) Part II of the Air Force Act 1955 applies by virtue of section 209 of that Act (application to civilians),

as it applies to a person subject to the Naval Discipline Act 1957, military law or air-force law, as the case may be, but with the substitution, for the reference to section 45 of the Naval Discipline Act, of a reference to paragraph 3 of Schedule 4 to that Act, for references to section 74 of the Army Act 1955 and section 74 of the Air Force Act 1955, of references to

those sections as modified respectively by section 209 of the Army Act 1955 and section 209 of the Air Force Act 1955, and the omission, in subsection (3), of the words from "For the purposes of this subsection" to the end of the subsection. PART III
1955 c. 18.
1955 c. 19.

(9) In this section—

"civil authority" means a civil authority authorised by law to detain persons;

"corresponding rank" has the same meaning as in the Army Act 1955;

"Her Majesty's ships" has the same meaning as in the Naval Discipline Act 1957; 1957 c. 53.

"service authority" means a naval, military or air-force authority;

"service law" means the Naval Discipline Act 1957, military law or air-force law;

and any reference to the keeping of a person in custody includes a reference to his being kept under open arrest.

Command over Her Majesty's Forces

16.—(1) Notwithstanding anything in section 3 of the Act of Settlement, Her Majesty may make regulations providing for the vesting of command over Her Majesty's forces, or any part or member thereof, in persons being members of forces of countries outside Her dominions, and as to the extent to which such command is to be exercised. Powers of command over Her Majesty's forces.
1700 c. 2.

(2) In this section "Her Majesty's forces" does not include a force of a Commonwealth country within the meaning of the Naval Discipline Act 1957.

(3) Nothing in the foregoing provisions of this section shall be taken to affect the powers vested in Her Majesty by virtue of the prerogative of the Crown.

Amendments applicable alike to Army Act 1955, Air Force Act 1955 and Naval Discipline Act 1957

17.—(1) The fine that may be awarded—

(a) by virtue of subsection (3)(b) of section 209 of the Army Act 1955 on a summary trial of a person to whom Part II of that Act applies by virtue of that section; and Increase in maximum fine awardable to civilians on summary trial under Armed Forces Acts.

(b) by virtue of subsection (3)(b) of section 209 of the Air Force Act 1955 on a summary trial of a person to whom Part II of that Act applies by virtue of that section; and

PART III
1957 c. 53.

(c) by virtue of paragraph 4 of Schedule 4 to the Naval Discipline Act 1957 on a summary trial of a person liable to be tried by virtue of section 118 of that Act;

shall, instead of being a fine not exceeding £10, be one not exceeding £25.

(2) Accordingly, in subsection (3)(b) of section 209 of each of the said Acts of 1955, and in paragraph 4(b) of Schedule 4 to the said Act of 1957, for the words "ten pounds" there shall be substituted the words "twenty-five pounds".

Procuring or assisting continuation of desertion or absence without leave.
1955 c. 18.

18.—(1) Section 192(1) of the Army Act 1955 (which makes it an offence to procure or assist desertion or absence without leave) shall have effect with the substitution, for paragraph (c) (concealing or assisting in concealing a deserter or assisting his rescue from custody), of the following paragraph:—

"(c) knowing any person to be a deserter or absentee without leave from the regular forces, procures or persuades or assists him to remain such a deserter or absentee, or assists in his rescue from custody",

1955 c. 19.

and section 192(1) of the Air Force Act 1955 (which is the corresponding provision of that Act) shall have effect with the substitution for paragraph (c), of a paragraph in other respects similar to that set out above but modified by the substitution, for the words "regular forces", of the words "regular air force".

(2) Section 97(1) of the Naval Discipline Act 1957 (which makes similar provision to that of section 192(1) of the Army Act 1955) shall have effect with the substitution, for paragraph (c) thereof (concealing or assisting a person who is a deserter or is absent without leave or has improperly left his ship or place of duty, or assisting in his rescue from custody), of the following paragraph:—

"(c) knowing any such person to have committed such an offence, procures or persuades or assists him to remain a deserter, absentee without leave or improperly absent from his ship or place of duty, or assists in his rescue from custody".

Application of Armed Forces Acts to Republic of Ireland.

19. For the purposes of the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957, the Republic of Ireland shall not be a foreign country, and references in any of those Acts to foreign powers, aliens and foreign stations shall be construed accordingly; and section 219 of the Army Act 1955 (which applies that Act to the Republic of Ireland as it applies to a foreign country), and section 217 of the Air Force

Act 1955 and section 128 of the Naval Discipline Act 1957 PART III
 (which are the provisions of those Acts corresponding to the 1957 c. 53.
 said section 219) shall accordingly cease to have effect.

20.—(1) The cases in which, where a force is engaged in operations for the protection of life or property, it is, by virtue of section 224(1) of the Army Act 1955 or section 222(1) of the Air Force Act 1955, on active service within the meaning of each of those Acts shall be extended to include, as well as the case where the operations are in a foreign country, one in which they are in any other country outside the United Kingdom. Amendments as to active service.
1955 c. 18.
1955 c. 19.

(2) The authority by whom under subsections (2), (3) and (4) of the said section 224 or, as the case may be, of the said section 222, declarations may be made with respect to a force's being deemed to be on active service, shall cease to include, in relation to a force in a colony, the Governor of the colony.

(3) The cases in which, where a force is landed for the purpose of the protection of life and property, it is by section 134 of the Naval Discipline Act 1957 to be deemed to be on active service shall be extended to include, as well as the case where it is landed in a foreign country, one in which it is landed in any other country outside the United Kingdom.

(4) Accordingly,—

- (a) in the said section 224(1) and the said section 222(1), for the words "is engaged in a foreign country in operations for the protection of life or property", there shall be substituted the words "is engaged elsewhere than in the United Kingdom in operations for the protection of life or property";
- (b) in the said section 224 and the said section 222, the following shall cease to have effect, that is to say, in subsection (8), paragraph (a), and, in paragraph (b), the words "not in a colony", and subsection (9);
- (c) in the said section 134, for the words "landed in any foreign country", there shall be substituted the words "landed elsewhere than in the United Kingdom".

Amendments applicable alike to Army Act 1955 and Air Force Act 1955

21.—(1) The following provisions of this section shall have effect for the purpose of substituting, for the punishment for which provision was made by section 19 of the Army and Air Force Act 1961 consisting in forfeiture of sums from the pay of persons found guilty under the Army Act 1955 or the Air Force Act 1955 (which Acts are hereafter referred to in this section as "the Acts") of offences, the punishment of a fine, and of making connected amendments. Substitution of fine by way of punishment for forfeiture of sums from pay.
1961 c. 52.

PART III

(2) Sections 71 (punishment of officers), 72 (punishment of other ranks), 78 (mode of dealing with charge against non-commissioned officer, soldier or airman on commanding officer's investigation) and 79 (mode of dealing with charge against officer or warrant officer after commanding officer's investigation) of each of the Acts as amended by the said Act of 1961 shall have effect with the substitution, for the words "forfeiture of a sum from pay", wherever they occur, of the word "fine".

(3) The amount of a fine that may be awarded by a court-martial under either of the Acts by way of punishment for an offence—

(a) except in the case of an offence against section 70 (civil offences) of either of them, shall not exceed the amount of the offender's pay for twenty-eight days; and

(b) in the said excepted case—

(i) where the civil offence constituting the offence against that section is punishable by a civil court in England only on summary conviction and is so punishable by a fine, shall not exceed the maximum amount of that fine;

(ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on summary conviction) by a fine, shall not exceed the maximum amount of that fine.

(4) The amount of a fine that may be awarded by way of punishment for an offence where, under either of the Acts, a charge is dealt with summarily—

(a) except in the case of an offence against the said section 70, shall not exceed the amount of the offender's pay for fourteen days; and

(b) in the said excepted case—

(i) in any case, shall not exceed the amount mentioned in the foregoing paragraph;

(ii) where the civil offence constituting the offence against that section is punishable by a civil court in England only on summary conviction and is so punishable by any fine of a maximum amount less than the amount so mentioned, shall not exceed that maximum;

(iii) where the said civil offence is punishable by a civil court in England on indictment by a fine of a maximum amount less than the amount so mentioned (whether or not it is also punishable on summary conviction) shall not exceed that maximum.

(5) A warrant officer, non-commissioned officer and soldier shall cease to be liable, as provided by section 43(1) of the Army Act 1955, on conviction by court-martial of drunkenness to a fine in addition to any other punishment, and the limitation of five pounds thereby imposed on the amount of the fine to which he is liable on such conviction shall cease to have effect; and the reference in the foregoing provisions of this subsection to the Army Act 1955 shall be deemed to include a reference to the Air Force Act 1955, but those provisions shall, in their application to the last-mentioned Act, have effect with the substitution, for the word "soldier", of the word "airman".

PART III
1955 c. 18.

1955 c. 19.

(6) For the purposes of this section a day's pay shall, as regards a person found guilty of an offence, be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which punishment is awarded in respect of the offence.

(7) In accordance with the foregoing provisions of this section, the following enactments shall cease to have effect, that is to say:—

in each of the Acts, in section 43, the words from "and in the case of a warrant officer" to "five pounds", and the words "with or without a fine";

in each of the Acts, in section 72(2), paragraph (k) (by virtue of which the punishment for drunkenness by a fine is authorised);

in each of the Acts, in section 78(3), paragraph (d) (by virtue of which the punishment for drunkenness by a fine not exceeding two pounds is authorised);

in the said Act of 1961, section 19(6) and (7) (which relate to the amount of the punishment that may be inflicted by way of forfeiture of sums from pay).

(8) Nothing in the foregoing provisions of this section shall be taken as affecting the amount of the fine that may be awarded by virtue of subsection (3)(a) or (b) of section 209 of the Army Act 1955 to a person to whom Part II of that Act applies by virtue of that section, or that may be awarded by virtue of subsection (3)(a) or (b) of section 209 of the Air Force Act 1955 to a person to whom Part II of that Act applies by virtue of that section.

22.—(1) A court-martial shall have power under section 72 of the Army Act 1955 and section 72 of the Air Force Act 1955 (punishment of other ranks) to award a sentence of dismissal from Her Majesty's service not only, as provided by subsection (2)(d) of each of those sections, in the case of a warrant officer, but also in the case of a non-commissioned officer and, under the said section 72 of the Army Act 1955, in the case of a soldier and, under section 72 of the Air Force Act 1955, in the case

Extension of
power to award
sentence of
dismissal from
service and
renaming of
"discharge with
ignominy".

PART III

of an airman ; and, notwithstanding subsection (4) of each of those sections, such a sentence may be awarded in addition to any sentence the court has power to award by way of imprisonment or detention.

(2) The punishment described in section 72(2)(c) of each of the said Acts as “ discharge with ignominy from Her Majesty’s service ” shall henceforth be known as “ dismissal with disgrace from Her Majesty’s service ”.

(3) Accordingly,—

(a) the said Acts shall each be amended as follows:—

(i) in section 72(2) (scale of punishments), in paragraph (d), the words “ in the case of a warrant officer ” shall cease to have effect ;

(ii) for any reference, except in paragraph 1(3) of Schedule 6 (application of military or air-force law to attached members of any forces) to discharge with ignominy from Her Majesty’s service there shall be substituted a reference to dismissal with disgrace from Her Majesty’s service ;

(iii) in the said paragraph 1(3) the words “ or discharge with ignominy ” shall cease to have effect ;

1955 c. 18.

(b) the Army Act 1955 shall be amended as follows:—

(i) for section 72(5) there shall be substituted the following subsection:—

“ (5) A warrant officer, non-commissioned officer or soldier sentenced by a court-martial to imprisonment may in addition thereto be sentenced to dismissal with disgrace from Her Majesty’s service or to dismissal from Her Majesty’s service ” ;

(ii) after the said section 72(5) there shall be inserted the following subsection:—

“ (5A) A warrant officer, non-commissioned officer or soldier sentenced by a court-martial to dismissal from Her Majesty’s service may in addition be sentenced to detention ” ;

1955 c. 19.

(c) the Air Force Act 1955 shall be amended as follows:—

(i) for section 72(5) there shall be substituted the following subsection:—

“ (5) A warrant officer, non-commissioned officer or airman sentenced by a court-martial to imprisonment may in addition thereto be sentenced to dismissal with disgrace from Her Majesty’s service, or to dismissal from Her Majesty’s service ” ;

(ii) after the said section 72(5) there shall be inserted the following subsection:—

“(5A) A warrant officer, non-commissioned officer or airman sentenced by a court-martial to dismissal from Her Majesty’s service may in addition be sentenced to detention”;

(d) in the Naval Discipline Act 1957, in paragraph 1 of Schedule 2 (application of Act to attached military and air forces) paragraph (b) shall cease to have effect.

23.—(1) For section 82(2) of the Army Act 1955 (which makes provision as to the authority, therein referred to as the appropriate superior authority, who may deal summarily with charges against officers below the rank of lieutenant-colonel or against warrant officers), except the proviso thereto, there shall be substituted the following words—

Power of Defence Council to authorise further officers to deal summarily with charges against certain officers and warrant officers.
1955 c. 18.

“The following persons may act as appropriate superior authority in relation to a person charged with an offence, that is to say,—

- (a) any general officer, flag officer, air officer or brigadier having power to convene general courts-martial; or
- (b) such other general officer, flag officer, air officer or brigadier, or, where the Defence Council in special circumstances so direct, colonel or naval or air force officer of corresponding rank, as may be specified by or under regulations of the Defence Council”.

(2) In section 82(2) of the Air Force Act 1955 (which includes, among the persons who may be specified by or under regulations of the Defence Council to act as appropriate superior authority for dealing summarily with charges against certain officers and against warrant officers, a group captain in a case in which the Defence Council in special circumstances direct) after the words “group captain” there shall be inserted the words “or naval or military officer of corresponding rank”.

1955 c. 19.

24.—(1) The requirement imposed by each of the following provisions of the Army Act 1955, namely, sections 87(2) (qualification of officer for membership of general court-martial), 88(2) (qualification of officer for membership of district court-martial) and 90(3) (qualification of naval or air force officer in certain circumstances for membership of a court-martial) that, to be a member of a court-martial, an officer must have held a commission in any of the armed forces of the Crown for any period shall be construed as a requirement that he must have held a commission for that period in any of Her Majesty’s naval, military or air forces within the meaning of the said Act,

Qualification for membership of court martial.

PART III
1955 c. 19.

and the similar requirement imposed by each of the corresponding provisions of the Air Force Act 1955 shall be similarly construed.

(2) Accordingly, sections 87(2), 88(2) and 90(3) of each of the said Acts shall have effect with the substitution, for the words "any of the armed forces of the Crown", wherever they occur, of the words "any of Her Majesty's naval, military or air forces".

Jurisdiction of
civil courts.
1955 c. 18.

25.—(1) The Army Act 1955 shall have effect with the substitution, for section 133, of the following section:—

" 133.—(1) Where a person subject to military law—

- (a) has been tried for an offence by a court-martial or has had an offence committed by him taken into consideration by a court-martial in sentencing him, or
- (b) has been charged with an offence under this Act and has had the charge dealt with summarily by his commanding officer or the appropriate superior authority,

a civil court shall be debarred from trying him subsequently for an offence substantially the same as that offence; but except as aforesaid nothing in this Act shall be construed as restricting the jurisdiction of any civil court to try a person subject to this Act for an offence.

(2) For the purposes of this section—

- (a) a person shall not be deemed to have been tried by a court-martial if confirmation is withheld of a finding by the court-martial that he is guilty of the offence, or of a finding by the court-martial that he is not guilty of the offence by reason of insanity;
- (b) a person shall not be deemed to have had an offence taken into consideration by a court-martial in sentencing him if confirmation of the sentence is withheld or the sentence is quashed;
- (c) a case shall be deemed to have been dealt with summarily by the commanding officer or appropriate superior authority notwithstanding that the finding of that officer or authority has been quashed, or the award of that officer or authority quashed or varied, on the review thereof".

(2) The Air Force Act 1955 shall have effect with the substitution, for section 133 thereof, of a section in other respects similar to that set out in subsection (1) above but

modified by the substitution, for the words "military law", of the words "air-force law". PART III

26.—(1) In section 134(1) of the Army Act 1955—

Amendments
as to trial
under Army
Act 1955 and
Air Force Act
1955 after trial
by civil court.
1955 c. 18.

- (a) the provision whereby a person subject to military law who has been tried for an offence by a competent civil court shall not be liable in respect of that offence to be tried by court martial or to have the case dealt with summarily under that Act shall be extended so that the reference therein to a civil court shall have effect as a reference to such a court in any country ;
- (b) the provision whereby a person subject to military law who has had an offence committed by him taken into consideration by a civil court in sentencing him is not to be liable in respect of that offence to be tried or have the case dealt with as aforesaid shall be restricted so that the reference therein to a civil court shall not include a reference to such a court outside the United Kingdom.

(2) The foregoing subsection shall have effect in relation to section 134(1) of the Air Force Act 1955 as it has effect in relation to section 134(1) of the Army Act 1955 but with the substitution, for the words "military law", of the words "air-force law". 1955 c. 19.

(3) Accordingly, in section 134(1) of the Army Act 1955, for paragraph (a) there shall be substituted the following paragraphs:—

- " (a) has been tried for an offence by a competent civil court, wherever situated, or a court-martial (whether held under this Act, the Air Force Act 1955 or the Naval Discipline Act 1957), or 1957 c. 53.
- (aa) has had an offence committed by him taken into consideration when being sentenced by a competent civil court in the United Kingdom or any such court-martial as is referred to in the foregoing paragraph ; or "

and in section 134(1) of the Air Force Act 1955, for paragraph (a), there shall be substituted paragraphs similar to those set out above but modified by the substitution, for the words "the Air Force Act 1955", of the words "the Army Act 1955".

27.—(1) In section 24 of the Army Act 1955, and in section 24 of the Air Force Act 1955, subsection (1)(h) (by virtue of which it is an offence cognizable by court-martial to cause, with intent to assist the enemy, the capture or destruction by the enemy of any of Her Majesty's aircraft) and subsection (3) Amendments
relating to Her
Majesty's
aircraft, aircraft
material and
ships.

PART III

(which makes it an offence so cognizable negligently to cause the capture or destruction by the enemy of any of Her Majesty's aircraft) shall each have effect with the insertion, after the words "Her Majesty's aircraft", of the words "or the aircraft of any force co-operating with Her Majesty's forces".

1955 c. 18.
1955 c. 19.

(2) In section 225 of the Army Act 1955 (interpretation), after subsection (1) and in section 223 of the Air Force Act 1955 (interpretation), after subsection (1), there shall be inserted the following subsections:—

"(1A) Any reference in this Act to Her Majesty's aircraft is a reference to aircraft in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to aircraft of a Commonwealth force other than aircraft placed at the disposal of Her Majesty for service with any of Her Majesty's forces, and any reference to aircraft material shall be construed accordingly.

(1B) Any reference in this Act to Her Majesty's ships is a reference to ships in the service of Her Majesty, whether belonging to Her Majesty or not, but does not include a reference to ships of any Commonwealth force other than ships placed at the disposal of Her Majesty for service with any of Her Majesty's forces".

Construction of references to Her Majesty's forces, and amendment of definitions of "desertion" and "enemy".

28.—(1) Any reference in the Army Act 1955 to Her Majesty's forces shall, except in sections 37(2)(b) (desertion to include joining Her Majesty's forces without release from previous engagement) and 177 (power of Her Majesty to vest command in members of Her Majesty's forces), be construed in accordance with the definition in section 225(1) of that Act of Her Majesty's air forces, military forces, and naval forces, that is to say, except where otherwise provided, as not including a reference to a Commonwealth force as defined in that section.

(2) In the Army Act 1955, the expression "enemy" shall be extended to include, as well as persons engaged in armed operations against any of Her Majesty's forces, as provided by the said section 225(1), persons so engaged against any forces co-operating with Her Majesty's forces.

(3) Any reference in the foregoing provisions of this section to the Army Act 1955 shall include a reference to the Air Force Act 1955, but those provisions shall, in their application to the last mentioned Act, have effect with the substitution, for the references to section 225(1), of references to section 223(1), and, for the reference to a soldier, of a reference to an airman.

(4) Accordingly, in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, in the definition of "enemy", after the words "any of Her Majesty's forces"

there shall be inserted the words “ or any forces co-operating therewith ”, and at the end of the paragraph beginning with the words “ Her Majesty’s air forces ” there shall be added the words “ and references to ‘ Her Majesty’s forces ’, except in sections 37 and 177, shall be construed accordingly ”.

29.—(1) Schedule 3 to the Army Act 1955 (by virtue of which an accused charged with an offence specified in column 1 of the Schedule may be found guilty of an offence specified in relation thereto in column 2 of the Schedule) shall have effect with the following amendments, that is to say, the insertion after the paragraphs numbered 1 therein, of the following:—

Additional offences of which an accused may be convicted by court-martial.

- “ 1A. Striking a person on guard duty. 1A. Using force against a person on guard duty, otherwise than by striking him ”,

1955 c. 18.

and the addition at the end of the Schedule of the following:—

- “ 13. Being an officer subject to military law, striking a person who is an officer so subject of inferior rank or less seniority or a warrant officer, non-commissioned officer or soldier so subject. 13. Ill-treating such a person otherwise than by striking him.
- 14. Being a warrant officer or non-commissioned officer subject to military law, striking a person so subject, being a warrant officer or a non-commissioned officer of inferior rank or less seniority or a soldier. 14. Ill-treating such a person otherwise than by striking him ”.

(2) Schedule 3 to the Air Force Act 1955 (which makes provision corresponding to Schedule 3 to the Army Act 1955) shall have effect with amendments in other respects similar to those mentioned in the foregoing subsection, but modified by the substitution, for the words “ military law ”, wherever occurring, of the words “ air-force law ”, and for the word “ soldier ”, wherever occurring, of the word “ airman ”.

(3) The foregoing provisions of this section shall not have effect in relation to an offence with which a person is charged if the acts by virtue of which he is so charged occurred before the coming into operation of this section.

Amendments of Army Act 1955 and Air Force Act 1955 with respect to Punishment of army N.C.Os.

30.—(1) The power of punishment conferred on a commanding officer by section 78(4) of the Army Act 1955 (which enables a commanding officer on investigating a charge against an acting warrant officer or non-commissioned officer to order the accused to revert to his permanent rank or to assume an

Power of commanding officer as to reduction in rank of N.C.Os.

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acting rank lower than that held by him but higher than his permanent rank) shall, where the permanent rank of the accused is that of lance-corporal or lance-bombardier, include power to order the accused to forfeit his acting rank and to be reduced to the ranks; and the power of punishment conferred on a commanding officer by section 78(4) of the Air Force Act 1955 (which is the corresponding section of that Act) shall, in its application to members of Her Majesty's military forces subject for the time being to air-force law, be similarly extended.

1955 c. 19.

(2) Accordingly,—

1955 c. 18.

(a) section 78(4) of the Army Act 1955 shall have effect with the addition, after the words added by section 22 of the Army and Air Force Act 1961, of the words “or, where his permanent rank is that of lance-corporal or lance-bombardier, to forfeit his acting rank and be reduced to the ranks”;

1961 c. 52.

(b) in Schedule 6 to the Air Force Act 1955, after paragraph 3A, there shall be inserted the following paragraph:—

“3B. In relation to a person subject to air-force law as aforesaid, section 78(4) of this Act shall have effect with the addition, after the words added by section 22 of the Army and Air Force Act 1961, of the words ‘or, where his permanent rank is that of lance-corporal or lance-bombardier, to forfeit his acting rank and be reduced to the ranks’”.

Amendment applicable to Air Force Act 1955 only

Power to deal summarily with charges against officers of rank of squadron leader.

31. The rank specified in section 77(1) of the Air Force Act 1955 as that below which an officer must be for an authority to deal summarily in accordance with Part II of that Act with a charge against him shall, instead of being that of squadron leader, be that of wing commander; and accordingly, in the said section 77(1), for the words “squadron leader”, there shall be substituted the words “wing commander”.

Amendments applicable to Naval Discipline Act 1957 only

Fines by way of punishment for ratings and alteration of maximum amount of fines.

1957 c. 53.

32.—(1) The punishments that may be awarded by virtue of subsection (1) of section 43 of the Naval Discipline Act 1957 to a person convicted of an offence under Part I of that Act, being a rating within the meaning of that Act, shall, notwithstanding subsection (3) of that section (which excludes a fine from the punishments so awardable) include a fine; and disrating (specified in paragraph (k) of the said subsection (1)), shall, instead of being treated, for the purposes of the said Part I, as less than a fine, be so treated as greater than that punishment but less than the punishments specified in paragraphs (a) to (h) of that subsection.

(2) The amount of a fine that may be awarded under the said Act of 1957 by way of punishment for an offence, except in the case of an offence under section 42 of that Act (civil offences), shall not exceed the amount of the offender's gross pay for twenty-eight days ; and in the said excepted case—

(a) the amount of a fine that may be so awarded by a court-martial under that Act—

(i) where the civil offence constituting the offence under that section is punishable by a civil court in England only on summary conviction and is so punishable by a fine, shall not exceed the maximum amount of that fine ;

(ii) where the said civil offence is punishable by a civil court in England on indictment (whether or not it is also punishable on summary conviction) by a fine, shall not exceed the maximum amount of that fine ;

(b) the amount of a fine that may be so awarded where under that Act the offence is tried summarily—

(i) in any case, shall not exceed the amount of the offender's gross pay for twenty-eight days ;

(ii) where the civil offence constituting the offence is punishable by a civil court in England only on summary conviction and is so punishable by a fine of a maximum amount less than the amount mentioned in the foregoing sub-paragraph, shall not exceed that maximum ;

(iii) where the said civil offence is punishable by a civil court in England on indictment by a fine of a maximum amount less than the amount so mentioned (whether or not it is also punishable on summary conviction) shall not exceed that maximum.

(3) For the purposes of the foregoing subsection, the gross pay for a day of a person found guilty of an offence shall be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which punishment is awarded in respect of that offence.

(4) Accordingly, the said Act of 1957 shall be amended as follows :—

(a) in the said section 43(1), after paragraph (h) there shall be inserted the following paragraph :—

“ (hh) disrating ” ;

and paragraph (k) shall cease to have effect ;

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- (b) in the said section 43(3), for the reference to paragraph (k) of section 43(1), there shall be substituted a reference to paragraph (hh) thereof, and the reference to paragraph (i) thereof shall cease to have effect ;
- (c) in section 44(6) the words “ shall not exceed the amount of the offender’s basic pay for thirty days, and ” shall cease to have effect.

Persons whose duty it is, for purposes of Naval Discipline Act 1957, to sign certificates of arrest or surrender of absentees or deserters.
1957 c. 53.

33. Section 110(2) of the Naval Discipline Act 1957 (which requires certificates of arrest of deserters and absentees brought before a court of summary jurisdiction to be signed by a justice of the peace) and section 47(2) thereof (which provides that in proceedings under that Act such a certificate purporting to be signed by a justice of the peace shall be evidence of the matters therein contained) shall, as regards certificates issued after the coming into force of this section, have effect—

- (a) in their application to England and Wales, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court ;
- (b) in their application to Scotland, with the substitution, for references to a justice of the peace, of references to the clerk of court ;
- (c) in their application to Northern Ireland, with the substitution, for references to a justice of the peace, of references to a resident magistrate or the clerk of the petty sessions for the petty sessions district in which the court sat ;
- (d) in their application to the Isle of Man, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court ;
- (e) in their application to the Islands of Jersey and Guernsey, with the substitution, for references to a justice of the peace, of references to a magistrate or a person for the time being authorised to act as a magistrate ;
- (f) in their application to Alderney, with the substitution, for references to a justice of the peace, of references to the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that Court ;
- (g) in their application to Sark, with the substitution, for references to a justice of the peace, of references to the Seneschal or the Deputy Seneschal ;

(h) in their application to any of the following, that is to say,—

- (i) a colony ;
- (ii) a territory under Her Majesty's protection ;
- (iii) a territory for the time being administered by Her Majesty's Government in the United Kingdom under the trusteeship system of the United Nations ;
- (iv) a country or territory consisting of two or more of any of the following units, namely, colonies, territories under Her Majesty's protection and territories administered as aforesaid ;

with the substitution, for references to a justice of the peace, of references to a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.

34. In section 118(2) of the Naval Discipline Act 1957 (by Amendment as to application of that Act to civilians who are within the limits of the command of an officer commanding any of Her Majesty's naval forces outside the United Kingdom or any colony) the words "or any colony" shall cease to have effect. Act 1957.
1957 c. 53.

35.—(1) In subsection (1) of section 129 of the Naval Discipline Act 1957 (which provides that a person subject to that Act who is acquitted or convicted of an offence on trial thereunder shall not be tried subsequently by a civil court for the same offence) and subsection (2) of that section (which, contains provision whereby the trial under that Act of a person subject thereto is barred where he has been acquitted or convicted by a civil court for the same offence) for the words "for the same offence" there shall be substituted the words "for the same, or substantially the same, offence". Amendments as to trial by civil court after trial under Naval Discipline Act 1957, and trial under that Act after trial by civil court.

(2) The said subsection (2) shall be extended so that the reference to a civil court in the said provision contained therein shall have effect as a reference to such a court in any country, and accordingly after the words "civil court", in the first place where they occur in that subsection, there shall be inserted the words "wherever situated".

36.—(1) In section 135(1) of the Naval Discipline Act 1957, after the definition of "Governor" there shall be inserted the following paragraph:— Definition of "Her Majesty's forces" and amendment of definition of "enemy".

" ' Her Majesty's forces ' includes forces raised under the law of a colony but does not include a force of any Commonwealth country ".

PART III

(2) In the said Act of 1957 the expression "enemy" shall be extended to include, as well as persons engaged in armed operations against Her Majesty's forces, a person so engaged against any forces co-operating with Her Majesty's forces, and accordingly, in the said section 135(1) in the definition of the expression "enemy", after the words "Her Majesty's forces", there shall be inserted the words "or any forces co-operating therewith".

PART IV

GENERAL

Minor and consequential amendments, repeals and transitional provisions.

37.—(1) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments specified in relation thereto in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

(2) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

(3) The savings and transitional provisions set out in Schedule 6 to this Act shall have effect.

Short title, construction and commencement.

38.—(1) This Act may be cited as the Armed Forces Act 1966.

(2) Any reference in this Act to the United Kingdom (except in sections 20(4) and 26(3)) shall be construed as including a reference to the Channel Islands and the Isle of Man.

(3) Except so far as the context otherwise requires, any reference in this Act to any other enactment is a reference to that enactment as amended by or under any subsequent enactment, including an enactment contained in this Act.

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

(4) Any reference in an Act passed before the passing of this Act to an enactment contained in the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, being an enactment amended by this Act, shall, unless the contrary intention appears, be construed as referring to that enactment as so amended.

(5) This Act, except section 1 and this section, shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint, and different dates may be appointed under this section for different provisions of this Act or for different purposes.

SCHEDULES

SCHEDULE 1

Section 2.

ENACTMENTS SUBJECT TO REPEAL BY REGULATIONS

Chapter	Short Title	Provision subject to Repeal
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Sections 4 to 8. In Schedule 7, paragraphs 2, 3 and 4(2) and (3).
3 & 4 Eliz. 2. c. 20.	The Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955.	In Schedule 1, in paragraph 7, sub-paragraphs (3)(b) and (4) to (7).
5 & 6 Eliz. 2. c. 50.	The Army (Conditions of Enlistment) Act 1957.	In section 1, subsections (2) and (3); in subsection (4), the words from the beginning to "date of his attestation"; and subsections (7), (8) and (9).
9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	Section 2. In section 3, subsections (2) and (3); and, in subsection (4), the words from the beginning to "from the relevant date". Sections 4 to 15. In Schedule 1, paragraph 2; in paragraph 7, in sub-paragraph (1), the words from the beginning to "at the relevant time"; in sub-paragraph (3), the words from the beginning to "paragraph 3 of this Schedule"; and sub-paragraph (4).

SCHEDULE 2

Section 11.

OBSOLETE, &C., ENACTMENTS CEASING TO HAVE EFFECT

Chapter	Short Title	Extent to which Enactments are to cease to have Effect
5 & 6 Will. 4. c. 24.	The Naval Enlistment Act 1835.	Sections 8 and 9.
16 & 17 Vict. c. 69.	The Naval Enlistment Act 1853.	Sections 4, 7, 8, 10 and 12.
47 & 48 Vict. c. 46.	The Naval Enlistment Act 1884.	Section 2(3).

Section 13.

SCHEDULE 3

1955 c. 18.

AMENDMENTS OF PART I OF SCHEDULE 7 TO THE ARMY ACT 1955

1. For paragraph 4 of Schedule 7 to the Army Act 1955 there shall be substituted the following paragraphs :—

“4.—(1) The provisions of this and the two next following paragraphs shall have effect as to the prolongation of service of a marine.

(2) Where a marine serving in the Royal Marines will, at the end of a period for which he has been re-engaged, have completed not less than twenty-two years' service in the Royal Marines after attaining the age of eighteen years, he may, at any time during the last twelve months of that period, give notice to his commanding officer that he wishes to continue in Her Majesty's service as a marine, and thereupon, if the competent authority approves, he may be continued in such service, but may at any time terminate it by not less than three months' notice given by him to his commanding officer.

(3) In the case of a marine serving in the Royal Marines on the 1st January 1962 on a second engagement, the last foregoing sub-paragraph shall have effect with the substitution, for the words from the beginning to “give notice”, of the words “A marine completing the period for which under his second or subsequent engagement, he is required to serve in the Royal Marines may give notice”.

4A.—(1) Where, at the time at which, apart from this paragraph, a marine serving in the Royal Marines would be entitled to be discharged, or would fall to be transferred to the Royal Fleet Reserve, either—

- (a) a state of war exists between Her Majesty and any foreign power; or
- (b) warlike operations are in preparation or in progress; or
- (c) men of the Royal Fleet Reserve are called into actual service; or
- (d) he is serving outside the United Kingdom,

he may be retained in service in the Royal Marines for such period as is hereinafter mentioned, and his service may be prolonged accordingly.

An exercise, by virtue of paragraph (b) above, of the power conferred by this sub-paragraph shall be reported to Parliament forthwith.

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

(3) Subject to the provisions of the last foregoing sub-paragraph, any person who, apart from this paragraph, would be entitled to be discharged may be retained in service in the Royal Marines for such period as the competent authority may order.

(4) Subject as aforesaid, a person who, apart from this paragraph, would fall to be transferred to the Royal Fleet Reserve may be retained in service in the Royal Marines for such period, ending not later than twelve months after the date on which apart from this paragraph he would fall to be transferred to the Royal Fleet Reserve, as the competent authority may order, or for any further period during which men of the Royal Fleet Reserve continue called into actual service.

(5) If while a person is being retained in service in the Royal Marines by virtue of this paragraph it appears to the competent authority that his service can be dispensed with, he shall be entitled to be discharged or transferred to the Royal Fleet Reserve as the case may require.

(6) Where, at the time at which under the foregoing provisions of this paragraph a person is entitled to be discharged or transferred to the Royal Fleet Reserve, a state of war exists between Her Majesty and any foreign power, he may, by a declaration made before his commanding officer in a form prescribed by regulations of the Defence Council, agree to continue in service in the Royal Marines while such a state of war exists; and, if the competent authority approve, he may continue accordingly as if the period for which his term of service could be prolonged under the foregoing provisions of this paragraph were a period continuing so long as a state of war exists:

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

(7) In relation to marines serving outside the United Kingdom, references in this paragraph to being entitled to be transferred to the Royal Fleet Reserve shall be construed as references to being entitled to be sent to the United Kingdom with all convenient speed for the purpose of being transferred to that Reserve.

(8) References in this paragraph to men of the Royal Fleet Reserve being called into actual service are references to their being called into actual or permanent service under the authority of an order of Her Majesty made on its appearing to Her that national danger is imminent or a great emergency has arisen, or into actual service under section 10(1) of the Auxiliary and Reserve Forces Act 1949.

4B.—(1) If it appears to Her Majesty that national danger is imminent or that a great emergency has arisen, She may by order, signified under the hand of the Secretary of State, provide that marines serving in the Royal Marines who would otherwise fall to be transferred to the Royal Fleet Reserve shall continue in service in the Royal Marines; and thereupon the last foregoing paragraph shall apply to such persons as it applies while men of the Royal Fleet Reserve are called into actual service.

(2) Where an order is made under sub-paragraph (1) above, the occasion thereof shall forthwith be communicated to Parliament.

SCH. 3

(3) An order in force under sub-paragraph (1) above may be revoked by an order of Her Majesty signified as therein mentioned”.

1955 c. 18.

2. Sections 11(2) and (5) and 12(2) and (3) of the Army Act 1955 shall apply to non-commissioned officers and marines serving in the Royal Marines in place of paragraph 5(3) and (4) of Schedule 7 to the Army Act 1955 with the substitution, for any reference to the reserve, of a reference to the Royal Fleet Reserve; and accordingly the said paragraph 5(3) and (4) shall cease to have effect and, after the said paragraph 5, there shall be inserted the following paragraph:—

“5A. Section 12(2) and (3) shall have effect, in relation to marines serving in the Royal Marines, with the substitution, for any reference to the reserve, of a reference to the Royal Fleet Reserve”.

3. In accordance with the foregoing provisions of this Schedule, for paragraph 1 of the said Schedule 7 there shall be substituted the following paragraph:—

“1. The provisions of the six following paragraphs shall have effect in substitution for sections 4 to 10, 11(1), (3) and (4), 12(1) and 13”.

Section 37.

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Seamen's and Soldiers' False Characters Act 1906

(6 Edw. 7. c. 5)

For section 3 there shall be substituted the following section:—

“3. If a person offering himself to be entered for service in any of the naval reserve forces knowingly makes a false answer to any question put to him in connection with his entry into such service by, or by the direction of, any officer or other person authorised under regulations made by the Defence Council to enter persons for such service, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds”.

The Recall of Army and Air Force Pensioners Act 1948

(12, 13 & 14 Geo. 6. c. 8)

1955 c. 19.

The reference in section 2(3) to the provisions of the Army Act 1955 or the Air Force Act 1955 as to the term for which a person may be enlisted shall be construed as including a reference to the corresponding provisions of section 2 of this Act and regulations made thereunder.

The Auxiliary and Reserve Forces Act 1949

(12, 13 & 14 Geo. 6. c. 96)

1903 c. 6.

The reference in section 9(5)(a) to regulations under section 4(1) of the Naval Forces Act 1903 shall be construed as including a reference to regulations made under section 2 of this Act.

The Army Reserve Act 1950
(14 Geo. 6. c. 32)

SCH. 4

The following references, that is to say,—

- (a) any reference which, by virtue of the Revision of the Army 1955 c. 20. and Air Force Acts (Transitional Provisions) Act 1955 and the Army and Air Force Act 1961, is to be construed as a 1961 c. 52. reference to a transfer to the army reserve in pursuance 1881 c. 57. either of the Army Act or of the Army Act 1955 or of the 1955 c. 18. Army and Air Force Act 1961 ;
- (b) the reference in the paragraph substituted for paragraph (b) of section 6(1) by section 3 of the Navy, Army and Air 1964 c. 11. Force Reserves Act 1964 to transfer to the army reserve in pursuance of the Army Act 1955 or the Army and Air Force Act 1961,

shall be construed as referring also to transfer to that reserve in pursuance of regulations having effect under section 2 of this Act.

The Air Force Reserve Act 1950
(14 Geo. 6. c. 33)

The following references, that is to say,—

- (a) any reference which, by virtue of the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 and the Army and Air Force Act 1961, is to be construed as a reference to a transfer to the air force reserve in pursuance either of the Air Force Act or of the Air 1917 c. 5. Force Act 1955 or of the Army and Air Force Act 1961 ; 1955 c. 19.
- (b) the reference in the paragraph substituted for paragraph (b) of section 6(1) by section 3 of the Navy, Army and Air Force Reserves Act 1964 to transfer to the air force reserve in pursuance of the Air Force Act 1955 or the Army and Air Force Act 1961,

shall be construed as referring also to transfer to that reserve in pursuance of regulations having effect under section 2 of this Act.

The Army Act 1955
(3 & 4 Eliz. 2. c. 18)

For the words “ minimum age for man’s service ”, wherever they occur, there shall be substituted the words “ appropriate minimum age ”.

In section 14, in subsection (1)(b), for the words “ a proclamation under section ten ”, there shall be substituted the words “ an order under section ten ” ; and, in subsection (2), the reference to enlistment in accordance with the provisions of Part I of the Army Act 1955 shall include a reference to enlistment under the provisions of regulations having effect under section 2 of this Act.

Section 59 shall cease to have effect.

For section 209(3)(a) there shall be substituted the following paragraph:—

- “(a) the punishments that may be awarded by a court-martial shall not include any punishment less than imprisonment, except a fine”.

SCH. 4

In section 214, after subsection (4), there shall be inserted the following subsection:—

“(4A) In section 150, at the end of subsection (5), there shall be added the words ‘and to any sum awarded as inlying expenses in a decree of affiliation and aliment’”.

The Air Force Act 1955

(3 & 4 Eliz. 2. c. 19)

For the words “minimum age for man’s service”, wherever they occur, there shall be substituted the words “appropriate minimum age”.

1955 c. 19.

In section 14, in subsection (1)(b), for the words “a proclamation under section ten”, there shall be substituted the words “an order under section ten”; and, in subsection (2), the reference to enlistment in accordance with the provisions of Part I of the Air Force Act 1955 shall include a reference to enlistment under the provisions of regulations having effect under section 2 of this Act.

Section 59 shall cease to have effect.

For section 209(3)(a) there shall be substituted the following paragraph:—

“(a) the punishments that may be awarded by a court-martial shall not include any punishment less than imprisonment except a fine”.

In section 212, after subsection (4), there shall be inserted the following subsection:—

“(4A) In section 150, at the end of subsection (5), there shall be added the words ‘and to any sum awarded as inlying expenses in a decree of affiliation and aliment’”.

The Naval Discipline Act 1957

(5 & 6 Eliz. 2. c. 53)

In section 24, in paragraph (b), after the words “any of Her Majesty’s forces” there shall be inserted the words “or any forces co-operating therewith”.

Section 123(2) shall cease to have effect.

In section 126(3), the words “to a justice of the peace” shall cease to have effect.

In Schedule 2, paragraph 4 shall cease to have effect.

The Army and Air Force Act 1961

(9 & 10 Eliz. 2. c. 52)

For the words “minimum age for man’s service”, wherever they occur, there shall be substituted the words “appropriate minimum age”.

The Navy, Army and Air Force Reserves Act 1964

(1964 c. 11)

1961 c. 52.

In section 2, in subsection (1), the reference to a person’s having enlisted under section 2 of the Army and Air Force Act 1961 shall include a reference to his having enlisted in pursuance of regulations made under section 2 of this Act; and in subsection (4), the reference to the provisions of the Army and Air Force Act 1961 as to the term for which a person may be enlisted shall be construed as in-

cluding a reference to the corresponding provisions of section 2 of this Act and regulations made thereunder. SCH. 4

SCHEDULE 5
REPEALS

Section 37.

Chapter	Short Title	Extent of Repeal
5 & 6 Will. 4. c. 24.	The Naval Enlistment Act 1835.	Sections 1, 8 and 9.
16 & 17 Vict. c. 69.	The Naval Enlistment Act 1853.	Sections 4, 7 to 10, 12 and 16.
47 & 48 Vict. c. 46.	The Naval Enlistment Act 1884.	Section 2.
3 Edw. 7. c. 6.	The Naval Forces Act 1903.	Section 4.
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	<p>In section 43(1), the words from "and in the case of a warrant officer" to "five pounds", and the words "with or without a fine".</p> <p>Section 59.</p> <p>In section 72(2), in paragraph (d), the words "in the case of a warrant officer", and paragraph (k).</p> <p>Section 78(3)(d).</p> <p>In section 144(7), the words from "and the whole or any part" to the end of the section.</p> <p>Section 219.</p> <p>In section 224, in subsection (8), paragraph (a) and, in paragraph (b), the words "not in a colony"; and subsection (9).</p> <p>In Schedule 6, in paragraph 1(3), the words "or discharge with ignominy".</p> <p>In Schedule 7, paragraph 5(3) and (4).</p>
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	<p>In section 43(1), the words from "and in the case of a warrant officer" to "five pounds", and the words "with or without a fine".</p> <p>Section 59.</p> <p>In section 72(2), in paragraph (d), the words "in the case of a warrant officer" and paragraph (k).</p> <p>Section 78(3)(d).</p> <p>In section 144(7), the words from "and the whole or any part" to the end of the section.</p>

SCH. 5	Chapter	Short Title	Extent of Repeal
	3 & 4 Eliz. 2. c. 19— <i>cont.</i>	The Air Force Act 1955 — <i>cont.</i>	Section 217. In section 222, in subsection (8), paragraph (a) and, in paragraph (b), the words “not in a colony”; and subsection (9). In Schedule 6, in paragraph 1(3), the words “or discharge with ignominy”.
	5 & 6 Eliz. 2. c. 50.	The Army (Conditions of Enlistment) Act 1957.	In section 1, subsection (1); in subsection (4), the words from “and regulations” to the end of the subsection; and subsections (5) and (6).
	5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	In section 43, in subsection (1), paragraph (k), and, in subsection (3), the symbol “(i)”. In section 44(6), the words “shall not exceed the amount of the offender’s basic pay for thirty days, and”. In section 118(2), the words “or any colony”. Section 123(2). In section 126(3), the words “to a justice of the peace”. Section 128. In Schedule 2, paragraphs 1(b) and 4. In Schedule 5, the entry relating to the Naval Enlistment Act 1853.
	9 & 10 Eliz. 2. c. 52.	The Army and Air Force Act 1961.	In section 3, subsection (1); in subsection (4), the words from “and regulations” to the end of the subsection; and subsections (5) and (6). Section 19(6) and (7). In Schedule 1, paragraphs 4 and 5, and, in paragraph 7, in subparagraph (1), the words from “and subparagraph (1)” to the end of the sub-paragraph; subparagraph (2) and, in subparagraph (3), the words from “and any approval” to the end of the sub-paragraph. In Schedule 2, in the entry relating to the Army Act 1955 and in that relating to the Air Force Act 1955, the paragraph beginning “At the end of subsection (7) of section one hundred and forty-four”.

SCHEDULE 6

Section 37.

TRANSITIONAL PROVISIONS

1. Regulations made under or in pursuance of an enactment repealed by this Act which are in force at the commencement of section 2 of this Act shall, in so far as they could be made under that section, have effect as if so made.

2. Any approval given under paragraph 4(3) of Schedule 7 to the Army Act 1955 before the time when paragraph 1 of Schedule 3 to 1955 c. 18. this Act comes into operation shall have effect as if it were approval given under paragraph 4(2) of the said Schedule 7 set out in the said Schedule 3.

3.—(1) In relation to a sentence of a court-martial under the Army Act 1955 or the Air Force Act 1955 announced before the 1955 c. 19. date of commencement of a section to which this paragraph applies, but falling to be dealt with under section 110 of either of the said Acts on or after that date, subsection (3) of the said section 110 shall have effect as if the reference to any punishment or punishments which could have been awarded by the court referred to any punishment or punishments which could have been so awarded had the said section to which this paragraph applies been in operation when the sentence was announced.

(2) In relation to a finding or sentence of such a court-martial announced before the date aforesaid but falling to be reviewed on or after that date under section 113 of either of the said Acts, subsection 5(c) of that section shall have effect as if the reference to power conferred by the said subsection (3) referred to power conferred by that subsection as amended by this paragraph.

(3) In relation to a finding of such a court-martial that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of a section to which this paragraph applies but falling on or after that date to be dealt with under section 110 of either of the said Acts or reviewed under section 113 thereof, section 116(6) of each of the said Acts shall have effect as if the reference therein to the powers of sentencing which the court would have had referred to the powers which the court would have had if the said section to which this paragraph applies had been in operation when the finding was announced.

(4) This paragraph applies to sections 21 and 22 of this Act.

4. In relation to an award made before the date of commencement of section 21 of this Act in consequence of a charge's having been dealt with summarily under either of the said Acts but falling to be reviewed under section 115 of either of the said Acts on or after that date, subsections (3A) and (4) of the said section 115 shall have effect as if the reference to a punishment or punishments which could have been included in the original award referred to a punishment or punishments which could have been so included had the said section 21 been in operation when the award was made.

5.—(1) In relation to a sentence awarded in respect of a finding of guilty under Part II of the Naval Discipline Act 1957 before 1957 c. 53. the date of commencement of section 32 of this Act, but falling

SCH. 6 to be dealt with under section 72 of the said Act of 1957 on or after that date, subsection (1)(d) of the said section 72 shall have effect as if the reference to a sentence which could lawfully have been awarded referred to a sentence which could lawfully have been awarded had the said section 32 been in operation when the sentence was announced.

(2) In relation to a finding under Part II of the said Act of 1957 that a person is not guilty of an offence by reason of insanity, being a finding announced before the date of commencement of the said section 32 but falling on or after that date to be reviewed under section 70(1) of the said Act of 1957, section 71(5) of that Act shall have effect as if the reference to the powers of sentencing which the court would have had referred to the powers the court would have had if the said section 32 had been in operation when the finding was announced.

1835 c. 24.
1853 c. 69.
1889 c. 63.

6. If a person is, at the coming into force of section 4 of this Act, retained in service in the Royal Navy by virtue of section 1 of the Naval Enlistment Act 1835 or section 9 of the Naval Enlistment Act 1853, the repeal of those sections shall not, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, operate so as to put an end to his being retained by virtue of that section or to affect the period for which he is liable thereunder so to be retained.

1955 c. 18.

7. If paragraph 1 of Schedule 3 to this Act comes into force during the prolongation of service of a person in the Royal Marines by virtue of paragraph 4(2) or (4) of Schedule 7 to the Army Act 1955, the repeal of those paragraphs by this Act shall not, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, operate so as to put an end to the prolongation or to affect the period thereof.

8. If the amendment to section 14(1)(b) of the Army Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the Army Act 1955, then, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the Army Act 1955 included a reference to a proclamation thereunder.

1955 c. 19.

9. If the amendment to section 14(1)(b) of the Air Force Act 1955 made by Schedule 4 to this Act comes into force during the prolongation of a service of a person by virtue of section 10 of the Air Force Act 1955, then, without prejudice to the provisions of section 38(2) of the Interpretation Act 1889, the said section 14(1)(b) shall have effect as if the reference therein to an order under section 10 of the Air Force Act 1955 included a reference to a proclamation thereunder.



Bus Fuel Grants Act 1966

1966 CHAPTER 46

An Act to extend section 92 of the Finance Act 1965 so as to enable grants to be made under that section in respect of surcharges under section 9 of the Finance Act 1961 on customs and excise duties charged on fuel used in operating stage carriage services and to enable provision to be made in Northern Ireland for similar purposes.

[21st December 1966]

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

- 1.—(1) Section 92 of the Finance Act 1965 shall be amended as follows:—
- Grants in respect of surcharges on bus fuel. 1965 c. 25.
- (a) in subsection (1) (grants by Minister of Transport to bus operators towards defraying customs and excise duties charged on bus fuel) the reference to those duties shall include a reference to any addition thereto which is payable by virtue of—
- (i) the Surcharge on Revenue Duties Order 1966; or S.I. 1966/884.
- (ii) any later order under section 9 of the Finance Act 1961, including an order varying the said order of 1966; 1961 c. 36.
- (b) subsection (2) (amount of grant not to exceed sixpence for every gallon used or estimated to have been used) shall have effect, as respects any grant so far as it relates to a period (including a period before the passing of this Act) for which any such addition is payable, with the substitution for the reference to sixpence of a reference to sixpence plus the extra amount per gallon which is payable by way of such addition;

but no grant shall be made by virtue of paragraph (a)(ii) above except with the approval of the Treasury.

(2) So much of subsection (9) of the said section 92 as enables the Parliament of Northern Ireland to make laws for purposes similar to the purposes of the provisions of that section shall apply to those provisions as amended by this section.

Short title.

2. This Act may be cited as the Bus Fuel Grants Act 1966.



National Coal Board (Additional Powers) Act 1966

1966 CHAPTER 47

An Act to confer on the National Coal Board certain powers with respect to petroleum within the meaning of the Petroleum (Production) Act 1934; and for connected purposes. [21st December 1966]

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 addition to their duties and powers under the Coal Industry Acts 1946 to 1965, but subject to the provisions of the Petroleum (Production) Act 1934 and the Continental Shelf Act 1964, the National Coal Board (hereafter in this Act referred to as "the Board") shall have power—

Additional powers for National Coal Board
1934 c. 36.
1964 c. 29.

- (a) to search and bore for and get petroleum within the meaning of the said Act of 1934 in the sea bed and subsoil of the territorial waters of the United Kingdom adjacent to Great Britain and of any area for the time being designated under section 1(7) of the said Act of 1964;
- (b) where any crude natural gas or crude liquid petroleum has been got as aforesaid wholly or partly by or on behalf of the Board, to engage—
 - (i) at well-head or within Great Britain; or
 - (ii) at such other place, if any, as may be authorised by an order of the Minister of Power made by statutory instrument, which shall be laid before Parliament after being made,

in the treatment of that gas or petroleum for the purpose of rendering it saleable in crude state, and in the sale or supply of that gas or petroleum with or without such treatment;

- 1965 c. 82. (c) to do any thing and to enter into any transaction (whether or not involving the expenditure, borrowing in accordance with the provisions of section 1 of the Coal Industry Act 1965, or lending, of money, or the acquisition of any property or rights) which in the opinion of the Board is calculated to facilitate the proper exercise by them of their powers under paragraphs (a) and (b) of this subsection;
- (d) to dispose of any property or rights held by the Board for the purpose of the exercise of their powers under the said paragraphs (a) and (b) which are no longer required by the Board for that purpose;
- (e) to make available to other persons anything provided for the purpose of the exercise by the Board of their powers under the said paragraphs (a) and (b) so far as not for the time being required for use by the Board for that purpose.
- 1946 c. 59. (2) The powers of the Board under paragraph (f) of section 1(2) of the Coal Industry Nationalisation Act 1946 (which relates to training, education and research) shall be exercisable in relation to any activities under paragraphs (a) and (b) of subsection (1) of this section as they are exercisable in relation to any activities under paragraphs (a) to (e) of the said section 1(2).
- 1949 c. 53. (3) Without prejudice to any limitation imposed by this Act, the proviso to section 2(1) of the Coal Industry Act 1949 (which provides that the Board shall not carry on any activities outside Great Britain except with the authority of an order of the Minister of Power) shall not apply to any activities under this Act; and, notwithstanding anything in section 63(3) of the said Act of 1946, section 3(4) of that Act (which requires the Board to afford to the Minister of Power facilities for obtaining information with respect to the property and activities of the Board and to furnish him with returns, accounts and other information with respect thereto) shall apply to any activities of the Board under this Act whether carried on in or outside Great Britain.
- Citation. 2.—(1) This Act may be cited as the National Coal Board (Additional Powers) Act 1966.
- (2) This Act and the Coal Industry Acts 1946 to 1965 may be cited together as the Coal Industry Acts 1946 to 1966.



Films Act 1966

1966 CHAPTER 48

An Act to extend the periods during which loans, advances and orders may be made under the Cinematograph Film Production (Special Loans) Acts 1949 to 1957, a levy is to be imposed under the Cinematograph Films Act 1957 and a quota of British films is to be maintained under the Films Acts 1960 and 1964; to raise the limit of exemptions from the quota; to increase the maximum fee payable on an application for the registration of a co-production film; and for connected purposes.

[21st December 1966]

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

1. In sections 1(1)(b) and 4(1) of the Cinematograph Film Production (Special Loans) Act 1949 (which, as amended, authorise the making of loans by the National Film Finance Corporation and the making, by the Board of Trade, of advances to the Corporation within the eighteen years beginning with the passing of that Act) the words "until the end of the year 1970" shall be substituted—

Extension of period for making loans. 1949 c. 20.

(a) in the said section 1(1)(b) for the words from "during" to "Act"; and

(b) in the said section 4(1) for the words from "within" to "Act".

2.—(1) In section 12(1) of the Cinematograph Films Act 1957 (which enables the Board of Trade in certain circumstances to transfer the functions, assets and liabilities of the National Film Finance Corporation before the expiration of the period of eighteen years beginning with the passing of the Cinematograph Film Production (Special Loans) Act 1949) for the words from "before" to "1949" there shall be substituted the words "before the end of the year 1970".

Extension of period for transfer of functions of Corporation and consequential amendments of Act of 1949. 1957 c. 21.

1949 c. 20.

(2) In paragraph 8 of the Schedule to the Cinematograph Film Production (Special Loans) Act 1949 (which, as amended, enables the Board of Trade with the approval of the Treasury to dissolve the Corporation) there shall be substituted—

(a) in sub-paragraph (1) for the words from “ after ” to “ Act ” the words “ after the end of the year 1970 ”; and

(b) in sub-paragraph (2) for the words “ the Treasury ”, in the first place where they occur, the words “ the Board of Trade ”, and for the words “ of the Treasury ” the words “ of the Board of Trade with the approval of the Treasury ”.

Extension of period of levy.

1957 c. 21.

3. In section 2(1) of the Cinematograph Films Act 1957 (which provides for the imposition of a levy on exhibitors in respect of each of ten successive periods of fifty-two weeks) for the word “ ten ” there shall be substituted the word “ thirteen ”.

Extension of period of quota.

1960 c. 57.

4. In section 1 of the Films Act 1960 (which obliges exhibitors to include British films among those shown but would, by virtue of subsection (6), expire at the end of the year 1967) the words “ 1970 ” shall be substituted in subsection (6) for the words “ nineteen hundred and sixty-seven ”.

Raising of limit of exemption from quota.

5. In subsections (3) and (4) of section 4 of the Films Act 1960 (which provide for exemptions from the quota at cinemas with net box office receipts of not more than one hundred and twenty-five pounds a week or such other amount as the Board of Trade may by order specify) for the words “ one hundred and twenty-five pounds ” there shall be substituted the words “ one hundred and fifty pounds ”.

Maximum fee on application for registration of co-production film.

6. In Schedule 2 to the Films Act 1960 (maximum fees) the following entries shall be substituted for the first entry (which specifies £8 8s. as the maximum fee payable on an application for the registration of a film):—

“ On an application for the registration as a British film of a film so registrable by virtue of s. 19 of this Act	... ..	450	0
On any other application for the registration of a film	... ..	8	8”.

Short title, citation, extent and repeal.

7.—(1) This Act may be cited as the Films Act 1966.

(2) This Act and the Cinematograph Film Production (Special Loans) Acts 1949 to 1957 may be cited together as the Cinematograph Film Production (Special Loans) Acts 1949 to 1966.

(3) This Act and Part I of the Cinematograph Films Act 1957 may be cited together as the Cinematograph Films Acts 1957 and 1966.

(4) This Act and the Films Acts 1960 and 1964 may be cited together as the Films Acts 1960 to 1966.

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

(6) Section 10(2) of the Cinematograph Films Act 1957 is 1957 c. 21. hereby repealed.



Housing (Scotland) Act 1966

1966 CHAPTER 49

An Act to consolidate certain enactments relating to housing in Scotland, with the exception of certain provisions relating to financial matters.

[21st December 1966]

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 RESPECTS LOCAL AUTHORITIES

1. For the purposes of this Act the local authority shall be—
- (a) in the case of a burgh, the town council, and
 - (b) in the case of a county, the county council ;

Local authorities for purposes of this Act.

and the district of the local authority shall be the burgh or the county (excluding all burghs therein), as the case may be.

2. A local authority may appoint a committee, consisting of so many persons as they may think fit, for any purposes of this Act which in the opinion of the authority would be better regulated and managed by means of a committee:

Power of local authority to appoint committee.

Provided that a committee so appointed shall consist as to a majority of its members of members of the appointing authority, shall in no case be authorised to raise any money by rate or loan, and shall be subject to any regulations and restrictions which may be imposed by the appointing authority.

2 D

PART I

Local authority to discharge certain functions under Parts II and III in accordance with proposals approved by Secretary of State.
1954 c. 50.

3.—(1) It shall be the duty of every local authority to carry out their functions under Parts II and III of this Act, so far as those functions relate to dealing with houses within the district of the authority which appear to the authority to be unfit for human habitation and with any other houses within that district which are or in the opinion of the authority ought to be included in clearance areas, in accordance with proposals in that behalf submitted by them to the Secretary of State under section 1 of the Housing (Repairs and Rents) (Scotland) Act 1954 and approved by him before the commencement of this Act, subject to any amplifications or modifications made by subsequent proposals approved by the Secretary of State under this section.

(2) A local authority may at any time, and if directed by the Secretary of State shall within the period specified in the direction, submit further proposals for amplifying or modifying any proposals previously submitted by the authority under the said section 1 or this section and approved by the Secretary of State, and the Secretary of State may approve such further proposals with or without modifications.

(3) A copy of any proposals approved under this section shall be deposited at the offices of the local authority concerned, and a copy of any proposals so deposited under this subsection or under section 1(5) of the said Act of 1954 shall be open to inspection without charge during ordinary office hours.

Duty of local authority to inspect district.

4.—(1) It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any house therein is unfit for human habitation.

(2) It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether there is any area in the district which ought to be declared to be an improvement area under Part IV of this Act.

PART II

PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITION OF HOUSES

Definition of standard of fitness

Determination of unfitness for human habitation.

5.—(1) In determining for any of the purposes of this Act whether a house is unfit for human habitation regard shall be had to its condition in respect of the following matters:—

- (a) general state of repair ;
- (b) structural stability ;
- (c) freedom from dampness ;

- (d) natural lighting ;
- (e) air space ;
- (f) ventilation ;
- (g) adequacy and accessibility of water supply ;
- (h) adequacy and accessibility of sanitary and other conveniences ;
- (i) drainage ;
- (j) condition of paving and drainage of courts, yards or passages ;
- (k) facilities for storage, preparation and cooking of food and for the disposal of waste water ;

and the house shall be determined to be unfit for human habitation if, and only if, it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(2) Subsection (1) of this section shall be without prejudice to section 17 of this Act.

(3) Any reference in any enactment to section 184(2) of the Housing (Scotland) Act 1950 shall be construed as a reference to this section. 1950 c. 34.

Obligations as to repair of houses

6.—(1) This section shall apply—

- (a) to a contract entered into before 31st July 1923 for letting for human habitation a house at a rent not exceeding sixteen pounds ;
- (b) to a contract entered into on or after 31st July 1923 for letting for human habitation a house at a rent not exceeding twenty-six pounds ;

Conditions to be implied on letting certain small houses.

but shall not apply to a contract for the letting by a local authority of any house purchased or retained by the authority under section 20 or section 40 of this Act for use for housing purposes.

(2) In any contract to which this section applies there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, in all respects reasonably fit for human habitation :

Provided that the condition and the undertaking aforesaid shall not be implied when a house is let for a period of not less than three years upon the terms that it will be put by the lessee into a condition in all respects reasonably fit for human habitation.

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and the lease is not determinable at the option of either party before the expiration of three years.

(3) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any premises in respect of which this section applies for the purpose of viewing the state and condition thereof.

(4) In this section—

(a) the expression "landlord" means any person who lets to a tenant for human habitation any house under any contract to which this section applies, and includes his successors in title; and

(b) the expression "house" includes part of a house.

Application of s. 6 to houses occupied by agricultural workers otherwise than as tenants.

7.—(1) Notwithstanding any agreement to the contrary, where under any contract of employment of a workman employed in agriculture the provision of a house or part of a house for the occupation of the workman forms part of the remuneration of the workman, and the provisions of section 6 of this Act are inapplicable by reason only of the house or part of the house not being let to the workman, there shall be implied as part of the contract of employment the like condition and undertaking as would be implied under the said provisions if the house or part of the house were so let, and those provisions shall apply accordingly as if incorporated in this section, with the substitution of "employer" for "landlord" and such other modifications as may be necessary:

Provided that this section shall not affect the obligation of any person other than the employer to repair a house to which this section applies or any remedy for enforcing any such obligation.

(2) This section shall apply whether the contract of employment was entered into before or after the commencement of this Act.

Repairing obligations in short leases of houses.

8.—(1) In any lease of a house, being a lease to which this section applies, there shall be implied a provision that the lessor will—

(a) keep in repair the structure and exterior of the house (including drains, gutters and external pipes); and

(b) keep in repair and proper working order the installations in the house—

(i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and sanitary conveniences but not, except as aforesaid, fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and

(ii) for space heating or heating water;

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and any provision that the lessee will repair the premises (including any that he will put in repair or deliver up in repair, or will paint, point or render the premises, or pay money in lieu of repairs by the lessee or on account of repairs by the lessor) shall be of no effect so far as it relates to any of the matters mentioned in paragraphs (a) and (b) of this subsection.

(2) The provision implied by this section (hereinafter referred to as "the implied repairs provision") shall not be construed as requiring the lessor—

- (a) to carry out any works or repairs for which the lessee is liable by virtue of his duty to use the premises in a proper manner, or would be so liable apart from any express undertaking on his part ;
- (b) to rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident ; or
- (c) to keep in repair or maintain anything which the lessee is entitled to remove from the house ;

and subsection (1) of this section shall not avoid so much of any provision as imposes on the lessee any of the requirements mentioned in paragraph (a) or paragraph (c) of this subsection.

(3) In determining the standard of repair required by the implied repairs provision in relation to any house, regard shall be had to the age, character and prospective life of the house and the locality in which it is situated.

(4) In any lease in which the implied repairs provision is implied there shall also be implied a provision that the lessor, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the occupier, enter the premises comprised in the lease for the purpose of viewing their condition and state of repair.

(5) In this section and in sections 9 and 10 of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

- (a) "lease" includes a sublease, and "lessor" and "lessee", in relation to a lease, include respectively any person for the time being holding the interest of lessor, and any person for the time being holding the interest of lessee, under the lease ;
- (b) "lease of a house" means a lease whereby a building or part of a building is let wholly or mainly as a private dwelling and "house", in relation to such a lease, means that building or part of a building.

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Application
of s. 8.

9.—(1) Subject to the provisions of this section, section 8 of this Act applies to any lease of a house granted on or after 3rd July 1962, being a lease for a period of less than seven years.

(2) For the purposes of this section a lease—

(a) shall be treated as a lease for a period of less than seven years if it is determinable at the option of the lessor before the expiration of seven years from the commencement of the period of the lease, and

(b) shall be treated as a lease for a period of seven years or more if it confers on the lessee an option for renewal for a period which, together with the original period, amounts to seven years or more, and it is not determinable as mentioned in paragraph **(a)** of this subsection.

(3) Where a lease (hereinafter referred to as “the new lease”) of a house is granted—

(a) to a person who, when or immediately before the new lease is granted, is or was the lessee of the house under another lease, or

(b) to a person who was the lessee of the house under another lease which terminated at some time before the new lease is granted and who, between the termination of that other lease and the grant of the new lease, was continuously in possession of the house or entitled to the rents or profits thereof,

section 8 of this Act shall not apply to the new lease unless the other lease, if granted on or after 3rd July 1962, was a lease to which the said section applies, or, if granted before the said date, would have been such a lease if it had been granted on or after that date.

(4) Section 8 of this Act shall not apply to any lease of a house which is a tenancy of an agricultural holding.

(5) In the application of this section to a lease for a period part of which falls before the date of the granting of the lease, that part shall be left out of account and the lease shall be treated as a lease for a period commencing with the date of the granting.

Restriction of
contracting
out.

10.—(1) The sheriff may, on the application of either party to a lease, by order made with the consent of the other party concerned, authorise the inclusion in the lease, or in any agreement collateral to the lease, of provisions excluding or modifying in relation to the lease the provisions of section 8 of this Act

with respect to the repairing obligations of the parties if it appears to him, having regard to the other terms and conditions of the lease and to all the circumstances of the case, that it is reasonable to do so, and any provision so authorised shall have effect accordingly.

(2) Subject to subsection (1) of this section, any provision, whether contained in a lease to which the said section 8 applies or in any agreement collateral to such a lease, shall be void so far as it purports to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or to provide for an irritancy of the lease or impose on the lessee any penalty, disability or obligation, in the event of his enforcing or relying upon those obligations or immunities.

Unfit houses capable of repair at reasonable expense

11.—(1) Where a local authority, on consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any house is in any respect unfit for human habitation but is capable at a reasonable expense of being rendered fit for human habitation, they shall serve upon the person having control of the house a notice—

Power of local authority to secure repair of unfit house.

- (a) requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice, and
- (b) stating that, in the opinion of the local authority, those works will render the house fit for human habitation.

(2) If a notice under subsection (1) of this section is not complied with, then, after the expiration of the time specified in the notice or, if an appeal has been made against the notice and the sheriff upon that appeal has confirmed the notice with or without variation, after the expiration of twenty-one days from the determination of the appeal or of such longer period as the sheriff in determining the appeal may fix, the local authority—

- (a) may themselves do the work required to be done by the notice or by the notice as varied by the sheriff, as the case may be, and
- (b) may in addition execute any further works which are found to be necessary for the purpose of rendering the house fit for human habitation but which could not reasonably have been ascertained to be required at the examination prior to the service of the notice.

Any question as to whether further works are necessary or could not have been reasonably ascertained as aforesaid shall be determined by the sheriff, whose decision shall be final.

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(3) No action taken under this section or under section 12 of this Act shall prejudice or affect any other powers of the local authority or any remedy available to the tenant of a house against his landlord, either at common law or otherwise.

Recovery by local authority of expenses incurred under s. 11.

12.—(1) Any expenses incurred by a local authority under section 11(2) of this Act, together with interest from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by the authority from the person having control of the house or, if he receives the rent of the house as trustee, tutor, curator, factor or agent for or of some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person.

(2) The local authority may by order declare any such expenses to be payable by weekly, monthly, half-yearly or annual instalments within a period not exceeding thirty years with interest from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered from any owner or occupier of the house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(3) Any interest payable under subsection (1) or subsection (2) of this section shall be at such rate as the Secretary of State may, with the approval of the Treasury, from time to time by order fix for the purposes of either or both of those subsections.

(4) The power to make orders conferred on the Secretary of State by subsection (3) of this section shall be, and shall be deemed always to have been, exercisable by statutory instrument.

Recovery by lessee of proportion of expenses incurred in rendering house fit for human habitation.

13.—(1) Where any person who incurs expenditure in complying with a notice under section 11(1) of this Act requiring the execution of works for rendering a house fit for human habitation, or in defraying expenses incurred by a local authority under subsection (2) of that section in carrying out such works, is a lessee of the house or the agent of such a lessee, the lessee may recover from the lessor under the lease such part (if any) of that expenditure as may, in default of agreement between the parties, be determined by the sheriff on the application of either of them to be just having regard—

- (a) to the obligations of the lessor and the lessee under the lease with respect to the repair of the house ;
- (b) to the length of the unexpired term of the lease ;

- (c) to the rent payable under the lease ; and
 (d) to all other relevant circumstances :

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Provided that no sum shall be recoverable under this subsection unless the lessee or his agent within seven days after the service of such notice as aforesaid gave written intimation to the lessor of the service of the notice and of the purport thereof.

(2) Where a person from whom any sum is recoverable under subsection (1) of this section is himself a lessee of the house, the provisions of that subsection shall apply as if any sum so recoverable from him were expenditure incurred as mentioned in that subsection.

(3) In this section "lease" includes a sublease and any tenancy, and the expressions "lessee" and "lessor" shall be construed accordingly.

Unfit houses not capable of repair at reasonable expense

14.—(1) Where any person has appealed to the sheriff against a notice under section 11(1) of this Act requiring the execution of works to a house, and the sheriff in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement or may, subject to the provisions of this section, be authorised by the Secretary of State to purchase it compulsorily.

Local authority may acquire and repair house found on appeal not to be capable of repair at reasonable expense.

(2) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of a house under subsection (1) of this section as if that subsection had been in force immediately before the commencement of that Act.

1947 c. 42.

(3) A local authority shall not be authorised to purchase a house compulsorily under subsection (1) of this section unless a compulsory purchase order authorising the purchase is made and submitted in accordance with the said Act of 1947 by the authority to the Secretary of State within six months after the determination of the appeal ; and if any person being an owner of, or the holder of a heritable security over, the house undertakes to carry out to the satisfaction of the Secretary of State, and within such period as the Secretary of State may fix, the works specified in the notice against which the appeal was brought, the Secretary of State shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(4) The compensation to be paid for any house purchased compulsorily under subsection (1) of this section shall be assessed by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963 subject, however, to the provisions of subsections (5) to (7) of this section.

1963 c. 51

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(5) In the case of a compulsory acquisition in pursuance of a notice to treat served on or after 1st January 1955, such compensation shall not (except by virtue of paragraph 2 or paragraph 3 of Schedule 2 to the said Act of 1963) exceed the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.

(6) In the case of a compulsory acquisition in pursuance of a notice to treat served before 1st January 1955, such compensation shall be the value, at the time when the valuation is made, of the site as a cleared site available for development as aforesaid.

(7) The references in subsections (4) to (6) of this section—

- (a) to compensation are references to compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection ;
- (b) to a notice to treat include references to a notice to treat which, under any enactment, is deemed to have been served, and references to the service of such a notice and to the date of service shall be construed accordingly.

(8) If a local authority purchase a house compulsorily under subsection (1) of this section, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

(9) In respect of any house purchased by a local authority under subsection (1) of this section, the authority shall have the like powers and duties as they have in respect of houses provided under Part VII of this Act.

Power of local authority to make closing and demolition orders.

15.—(1) Where a local authority, on consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any house is unfit for human habitation and incapable at a reasonable expense of being rendered so fit, and—

- (a) the house forms only part of a building, and
- (b) the building does not comprise only houses which are unfit for human habitation and incapable at a reasonable expense of being rendered so fit,

the local authority shall make an order (in this Act referred to as a “closing order”) prohibiting the use of the house for human

habitation as from such date as may be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative.

(2) Where a local authority, on consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any building comprises only a house which is, or houses which are, unfit for human habitation and incapable at a reasonable expense of being rendered so fit, they shall make an order (in this Act referred to as a "demolition order") requiring—

- (a) that the building shall be vacated within such period as may be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and
- (b) that the building shall be demolished within three months after the expiration of that period or, if the building is not vacated before the expiration of that period, within three months after the date on which it is vacated.

(3) If in the case of a house in respect of which a closing order has been made or a building in respect of which a demolition order has been made the local authority are satisfied, on an application made by any owner of the house or building, or any person appearing to the authority to have reasonable cause for making the application, that the house has, or, as the case may be, the house or houses comprised in the building have, been rendered fit for human habitation, they shall make an order determining the closing order or, as the case may be, the demolition order.

(4) Where a closing order or a demolition order has been made in respect of a house or building and not determined, any owner of the house or building, or any person holding a heritable security over it, may give to the local authority, within a period of twenty-one days from the date of service of the order or such longer period therefrom as the authority may, either during or after the expiry of the twenty-one days, determine to be appropriate, an undertaking in writing—

- (a) that he will within a specified period carry out such works as will, in the opinion of the local authority, render the house or, as the case may be, all the houses in the building, fit for human habitation ; or
- (b) in the case of a building in respect of which a demolition order has been made, that no house in the building will be used for human habitation (unless at any time all the houses therein are rendered fit for human

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habitation and the local authority agree that they have been so rendered) ;

and if an undertaking is so given the local authority shall as soon as may be either—

- (i) accept the undertaking and make in respect thereof an order (in this Part of this Act referred to as a “suspension order”) suspending the closing order or, as the case may be, the demolition order, or
- (ii) reject the undertaking and serve on the person who gave the undertaking notice that they have done so :

Provided that a suspension order made in respect of an undertaking such as is mentioned in paragraph (b) of this subsection shall cease to have effect on the expiration of one year from the date of its making unless renewed, at the discretion of the local authority, at the expiration of the said year; and this proviso shall apply to any suspension order so renewed as it applies to the original order with the substitution for the reference to the making of the order of a reference to the renewal thereof.

(5) A suspension order made or renewed by a local authority may be determined by them at any time by order if they have reasonable cause to believe that there has been a breach of the undertaking in respect of which it was made or renewed.

(6) Any period—

- (a) between the service of the closing order or demolition order and the service of a suspension order or a notice of rejection under subsection (4) of this section, and
- (b) while a suspension order is in force,

shall be left out of account in reckoning in relation to the closing order or demolition order in question the period of twenty-one days referred to in sections 26(1) and 27 of this Act.

(7) Any order made or notice issued under this section in respect of a house or building shall be served—

- (a) upon the person having control of the house or, as the case may be, the house or houses comprised in the building ;
- (b) upon any other person who is an owner of the house or, as the case may be, any of those houses ;
- (c) upon any person holding a heritable security over the house or, as the case may be, any of those houses, unless it appears to the local authority, after exercising their powers under section 192(4) of this Act, that there is no such person ; and

(d) where an application has been made in relation to the house, or, as the case may be, those houses, under subsection (3) of this section, by a person upon whom the order or notice is not required to be served apart from this paragraph, upon that person.

(8) In this section references to an owner of, and to any person holding a heritable security over, a building shall be construed as including respectively references to an owner of, and to any person holding a heritable security over, any part of the building.

(9) Section 21 of the Housing (Scotland) Act 1962 shall not be taken to have affected, and this section shall not affect, any order made, or proceedings begun, under section 9 of the Housing (Scotland) Act 1950 before 3rd July 1962.

1962 c. 28.
1950 c. 34.

16.—(1) Where a local authority have served a notice under section 11(1) of this Act requiring the execution of works for the purpose of rendering a house fit for human habitation, any person on whom such a notice was served or any other person who is an owner of the house may apply in writing to the authority to substitute for the notice so served an order under subsection (1) or subsection (2) of section 15 of this Act, and where the authority are satisfied that it is reasonable to do so having regard to—

Substitution of closing or demolition order for notice under s. 11(1) in certain cases.

- (a) the estimated cost of the said works, and
- (b) the financial circumstances of the person at whose expense the works would have been carried out, and
- (c) the other circumstances of the case (including the need for housing accommodation in the area),

they shall make and serve an order under the said subsection (1) or subsection (2).

(2) A local authority shall not unreasonably refuse to substitute such an order as aforesaid for the notice so served, and if any question arises as to whether any such refusal has been unreasonable the question shall be determined by the sheriff.

17.—(1) The provisions of section 15 of this Act with respect to the making of a closing order shall, subject to the necessary modifications, apply in relation to any underground room habitually used as a sleeping place which is for the purposes of this Part of this Act to be deemed to be a house unfit for human habitation, and accordingly a closing order may, subject to the provisions of the said section 15, be made under that section in respect of any such room.

Power to make closing orders with respect to underground rooms.

(2) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface

PART II

of the part of the street adjoining or nearest to the room, shall, for the purposes of this Part of this Act, be deemed to be a house unfit for human habitation if the room either—

- (a) is not on an average at least seven feet in height from floor to ceiling, or
- (b) does not comply with such regulations as the local authority may with the consent of the Secretary of State make for securing the proper ventilation and lighting of such rooms and the protection thereof against dampness, effluvia or exhalation.

(3) If a local authority, after being required to do so by the Secretary of State, fail to make regulations under subsection (2)(b) of this section, or fail to make such regulations under the said subsection (2)(b) as the Secretary of State approves, the Secretary of State may himself make regulations which shall have effect as if they had been made by the authority under the said subsection (2)(b) with the consent of the Secretary of State.

Provisions as to houses subject to building preservation orders, etc.
1947 c. 43.

18.—(1) Where apart from this section a local authority would be under a duty to make a demolition order under this Part of this Act with respect to a building—

- (a) in relation to which a building preservation order made under section 27 of the Town and Country Planning (Scotland) Act 1947 is in force, or
- (b) which is included in any list compiled or approved under section 28 of that Act,

they shall not make a demolition order but instead shall make a closing order or closing orders under this section in respect of the house or houses comprised in the building.

(2) Where a building to which a demolition order made under this Part of this Act by a local authority applies (whether or not that order has become operative) becomes—

- (a) subject to a building preservation order made under the said section 27, or
- (b) included in any list compiled or approved under the said section 28,

the local authority shall determine the demolition order and make a closing order or closing orders under this section in respect of the house or houses comprised in the building.

(3) The provisions of section 15 of this Act shall, subject to any necessary modifications, have effect in relation to a closing order made under this section as they have effect in relation to a closing order made under that section.

19.—(1) Where a building consists wholly of houses with respect to which closing orders have become operative and none of those orders has been determined or is subject to a suspension order, then—

PART II
Powers of local authority in relation to building consisting wholly of closed houses.

- (a) the local authority may determine the closing orders and make a demolition order under section 15 of this Act in respect of the whole building, so however that subsections (4) to (6) of the said section 15 shall not apply to the order ; or
- (b) the Secretary of State may, on the application of the local authority, make an order authorising them to acquire the land, and thereupon, subject to the provisions of this section, this Act shall apply as if the said land were land authorised to be acquired compulsorily by a compulsory purchase order under Part III of this Act.

(2) The compensation to be paid for land purchased compulsorily under this section shall be assessed by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963 subject, however, to the provisions of subsections (3) to (5) of this section. 1963 c. 51.

(3) In the case of a compulsory acquisition in pursuance of a notice to treat served on or after 1st January 1955, such compensation shall not (except by virtue of paragraph 2 or paragraph 3 of Schedule 2 to the said Act of 1963) exceed the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.

(4) In the case of a compulsory acquisition in pursuance of a notice to treat served before 1st January 1955, such compensation shall be the value, at the time when the valuation is made, of the site as a cleared site available for development as aforesaid.

(5) The references in subsections (2) to (4) of this section—

- (a) to compensation are references to compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection ;
- (b) to a notice to treat include references to a notice to treat which, under any enactment, is deemed to have been served, and references to the service of such a notice and to the date of service shall be construed accordingly.

PART II

(6) Where a local authority acquire land by virtue of this section, the provisions of section 39 of this Act shall apply as if the land had been acquired in connection with a clearance area.

Local authority may acquire and repair house or building liable to closing or demolition order.

20.—(1) In any case where a local authority would, apart from this subsection—

- (a) be required to make a closing order or a demolition order in respect of a house or building (whether in pursuance of subsection (1) or subsection (2) of section 15 of this Act or of an application made to them under section 16 of this Act), or
- (b) be empowered under section 19(1) of this Act to determine closing orders in respect of two or more houses comprised in a building and to make a demolition order in respect of the whole building,

the local authority, if it appears to them that, having regard to the existing condition of the house or building and to the needs of the district with regard to the provision of further housing accommodation, the house or building must be continued in use as housing accommodation, may purchase the house or building instead of making such an order.

(2) Where a local authority determine to purchase a house or building under subsection (1) of this section, they shall serve notice of the determination on—

- (a) every person on whom they would be required under section 15(7) of this Act to serve a closing order or a demolition order made in respect of the house or building, and
- (b) the superior of the house or building ;

and at any time after that notice has become operative the local authority may purchase the house or building by agreement or may be authorised by the Secretary of State to purchase it compulsorily.

1947 c. 42.

(3) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of a house or building under this section as if this section had been in force immediately before the commencement of that Act.

1963 c. 51.

(4) The compensation to be paid for any house or building purchased compulsorily under this section shall be assessed by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963 subject, however, to the provisions of subsections (5) to (7) of this section.

(5) In the case of a compulsory acquisition in pursuance of a notice to treat served on or after 1st January 1955, such compensation shall not exceed the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.

(6) In the case of a compulsory acquisition in pursuance of a notice to treat served before 1st January 1955, such compensation shall be the value, at the time when the valuation is made, of the site as a cleared site available for development as aforesaid.

(7) The references in subsections (4) to (6) of this section—

(a) to compensation are references to compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection ;

(b) to a notice to treat include references to a notice to treat which, under any enactment, is deemed to have been served, and references to the service of such a notice and to the date of service shall be construed accordingly.

(8) A local authority by whom a house or building is purchased under this section shall carry out such works as may in the opinion of the authority from time to time be required for rendering or keeping it capable of being continued in use as housing accommodation.

(9) In respect of any house purchased by a local authority under this section, the authority shall have the like powers and duties as they have in respect of houses provided under Part VII of this Act.

21. If any person—

(a) knowing that a closing order made under section 15 or section 18 of this Act has become operative and applies to any premises, uses those premises or permits those premises to be used for human habitation unless he shall previously have obtained the consent of the local authority to the use of the premises for that purpose ; or

(b) knowing that an undertaking has been accepted by the local authority under this Part of this Act that any premises shall not be used for human habitation, uses those premises for human habitation or permits them to be so used ;

Penalty for use of premises in contravention of closing order or of undertaking.

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day or part of a day on which he so uses them, or permits them to be so used, after conviction.

PART II
Procedure
where
demolition
order made.

22.—(1) When a demolition order has become operative, the owner of the building to which it applies shall demolish the building within the time limited in that behalf by the order; and, if the building is not demolished within that time, the local authority may enter and demolish the building and sell the materials thereof.

(2) Any expenses incurred by a local authority under subsection (1) of this section, after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the building, and any surplus in the hands of the authority shall be paid by them to the owner of the building.

(3) In the application of this section to a demolition order made in respect of a building comprising two or more parts separately owned—

- (a) any reference to the owner of the building shall be construed as a reference to the owners of the several parts comprised in the building;
- (b) without prejudice to the powers of the local authority under subsection (1) of this section, the duty imposed by that subsection on the owners of the several parts comprised in the building to demolish the building shall be regarded as a duty to arrange jointly for the demolition of the building; and
- (c) subsection (2) of this section shall have effect subject to the proviso that any sum recoverable or payable by the local authority under that subsection shall be recoverable from or payable to the several owners in such proportions as the owners may agree or, failing agreement, as shall be determined by an arbiter nominated by the owners or, failing such nomination, nominated on the application of the authority or any of the owners by the sheriff.

Power of local authority to purchase site of demolished building where expenses of demolition cannot be recovered.

23.—(1) Where a local authority have demolished a building in exercise of the powers conferred on them by section 22 of this Act and the expenses thereby incurred by them cannot be recovered by reason of the fact that the owner of the building cannot be found, the authority may be authorised by the Secretary of State to purchase compulsorily the site of the building, including the area of any yard, garden or pertinent belonging to the building or usually enjoyed therewith.

1947 c. 42.

(2) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to a compulsory purchase of land under subsection (1) of this section as if that subsection had been in force immediately before the commencement of that Act.

(3) A local authority shall be entitled to deduct from the compensation payable on the compulsory purchase of the site of a building under this section the amount of the expenses referred to in subsection (1) of this section so far as not otherwise recovered.

(4) A local authority shall deal with any land purchased by them under this section by sale, letting or appropriation in accordance with the provisions of section 39 of this Act.

24.—(1) If it appears to the local authority that a house or building to which a demolition order applies requires to be cleansed from vermin, the authority may, at any time after the order is made, serve notice in writing on the owner or owners of the house or building that the authority intend to cleanse it before it is demolished.

Power of local authority to cleanse from vermin house to which demolition order applies.

(2) A local authority who have served a notice under subsection (1) of this section may, at any time after the order has become operative in relation to the house or building and it has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the house or building shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner on whom a notice has been served under subsection (1) of this section may, at any time after the house or building has been vacated, serve notice in writing on the local authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the house or building whether the work has then been completed or not.

(3) Where a local authority serve a notice under subsection (1) of this section, section 22(1) of this Act shall have effect in relation to the house or building subject to the proviso that the authority shall not be entitled to take action thereunder until the expiration of three months from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

25.—(1) If—

(a) a house has on or after 17th July 1957 been vacated in pursuance of a closing order or a demolition order, or purchased compulsorily under section 14(1) or section 20 of this Act in lieu of the making of a closing order or a demolition order in respect of the building in which it is comprised; and

Payments in respect of unfit but well-maintained houses.

PART II

- (b) any person has, within three months after the service of the closing order or demolition order, or of the notice of determination to purchase required by subsection (2) of the said section 20, or after the confirmation of a compulsory purchase order, made a representation to the local 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 (k) of section 5(1) of this Act, the representation is correct ;

the local authority shall make to that person in respect of that house the like payment as would have fallen to be so made under section 49 of this Act if the house had been a house to which that section applies and directions had been given by the Secretary of State for the making of a payment thereunder.

(2) If, on receiving a representation under subsection (1) of this section, the local authority consider that the condition specified in paragraph (c) of that subsection is not satisfied, they shall serve on the person by whom the representation was made notice that no payment falls to be made to him under that subsection.

(3) For the purposes of this section, a house comprised in a building 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.

Appeals and date of operation of certain notices, etc.

Appeals.

26.—(1) Subject to the provisions of subsections (2), (3) and (4) of section 190 of this Act, any person aggrieved by—

- (a) a notice under this Part of this Act requiring the execution of works ;
- (b) a demand for the recovery of expenses incurred by a local authority in executing works ;
- (c) an order made by a local authority with respect to any such expenses ;
- (d) a closing order made under section 15 or section 18 of this Act or a refusal to determine such a closing order ;
- (e) a demolition order or a refusal to determine a demolition order ;

- (f) a notice of determination to purchase served under section 20(2) of this Act ;
- (g) a notice that no payment falls to be made under section 25(1) of this Act served under subsection (2) of that section ;

PART II

may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be ; and no proceedings shall be taken by the local authority to enforce any notice, demand or order whilst an appeal against it is pending :

Provided that no appeal shall lie under paragraph (d) or paragraph (e) or paragraph (f) of this subsection at the instance of a person who is in occupation of the premises to which the order or notice relates under a lease or agreement the unexpired term of which does not exceed six months.

(2) Where the sheriff allows an appeal under paragraph (a) of subsection (1) of this section, he shall, if requested by the local authority so to do, include in his determination a finding whether the house in question can or cannot be rendered fit for human habitation at a reasonable expense.

(3) On an appeal under paragraph (b) or paragraph (c) of subsection (1) of this section no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works.

(4) On an appeal under paragraph (d) or paragraph (e) of subsection (1) of this section the sheriff may consider any undertaking such as is specified in relation to a closing order or a demolition order, as the case may be, in section 15(4) of this Act (including that subsection as applied by section 18(3) of this Act) and, if he thinks it proper to do so having regard to the undertaking, may direct the local authority to make a suspension order under the said subsection (4).

27. Any notice, demand or order against which an appeal might be brought to the sheriff under section 26 of this Act shall, if no such appeal is brought, become operative on the expiration of twenty-one days after the date of the service of the notice, demand or order, as the case may be, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the sheriff, become operative as from the date of the determination of the appeal.

Date of operation of notices, demands and orders subject to appeal.

PART II

Charging orders

Charging order in favour of owner executing works.

28.—(1) Where any owner has completed in respect of any house or building any works required to be executed by a notice of a local authority under this Part of this Act, he may apply to the authority for a charging order.

(2) An owner applying for a charging order under this section shall produce to the local authority—

- (a) the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and
- (b) the accounts of and vouchers for the costs, charges and expenses of the works,

and the local authority, when satisfied—

- (i) that the owner has duly executed the works, and
- (ii) of the amount of such costs, charges and expenses, and of the expenses properly incurred in obtaining the charging order,

shall make an order providing and declaring that the house or building is thereby charged and burdened with an annuity to repay the amount.

(3) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order and be payable for a term of thirty years to the owner named in such order, his executors or assignees.

(4) Any person aggrieved by a charging order made under this section may appeal to the sheriff on giving notice of appeal within one month after notice of the order has been served on him.

Form, effect, etc., of charging order.

29.—(1) A charging order shall be in such form as may be prescribed and shall be recorded in the General Register of Sasines.

(2) Every annuity constituted a charge by a charging order duly recorded in the General Register of Sasines shall be a charge on the premises specified in the order, having priority over all existing and future estates, interests and incumbrances, with the exception of—

- (a) feuduties, teinds, ground annuals, stipends and standard charges in lieu of stipends ; and
- (b) any charges on the premises created or arising under any provision of the Public Health (Scotland) Act 1897, or any Act amending that Act, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority ; and

- (c) any charge created under any Act authorising advances of public money ;

and where more annuities than one are charged under this Part of this Act on any premises such annuities shall, as between themselves, take order and preference according to the respective dates of the charging orders being recorded in the General Register of Sasines.

(3) A charging order duly recorded in the General Register of Sasines shall be conclusive evidence that all notices, acts and proceedings by this Part of this Act directed with reference to, or consequent on, the obtaining of such an order or the making of such a charge have been duly served, done and taken, and that the charge has been duly created, and that it is a valid charge on the premises declared to be subject thereto.

(4) Every annuity charged by any such charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a feuduty.

(5) A charging order and all sums payable thereunder may be from time to time transferred in like manner as a bond and disposition in security and sums payable thereunder.

(6) Any owner of, or other person interested in, premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sums as may be agreed upon or, in default of agreement, determined by the Secretary of State.

30.—(1) Where a local authority have themselves incurred expenses—

- (a) under section 11(2) of this Act, in the execution of works, or
 (b) under section 22 of this Act, in the demolition of a building,

Power of local authority to make charging order in favour of themselves.

it shall be competent for them to make a charging order in favour of themselves in respect of such expenses, and the provisions of sections 28 and 29 of this Act shall, subject to any necessary modifications and to the provisions of subsection (2) of this section, apply to a charging order so made in like manner as they apply to a charging order made under the said section 28.

(2) A charging order made under subsection (1) of this section shall, in a case falling under paragraph (b) of that subsection, be made in relation to the site of the building demolished, including the area of any yard, garden or pertinent belonging to the building or usually enjoyed therewith.

PART II

Supplemental

Protection of
superiors and
owners.

31.—(1) If the superior of any lands and heritages gives notice to the local authority of his right of superiority, the authority shall give to him notice of any proceedings taken by them in pursuance of this Part of this Act in relation to the lands and heritages.

(2) Nothing in this Part of this Act shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any contract or obligation entered into by a tenant or lessee with reference to any house in respect of which an order is made, or a notice requiring the execution of works is served, by a local authority under this Part of this Act; and if any owner is obliged to take possession of any house in order to comply with any such order or notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which may have occurred before he so took possession.

Determination
whether house
can be rendered
fit at reason-
able expense.

32. In determining for the purposes of this Part of this Act whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.

Interpretation
of Part II.

33.—(1) In this Part of this Act (except sections 6 to 10, 28, 29 and 31)—

- (a) any reference to a house includes a reference to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been on the same site or on a site in the immediate vicinity for a period of two years before action is taken under any of the provisions of this Part of this Act (except the sections aforesaid);
- (b) any reference to a house, or to a building, includes a reference to premises occupied by agricultural workers notwithstanding that such premises are used for sleeping purposes only.

(2) For the purposes of this Part of this Act a crofter or a landholder shall be deemed to be the owner of any house on his croft or holding in respect of which he would, on the termination of his tenancy, be entitled to compensation under the Crofters (Scotland) Acts 1955 and 1961 or, as the case may be, the Small Landholders (Scotland) Acts 1886 to 1931, as for an improvement.

PART III

CLEARANCE

Clearance areas

34.—(1) Where a local authority, on consideration of an official representation or other information in their possession, are satisfied as respects any area in their district—

- Power of local authority to pass clearance resolution declaring area to be clearance area.
- (a) that the houses in that area or the greater part of those houses are unfit for human habitation, or are by reason of their bad arrangement or the narrowness or bad arrangement of the streets injurious or dangerous to the health of the inhabitants of the area ; and
 - (b) that the most satisfactory method of dealing with the said conditions is the demolition of all the buildings in the area ;

the local authority shall cause that area to be defined on a map and shall pass a resolution (in this Act referred to as a “clearance resolution”) declaring the area so defined to be a clearance area, that is to say, an area all the buildings in which are to be demolished in accordance with the provisions hereinafter contained.

(2) A clearance area shall not include the site of a building unless at least part of the building consists—

- (a) of houses which are unfit for human habitation or injurious or dangerous to health, or
- (b) of other premises which are injurious or dangerous to health.

(3) Before passing a clearance resolution, a local authority shall satisfy themselves—

- (a) that accommodation available for the persons who will be displaced by the demolition of buildings in the clearance area exists, or can be provided by the local authority in advance of the displacements which will from time to time become necessary as the demolition proceeds, and
- (b) that the resources of the local authority are sufficient for the purpose of carrying the resolution into effect.

(4) A local authority shall, on passing a clearance resolution, forthwith transmit to the Secretary of State a copy thereof, together with a statement of the number of persons who, on a day specified in the statement, being a day within two months immediately preceding the date of the resolution, were ordinarily occupying the buildings comprised in the clearance area.

PART III

Functions of local authority in relation to clearance area

Method of dealing with clearance area.

35.—(1) As soon as may be after a local authority have passed a clearance resolution, but subject always to the provisions of subsections (2) and (3) of this section, they shall proceed to secure the demolition of the buildings in the clearance area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

- (a) by ordering the demolition of buildings in the area ; or
- (b) by purchasing land within the area and themselves undertaking, or otherwise securing, the demolition of the buildings.

(2) A local authority who have passed a clearance resolution shall, before taking any action under that resolution which will necessitate the displacement of any persons, undertake to carry out such rehousing operations, if any, within such period as the Secretary of State may consider to be reasonably necessary.

(3) A local authority who have passed a clearance resolution shall not under paragraph (a) of subsection (1) of this section order the demolition of any houses or other premises in the clearance area which are properly included in the area only on the ground that by reason of their bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets they are injurious or dangerous to the health of the inhabitants of the area.

Clearance orders.

36.—(1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings within the area to be demolished, they shall make and submit to the Secretary of State, for confirmation by him, an order (in this Act referred to as a “clearance order”) ordering the demolition of each of those buildings.

(2) The provisions of Schedule 1 to this Act shall have effect with respect to the making, submission and confirmation of clearance orders, and the provisions of Schedule 2 to this Act shall have effect with respect to the validity and date of operation of such orders.

(3) When a clearance order has become operative, the owner of any building to which the order applies shall demolish that building before the expiration of three months from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of three months from the date on which it is vacated; and, if the building is not demolished before the expiration of that period, the local authority may enter and demolish the building and sell the materials thereof.

(4) Any expenses reasonably and necessarily incurred by a local authority under subsection (3) of this section, after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the building, and any surplus in the hands of the authority shall be paid by them to the owner of the building:

Provided that, where the building belongs to more than one owner, any sum recoverable or payable by the local authority under this subsection shall be recoverable from or payable to the several owners in such proportions as the owners may agree or, failing agreement, as shall be determined by an arbiter nominated by the owners or, failing such nomination, nominated on the application of the authority or any of the owners by the sheriff.

(5) The provisions of section 24 of this Act relating to the cleansing of houses and buildings from vermin shall have effect in relation to a building to which a clearance order applies as they have effect in relation to a house or building to which a demolition order applies, with the substitution, for the reference to the date on which the demolition order is made, of a reference to the date on which the clearance order is made, and for the reference to section 22(1) of this Act, of a reference to subsection (3) of this section.

(6) In the provisions of this Part of this Act relating to buildings included in an area to which a clearance order applies references to a building shall include references to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been on the same site or on a site in the immediate vicinity for a period of two years next before action is taken under those provisions.

37. Where a local authority determine to purchase any land comprised in an area declared by them to be a clearance area, they may purchase also—

Local authority may purchase land surrounded by or adjoining clearance area.

(a) any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions, and

(b) any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area.

38.—(1) The powers of acquiring land comprised in or surrounded by or adjoining a clearance area conferred on a local authority by this Part of this Act shall not be restricted by the fact that buildings within that area have been demolished since the area was declared to be a clearance area.

Provisions regarding acquisition of land by local authority.

PART III

(2) Where a local authority have determined to purchase under this Part of this Act land comprised in or surrounded by or adjoining a clearance area, they may purchase the land by agreement or they may be authorised to purchase the land compulsorily by a compulsory purchase order made and submitted to the Secretary of State and confirmed by him in accordance with the provisions of Schedule 3 to this Act.

(3) Subject to the provisions of this Part of this Act, any order authorising the compulsory purchase of land comprised in a clearance area shall be submitted to the Secretary of State within six months, and any order authorising the compulsory purchase of land surrounded by or adjoining a clearance area shall be submitted to the Secretary of State within twelve months, after the date of the clearance resolution or within such longer period as the Secretary of State may, in the circumstances of the particular case, allow.

(4) The provisions of Schedule 2 to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

Treatment of
land acquired
by local
authority.

39.—(1) A local authority who have under this Part of this Act purchased any land comprised in or surrounded by or adjoining a clearance area shall, as soon as may be, cause every building thereon to be vacated and shall deal with the land in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

(a) they shall, as soon as may be, demolish the buildings thereon and thereafter may sell or let the land subject to such restrictions and conditions, if any, as they think fit, or may, in accordance with the provisions of section 163 of the Local Government (Scotland) Act 1947, appropriate the land for any purpose for which they are authorised to acquire land ; or

(b) they shall, as soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and conditions, if any, as they think fit:

Provided that, instead of selling the land, the local authority may, where the owner of other land (being land which the authority have power to acquire) is willing to take the land in exchange for that other land, excamb it for that other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be excambed by the authority as have effect by virtue of this subsection as respects land sold thereunder.

1947 c. 43.

(2) For the purposes of this section, "sell" includes sell in consideration of a ground annual or other similar periodical payment. PART III

40.—(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, a local authority by whom an area has been declared (whether before or after the commencement of this Act) to be a clearance area may postpone for such period as may be determined by the authority without undue postponement of the clearance of the area the demolition of any building on land purchased by or belonging to the authority within that area, being a building which is, or which contains, a house which in the opinion of the authority, having regard to its existing condition and to the needs of the district with regard to the provision of further housing accommodation, must be continued in use as housing accommodation for the time being; and where the demolition of such a building is so postponed, the authority shall carry out such works as may in their opinion from time to time be required for rendering or keeping such house capable of being continued in use as housing accommodation pending its demolition. Power of local authority to retain unfit houses for temporary occupation.

(2) Where the demolition of any building in a clearance area is postponed under subsection (1) of this section, the local authority may also postpone the taking of any proceedings under section 35(1) of this Act in respect of any other building within that area; and the provisions of section 38(3) of this Act as to the time within which compulsory purchase orders may be submitted shall not apply to the purchase of any land in the area, on which there is a building in respect of which proceedings have been postponed under this subsection, or to the purchase of any land surrounded by or adjoining the area.

(3) In respect of any house retained by a local authority under this section for use for housing purposes, the authority shall have the like powers and duties as they have in respect of houses provided under Part VII of this Act.

41.—(1) A local authority may include in a clearance area any land belonging to them which they might have included in such an area if it had not belonged to them; and where any land belonging to a local authority is included in a clearance area, or where any land belonging to a local authority is surrounded by or adjoins a clearance area and might have been purchased by the authority under section 37 of this Act had it not been previously acquired by them, the provisions of this Act shall apply in relation to any such land as if it had been purchased compulsorily by the authority as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining the clearance area. Provisions with respect to land belonging to local authority.

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1925 c. 15.
1950 c. 34.

(2) Subsection (1) of this section shall not apply in the case of any land belonging to a local authority being dwellings which were acquired by them under any such Act or order as is mentioned in section 168 of this Act and in such circumstances that the provisions of paragraph 1 of Schedule 5 to the Housing (Scotland) Act 1925 or of paragraph 1 of Schedule 12 to the Housing (Scotland) Act 1950 or of paragraph 1 of Schedule 8 to this Act took effect in relation thereto.

Arrangements where acquisition of land in clearance area found to be unnecessary.

42. Where a local authority have submitted to the Secretary of State an order for the compulsory purchase of land in a clearance area and the Secretary of State, on an application for an authorisation under this section being made to him by the owner of the land and the authority, is satisfied—

- (a) that the said owner, with the concurrence of any person holding a heritable security over the land, agrees to the demolition of the buildings thereon, and
- (b) that the local authority can secure the proper clearance of the area without acquiring the land,

the Secretary of State may—

- (i) in a case where the order has not been confirmed, authorise the local authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry to be held ; or
- (ii) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the local authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such agreements have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of section 39 of this Act.

Power of local authority to purchase cleared land which owner has failed to redevelop.

43.—(1) Where land has been cleared of buildings in accordance with a clearance order, the local authority may, at any time after the expiration of eighteen months from the date on which the clearance order became operative, by resolution determine to purchase any part of that land which, at the date of the passing of their resolution, has not been or is not in process of being used for building purposes or otherwise developed by the owner thereof.

(2) Where a local authority have determined to purchase land under this section, they may purchase the land by agreement or they may be authorised to purchase the land compulsorily by a compulsory purchase order made and submitted to the Secretary of State and confirmed by him in accordance with the provisions of Schedule 3 to this Act.

(3) The provisions of Schedule 2 to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

(4) A local authority shall deal with any land purchased by them under this section by sale, letting or appropriation in accordance with the provisions of section 39 of this Act.

*General provisions as to land affected by provisions of
Part III*

44.—(1) Where an order under this Part of this Act authorises the acquisition of land forming part of a common or open space, the order, so far as it relates to the acquisition of such land, shall be subject to special parliamentary procedure except where the order provides for giving in exchange for such land other land, not being less in area, certified by the Secretary of State to be equally advantageous to the persons, if any, entitled to common or other rights and to the public. Commons and open spaces.

(2) Before giving any such certificate the Secretary of State shall give public notice of the proposed exchange and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such order authorises such an exchange, the order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts and incidents as attached to the common or open space, and for discharging the part of the common or open space acquired from all rights, trusts and incidents to which it was previously subject.

(4) Any inquiry required by this Act in connection with any such order as is mentioned in subsection (1) of this section shall, if the Secretary of State so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act 1936; 1936 c. 52. and where any direction is so given—

(a) it shall be deemed to have been given under section 2, as read with section 10, of the Statutory Orders (Special Procedure) Act 1945;

(b) paragraph 5 of Schedule 3 to this Act shall have effect as if for references to a public local inquiry and to the person who held the inquiry there were substituted

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respectively references to an inquiry by the said Commissioners and to those Commissioners.

(5) The publication of a notice in accordance with the provisions of paragraph 4 of Schedule 3 to this Act in connection with any such order as is mentioned in subsection (1) of this section shall be deemed to be a sufficient compliance with the requirements of the said Act of 1945 with respect to the giving of notice by advertisement.

Land in neighbourhood of royal palaces or parks.

45.—(1) Where any land proposed to be acquired under this Part of this Act is situated within the prescribed distance from any of the royal palaces or parks, the local authority shall communicate with the Minister of Public Building and Works, and the Secretary of State shall, before authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations he may have received from the Minister of Public Building and Works with reference to the proposal.

(2) For the purposes of this section “prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument after consultation with the Minister of Public Building and Works.

Saving for sites of ancient monuments, etc.

46. Nothing in this Part of this Act shall authorise the acquisition for the purposes of this Act of any land which is the site of an ancient monument or other object of archaeological interest.

Compensation in respect of land acquired compulsorily. 1963 c. 51.

47.—(1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963, subject to the following provisions of this section.

(2) In the case of the compulsory acquisition of a house which is specified in the compulsory purchase order as unfit for human habitation, being an acquisition in pursuance of a notice to treat served on or after 1st January 1955, such compensation shall not (except by virtue of paragraph 2 or paragraph 3 of Schedule 2 to the said Act of 1963) exceed the value, at the time when the valuation is made, of the site of the house as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.

(3) In the case of the compulsory acquisition of a house which is specified in the compulsory purchase order as unfit for

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human habitation, being an acquisition in pursuance of a notice to treat served before 1st January 1955, such compensation shall be the value, at the time when the valuation is made, of the site as a cleared site available for development as aforesaid.

(4) The references in subsections (2) and (3) of this section—

(a) to compensation are references to compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection ;

(b) to a notice to treat include references to a notice to treat which, under any enactment, is deemed to have been served, and references to the service of such a notice and to the date of service shall be construed accordingly.

(5) Subsections (2) to (4) of this section shall not have effect in the case of a house or other premises properly included in a clearance area only on the ground that, by reason of their bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, they are injurious or dangerous to the health of the inhabitants of the area.

(6) In the case of land purchased as aforesaid, other than land in respect of which the provisions of subsections (2) to (4) of this section have effect, the rules specified in Schedule 4 to this Act shall be observed.

48.—(1) Where in pursuance of a clearance order any premises (other than a house specified in the order as unfit for human habitation) are required by a local authority to be demolished by the owner, the authority shall pay to the owner by way of compensation in respect of the demolition a sum representing the difference between—

Compensation in respect of certain premises required to be demolished.

(a) the sum which would have been payable as compensation if the premises had been acquired by the local authority under a compulsory purchase order, and

(b) the sum which would have been so payable if the premises had been a house specified in a compulsory purchase order as unfit for human habitation.

(2) Subject to the provisions of subsection (1) of this section, the compensation payable under this section shall be assessed by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963, subject to the necessary modifications, as if it were compensation in respect of land compulsorily acquired by the local authority. 1963 c. 51.

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Payments in
respect of well-
maintained
houses.

49.—(1) Where as respects a house which either—

(a) is made the subject of a clearance order as being unfit for human habitation, or

(b) is made the subject of a compulsory purchase order under this Part of this Act as being so unfit,

the Secretary of State is satisfied, after causing the house to be inspected by one of his officers, that it has been well maintained, the Secretary of State may give directions for the making by the local authority of a payment under this section in respect of the house.

(2) A payment under this section shall be of an amount equal either—

(a) to the amount by which the aggregate expenditure which is shown to the satisfaction of the local authority to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to the rateable value of the house ; or

(b) to the rateable value of the house multiplied by the appropriate multiplier ;

whichever is the greater.

(3) In subsection (2) of this section—

(a) “ rateable value ” means the rateable value entered in the valuation roll last authenticated prior to the date on which the order was made ;

(b) “ the appropriate multiplier ” means—

(i) if at the date on which the order was made the house is occupied by an owner thereof and has been owned and occupied by him or by a member of his family continuously during the three years immediately before that date, seven and one-fifth or such other multiplier as may from time to time be prescribed ;

(ii) if at the said date the house is not so occupied, three and three-fifths or such other multiplier as may from time to time be prescribed.

In this subsection “ prescribed ” means prescribed by an order made by the Secretary of State by statutory instrument which shall be of no effect until it is approved by a resolution of each House of Parliament.

(4) A payment under this section shall be made—

(a) if the house is occupied by an owner thereof, to him ; or

(b) if the house is not so occupied, to the person or persons liable to maintain and repair the house, and, if more

than one person is so liable, in such shares as the local authority think equitable in the circumstances:

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Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

50.—(1) Subject to section 176(4) of this Act, where a local authority are by an order made and confirmed under this Part of this Act authorised to purchase land compulsorily for the purposes of this Part of this Act, then, at any time after notice to treat has been served, the authority may, after giving to the owner and occupier of the land not less than twenty-eight days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with the provisions of sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act 1845, but subject to payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if the said provisions had been complied with.

Local authority may take possession of land to be acquired or appropriated.

1845 c. 19.

(2) Where a local authority have agreed to purchase, or have determined to appropriate, land for the purposes of this Part of this Act, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after such agreement has been made, or such appropriation takes effect, the authority may, after giving to the person so in possession not less than twenty-eight days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the authority had been authorised to purchase the land compulsorily and that person had in pursuance of such power been required to give up possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act 1845.

51.—(1) A local authority may, with the approval of the Secretary of State, by order extinguish any public right of way over any land purchased by them under this Part of this Act or provide for the closing or diversion of any street in connection with the development of a clearance area.

Extinction of rights of way, servitudes, etc.

(2) An order made by a local authority under subsection (1) of this section shall be published in the prescribed manner, and

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if any objection thereto is made to the Secretary of State before the expiration of two months from the publication thereof, the Secretary of State shall not approve the order until he has caused a public local inquiry to be held into the matter.

(3) Where a local authority have resolved to purchase under this Part of this Act land over which a public right of way exists, it shall be lawful under the foregoing provisions of this section for the authority to make and for the Secretary of State to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order or as the Secretary of State in approving the order may direct.

(4) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any apparatus on, under or over that land, and all other rights or servitudes in or relating to that land, shall be extinguished, and any such apparatus shall vest in the authority; and any person who suffers loss by the extinction or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the authority compensation to be determined by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963:

1963 c. 51.

Provided that this subsection shall not apply to any right vested in public undertakers of laying down, erecting, continuing or maintaining any apparatus or to any apparatus belonging to public undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.

Provisions as to apparatus of public undertakers.

52.—(1) Where the removal or alteration of apparatus belonging to public undertakers on, under or over land purchased by a local authority under this Part of this Act or on, under or over a street running over or through or adjoining any such land is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by this Part of this Act, the authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

(2) A local authority who intend to remove or alter any apparatus under the powers conferred by subsection (1) of this section shall serve on the undertakers notice in writing of their intention, with particulars of the proposed works and of the manner in which they are to be executed and plans and sections

thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the authority—

- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid ; or
- (b) state requirements to which in their opinion effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers, or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary ;

and—

- (i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary ;
- (ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) A local authority shall make to public undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus.

Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to public undertakers or the execution of works for the provision of substituted apparatus whether permanent or temporary is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion or alteration of the level or width of a street by a local authority under powers exercisable by virtue of this Act, such undertakers may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

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(5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of the undertakers :

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the local authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

(6) Any difference arising between public undertakers and a local authority under subsection (5) of this section and any matter which is by virtue of the foregoing provisions of this section to be determined by arbitration shall—

- (a) in the case of a question arising under subsection (3) of this section be referred to and determined by the Lands Tribunal ;
- (b) in any other case be referred to and determined by an arbiter to be appointed, in default of agreement, by the Secretary of State.

(7) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

Supplemental

Protection of superior of, and holder of heritable security over, subjects included in clearance order or compulsory purchase order.

53.—(1) Before submitting to the Secretary of State for confirmation—

- (a) a clearance order, or
- (b) a compulsory purchase order for the purposes of this Part of this Act,

a local authority shall require the owner of any subjects to which the order relates to furnish a written statement specifying the name and address of the superior of, and of any person holding a heritable security over, those subjects.

(2) A local authority to whom the name and address of any person has been furnished in pursuance of subsection (1) of this section by the owner of any subjects shall serve on that person the like notice as they are required to serve on the owner.

(3) If any person fails to give to a local authority any information required by them under subsection (1) of this section

or knowingly makes any misstatement with reference thereto, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

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54. Any person who objects to—

- (a) a clearance order, or
- (b) a compulsory purchase order made under this Part of this Act,

Person opposing order may require Secretary of State to state reasons for deciding that building is unfit for human habitation.

on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation, and who appears at the public local inquiry in support of his objection, shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled on making a request in writing to be furnished by the Secretary of State with a statement in writing of his reasons for deciding that the building is so unfit.

55.—(1) The Secretary of State may make such order as he thinks fit in favour of any person, being—

- (a) an owner or lessee of any lands included in a clearance order or a compulsory purchase order made under this Part of this Act, or
- (b) a superior of, or the holder of any heritable security over, any such lands,

Expenses incurred in relation to orders by objectors and Secretary of State.

for the allowance of the reasonable expenses properly incurred by such person in opposing the clearance order or compulsory purchase order.

(2) All expenses incurred by the Secretary of State in relation to any such clearance order or compulsory purchase order as aforesaid, to such amount as the Secretary of State thinks proper to direct, and all expenses of any person to such amount as may be allowed to him by the Secretary of State in exercise of the power conferred by subsection (1) of this section, shall be deemed to be expenses incurred by the local authority under this Act, and shall be paid to the Secretary of State and to that person respectively in such manner and at such times, and either in one sum or by instalments, as the Secretary of State may order; and the Secretary of State may direct interest to be paid, at such rate not exceeding five pounds per cent per annum as he may determine, upon any sum for the time being due in respect of such expenses as aforesaid.

(3) Where any such order with respect to expenses is made by the Secretary of State in pursuance of this section, the Court of Session may, on the application of the Lord Advocate on

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behalf of the Secretary of State, or on the application of any person interested, interpose their authority to the order and grant decree conform thereto upon which execution and diligence may proceed in common form.

(4) Nothing in the foregoing provisions of this section shall have effect in relation to any compulsory purchase of land for the purposes of Part VII of this Act.

Demolition of obstructive buildings

Local authority may by resolution require demolition of obstructive building.

56.—(1) A local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than one month after the service of the notice) and place at which the question of demolishing the building will be considered by the authority.

(2) Where a local authority serve a notice under subsection (1) of this section on an owner of a building, they shall at the same time require him to furnish within two weeks thereafter a written statement specifying the name and address of the superior of whom such owner holds, and of any person holding a heritable security over the owner's interest in the building, and the authority shall as soon as may be after receipt of such statement serve on any person whose name is included therein notice of the time and place at which the question of demolishing the building will be considered.

(3) Any person on whom a notice is served in pursuance of the foregoing provisions of this section shall be entitled to be heard when the question of demolishing the building to which the notice relates is taken into consideration.

(4) If after so taking the matter into consideration the local authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may pass a resolution that the building or that part thereof shall be demolished and may, by such resolution, require that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the resolution becomes operative, and, if they do so, shall serve a copy of the resolution upon the owner or owners of the building.

(5) If any person fails to give to the local authority any information required by them under subsection (2) of this section or knowingly makes any misstatement with reference thereto, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(6) In this section the expression "obstructive building" means a building which, by reason only of its contact with, or proximity to, other buildings, is injurious or dangerous to health.

(7) This section shall not apply to a building which is the property of public undertakers, unless it is used for the purposes of a dwelling, showroom or office, or which is the property of a local authority.

57.—(1) If, before the expiration of the period within which a building in respect of which a resolution is passed by a local authority under section 56 of this Act is thereby required to be vacated, any owner or owners whose estate or interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the authority to carry out the demolition without having passed such a resolution as aforesaid, make to the authority an offer for the sale of that estate or interest, or of those estates or interests, to the authority at a price to be assessed, as if it were compensation for a compulsory purchase, by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963, subject to observance of the rules contained in Schedule 4 to this Act, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition. Effect of resolution for demolition of obstructive building.

1963 c. 51.

(2) If no such offer as is mentioned in subsection (1) of this section is made before the expiration of the said period, the local authority shall, as soon as may be thereafter, carry out the demolition and shall have the like right to sell the materials rendered available thereby as if they had purchased the building.

(3) Where the demolition of a building is carried out under subsection (2) of this section, compensation shall be paid by the local authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the authority, be assessed by the Lands Tribunal in accordance with the said Act of 1963, subject to observance of the rules contained in Schedule 4 to this Act, except that paragraphs (2) to (6) of section 12 of the said Act of 1963 shall not apply and that paragraph (1) of the said section 12 shall have effect with the substitution, for the reference to acquisition, of a reference to demolition.

(4) Sections 26, 27 and 31 of this Act shall have effect in relation to a resolution passed under section 56 of this Act and to a building or part of a building to which such a resolution applies—

(a) as they have effect in relation to a demolition order and to a building to which such an order applies, and

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- (b) as if the references therein to a demolition order included references to such a resolution as aforesaid and the references therein to Part II of this Act included references to section 56 of this Act and this section.

PART IV

COMPULSORY IMPROVEMENT OF DWELLINGS TO PROVIDE
STANDARD AMENITIES

Improvement areas

Declaration of
improvement
area.

58.—(1) If a local authority are satisfied that any area in their district contains dwellings lacking one or more of the standard amenities and that, of the dwellings in that area which are so lacking, at least one half—

- (a) are so constructed that it is practicable to improve them to the full standard or, in the case of an area every dwelling in which is comprised in a tenement, to one or other of the two standards (that is to say, the full standard and the reduced standard), and
- (b) will, after they have been improved to the full standard or, as the case may be, to the reduced standard, be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as dwellings for a period of not less than fifteen years,

the local authority may cause the area to be defined on a map and may pass a resolution declaring the area so defined to be an improvement area for the purposes of this Part of this Act.

(2) As soon as may be after the passing of a resolution under this section the local authority shall publish in one or more local newspapers circulating in the locality where the improvement area is situated a notice—

- (a) stating that the area has been declared an improvement area, giving sufficient particulars to identify the limits of the area, and naming a place where a copy of the resolution and of the map defining the area may be seen at all reasonable hours, and
- (b) setting out the effect of the provisions of this Part of this Act regarding the compulsory improvement of dwellings in an improvement area.

(3) After the declaration of an improvement area under this section it shall be the duty of the local authority to take such action under this Part of this Act as appears to them appropriate as respects the dwellings in the improvement area.

Improvement of dwellings, other than dwellings comprised in tenements, in improvement areas PART IV

59.—(1) At any time after publication of a notice of the declaration of an improvement area as required by section 58(2) of this Act the local authority, if satisfied that a dwelling in the improvement area—

Preliminary notice of local authority's proposals for improvement of dwelling.

- (a) is for the time being occupied by a tenant, and
- (b) is without one or more of the standard amenities but is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and
- (c) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

may serve a notice (in this Part of this Act referred to as a "preliminary notice") on the person having control of the dwelling.

(2) The preliminary notice shall—

- (a) specify the works which in the opinion of the local authority are required for the dwelling to be improved to the full standard or, as the case may be, to the reduced standard, and include an estimate of the cost of carrying out those works, and
- (b) state the date (being a date not less than twenty-one days after service of the preliminary notice) and time and place at which the future use of the dwelling, the local authority's proposals for the carrying out of the works, any alternative proposals, and the views and interests of the tenant and any other matters may be discussed.

(3) The local authority shall, not less than twenty-one days before the date so stated in the preliminary notice, in addition to serving the notice on the person having control of the dwelling, serve a copy of the notice on the tenant of the dwelling and on every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling; and the person having control of the dwelling, and every owner or lessee of the dwelling, and every person holding a heritable security over the dwelling, shall be entitled to be heard when the authority's proposals are discussed in accordance with the notice.

(4) A preliminary notice shall not be served under this section in respect of a dwelling comprised in a tenement.

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Improvement
notices.

60.—(1) After the service of a preliminary notice, the local authority shall take into consideration all representations made on or before the occasion when their proposals with respect to the dwelling are discussed in accordance with the preliminary notice and, in particular, any representations with respect to the nature of the works proposed by the authority for improving the dwelling.

(2) At any time after the occasion when the local authority's proposals are so discussed, but not more than two years (or such other period as may be prescribed) after the passing of the resolution declaring the area to be an improvement area, the authority may, if satisfied that the dwelling still falls within paragraphs (a), (b) and (c) of section 59(1) of this Act, serve a notice (in this Part of this Act referred to as an "improvement notice") on the person having control of the dwelling.

(3) The improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard.

(4) The works specified in the improvement notice may be different from the works specified in the preliminary notice but shall not require the improvement of a dwelling to the full standard or, as the case may be, to the reduced standard if the preliminary notice provided for the improvement of the dwelling to the other of the two standards.

(5) In addition to serving the improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on the tenant of the dwelling and on every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling.

(6) As soon as practicable after service of the improvement notice the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

Immediate
improvement
notices.

61.—(1) If when an improvement notice is served under section 60 of this Act on the person having control of a dwelling the local authority have received from the person who is then the tenant occupying the dwelling his consent to the improvement of the dwelling to the standard provided in the preliminary notice, the authority shall in the improvement notice require the person having control of the dwelling to carry out the works specified in the improvement notice within twelve months (or such other period as may be prescribed) from the date when

the improvement notice becomes operative or such longer period as the authority by permission given in writing may from time to time allow.

(2) The tenant's consent must be in writing, signed by him, and shall be irrevocable.

(3) An improvement notice to which this section applies is referred to in this Part of this Act as an "immediate improvement notice".

62.—(1) If in the case of an improvement notice served under section 60 of this Act the provisions of section 61 of this Act do not apply, the said notice shall be in the form required by this section and is referred to in this Part of this Act as a "suspended improvement notice".

Suspended
improvement
notices.

(2) The suspended improvement notice shall refer to the provisions of this section and of sections 63 and 64 of this Act, and shall indicate that in the circumstances specified in this section and in section 65 of this Act the local authority propose to exercise the powers conferred on them by this Part of this Act with a view to requiring the person having control of the dwelling to carry out the works specified in the suspended improvement notice.

(3) If at any time after the service of the suspended improvement notice on the person having control of the dwelling—

- (a) the local authority are satisfied that there has been a change in the occupation of the dwelling since the suspended improvement notice was so served, or
- (b) the local authority have received from a person who at that time is occupying the dwelling as a tenant his consent to the improvement of the dwelling to the standard required in the suspended improvement notice,

and the local authority are satisfied that the dwelling—

- (i) is still without one or more of the standard amenities but is capable of improvement at reasonable expense to the standard required in the suspended improvement notice, and
- (ii) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

the local authority shall serve on the person having control of the dwelling a copy of the suspended improvement notice

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together with a further notice (in this Part of this Act referred to as a "final improvement notice") requiring the person having control of the dwelling to carry out the works specified in the suspended improvement notice within twelve months (or such other period as may be prescribed) from the date when the final improvement notice becomes operative or within such longer period as the authority may by permission given in writing from time to time allow.

The tenant's consent given for the purposes of this subsection must be in writing, signed by him, and shall be irrevocable.

(4) In addition to serving the final improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the suspended improvement notice and of the final improvement notice on the occupier of the dwelling and on every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling.

(5) For the purposes of this section and of section 63 of this Act there is a change in the occupation of a dwelling when the person who was occupying the dwelling when the suspended improvement notice was served on the person having control of the dwelling ceases to occupy the dwelling, except that there is no change in the occupation of a dwelling occupied by a tenant if, on his ceasing to occupy the dwelling, it is occupied by a member of his family who was residing with him immediately before he ceased to occupy the dwelling.

Duty to report change in occupation of dwelling subject to suspended improvement notice.

63.—(1) If at any time after the service of a suspended improvement notice on the person having control of a dwelling, but before the service of a final improvement notice in respect of that dwelling, and before the expiration of a period of five years from the declaration of the area as an improvement area, there is a change in the occupation of the dwelling, it shall be the duty of the person who is for the time being the person having control of the dwelling to inform the local authority by notice in writing of that fact and of the time when it occurred.

(2) If the local authority have not received a notice required under subsection (1) of this section within six weeks from the time when the change in the occupation of the dwelling took place, any person who was a person having control of the dwelling when the change took place and who knowingly failed to comply with that requirement shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

1954 c. 48.

(3) Notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954 (time limit for proceedings)

proceedings for an offence under this section may be brought at any time within six months from the date when evidence of the offence came to the knowledge of the local authority or within three years from the commission of the offence, whichever is the earlier.

A certificate stating the date when evidence of an offence under this section came to the knowledge of the local authority, and purporting to be signed by an officer of the authority, shall be sufficient evidence of the facts stated in the certificate in any proceedings for an offence under this section.

(4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person 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.

64.—(1) The local authority shall withdraw a suspended improvement notice— Withdrawal
of suspended
improvement
notice.

- (a) if at any time before service of the final improvement notice they consider that the dwelling no longer falls within paragraph (i), or no longer falls within paragraph (ii), of section 62(3) of this Act, or
- (b) if they are satisfied that a tenant for the time being occupying the dwelling has become an owner of the dwelling, or that on the coming to an end of the tenancy of a person who was occupying the dwelling, a member of his family who was residing with him immediately before the end of the tenancy has become an owner of the dwelling.

(2) The withdrawal of the suspended improvement notice shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of the withdrawal notice on the occupier of the dwelling (if different from the person having control of the dwelling) and on every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling.

(3) As soon as practicable after service of the withdrawal notice the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

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Suspended
improvement
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after 5 years.

65.—(1) No obligation to serve a final improvement notice shall arise under section 62 of this Act after the date when the period of five years from the declaration of the area as an improvement area expires, but in the period of six months (or such other period as may be prescribed) from that date the local authority may, subject to this section, proceed under the said section 62 to serve a final improvement notice irrespective of whether or not either of the conditions set out in paragraph (a) and paragraph (b) of subsection (3) of that section is fulfilled; and if, when that further period from the said date expires, there is any suspended improvement notice in connection with which no final improvement notice has been served, that suspended improvement notice shall cease to have effect.

(2) If neither of the said conditions is fulfilled, the local authority shall afford to the person, if any, who is occupying the dwelling as a tenant a reasonable opportunity of making an application in writing to the authority before the time when they serve the final improvement notice with a request to the authority to provide the tenant with suitable alternative accommodation; and if the tenant duly makes the application and the authority proceed to serve a final improvement notice, it shall be the duty of the authority to offer, or arrange for some other authority or person to offer, suitable alternative accommodation to the tenant, so as to afford to the tenant a reasonable opportunity of taking up that alternative accommodation.

(3) Within six weeks of service of a copy of the final improvement notice on the tenant in accordance with section 62(4) of this Act, the tenant may appeal to the sheriff on the ground that the local authority have not complied with their obligations under subsection (2) of this section, and on the appeal the sheriff shall, if satisfied that the authority have not complied with those obligations, order that the final improvement notice shall not become operative unless, within twelve months (or such other period as may be prescribed) from the hearing of the appeal, the authority satisfy the sheriff that they have complied with those obligations.

(4) If the local authority have not so satisfied the sheriff, they shall at the end of the said period from the hearing of the appeal withdraw the final improvement notice.

(5) The withdrawal of the final improvement notice under subsection (4) of this section shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of the withdrawal notice on the occupier of the dwelling and on every person who is to the knowledge of the authority an owner or lessee of

the dwelling or a person holding a heritable security over the dwelling.

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(6) As soon as practicable after service of the withdrawal notice the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

(7) If an appeal is brought under subsection (3) of this section it shall be the duty of the local authority, when served with notice of the appeal, to inform the person having control of the dwelling, and every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling, of the bringing of the appeal and to draw their attention to the provisions of subsections (3) to (5) of this section and the effect which they may have on the final improvement notice.

Improvement of dwellings comprised in tenements in improvement areas

66.—(1) At any time within two years (or such other period as may be prescribed) after the passing by a local authority of a resolution declaring an area in their district to be an improvement area the authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area—

Immediate improvement notices in respect of dwellings in tenements in improvement areas.

- (a) is without one or more of the standard amenities but is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and
- (b) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

serve a notice (in this Part of this Act referred to as an "immediate improvement notice") on the person having control of the dwelling.

(2) The immediate improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard and the period, being twelve months (or such other period as may be prescribed) from the date when the immediate improvement notice becomes operative or such longer period as the authority by permission given in writing may from time to time allow, within which the works are to be carried out.

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(3) In addition to serving the immediate improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on every other person who is to the knowledge of the authority an owner of the dwelling and on the tenant (if any) of the dwelling.

(4) If at any time after the service of the immediate improvement notice the local authority consider that the dwelling no longer falls within paragraph (a), or no longer falls within paragraph (b), of subsection (1) of this section, they shall withdraw the said notice.

(5) The withdrawal of the immediate improvement notice shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall at the same time serve a copy of the withdrawal notice on every other person who is to the knowledge of the authority an owner of the dwelling and on the tenant (if any) of the dwelling.

(6) As soon as practicable after service of an immediate improvement notice or a withdrawal notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that such notice has been served as aforesaid.

Local authority may acquire dwellings, etc., in tenements in improvement areas.

67.—(1) Subject to the provisions of this section, at any time after the passing by a local authority of a resolution declaring an area in their district to be an improvement area the authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area falls within paragraph (a) and paragraph (b) of section 66(1) of this Act, and whether or not they have served an immediate improvement notice in respect of the dwelling under that section, acquire—

(a) the dwelling, if in the opinion of the local authority it is unlikely that it will be improved to the full or, as the case may be, to the reduced standard unless it is acquired by them ;

(b) any other part of the tenement in which the dwelling is comprised, if—

(i) the local authority, in satisfying themselves that the dwelling falls within paragraph (a) of the said section 66(1), have formed the opinion that it is capable of improvement at reasonable expense to the full or, as the case may be, to the reduced standard only if the said part is used or made available, wholly or partly, for the purposes of such improvement, and

(ii) in the opinion of the authority it is unlikely that the said part will be used or made available as aforesaid unless it is acquired by them.

In this subsection the references to a part of a tenement include references to any yard, garden, outhouses, pertinents or rights pertaining to any estate or interest in the tenement or any part thereof or usually enjoyed along with that estate or interest.

(2) The provisions of sections 143 to 145 of this Act shall apply in relation to the acquisition of land under subsection (1) of this section and to land acquired under that subsection as if such acquisition were for the purposes of Part VII of this Act:

Provided that a compulsory purchase order shall not be made by a local authority by virtue of section 143 of this Act as applied by this subsection after the expiry of two years (or such other period as may be prescribed) from the passing by the authority of the resolution declaring the area in which the land proposed to be acquired is situated to be an improvement area.

(3) Where a local authority acquire a dwelling under subsection (1)(a) of this section, they shall execute, or secure the execution of, such works on that dwelling as are necessary to improve the dwelling to the full or, as the case may be, to the reduced standard; and a local authority shall secure that, so far as is necessary, any subjects acquired by them under subsection (1)(b) of this section are used or made available for the improvement of the dwelling in connection with the improvement of which they were acquired.

Improvement of dwellings outside improvement areas

68.—(1) A tenant occupying a dwelling which is not in an improvement area and which is without one or more of the standard amenities may make representations in writing to the local authority with a view to the exercise by the authority of their powers under this section. Dwellings outside improvement areas.

(2) The local authority shall notify the person having control of the dwelling of any representations so made.

(3) If on taking the representations into consideration the local authority are satisfied—

- (a) that the person making the representations is a tenant who is occupying the dwelling, and
- (b) that the dwelling is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and

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- (c) that, having regard to all the circumstances, the dwelling ought to be improved to the full standard or, as the case may be, to the reduced standard, and that it is unlikely that it will be so improved unless the authority exercise their powers under this section, and
- (d) that the dwelling after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

the local authority may serve a preliminary notice (that is to say, a notice containing the particulars to be contained in a preliminary notice in terms of paragraphs (a) and (b) of section 59(2) of this Act) on the person having control of the dwelling.

(4) In addition to serving the preliminary notice on the person having control of the dwelling, the local authority shall serve a copy of the notice on the tenant of the dwelling and on every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling; and the person having control of the dwelling, and every owner or lessee of the dwelling, and every person holding a heritable security over the dwelling, shall be entitled to be heard when the authority's proposals are discussed in accordance with the notice.

(5) If the local authority decide not to serve a preliminary notice under subsection (3) of this section they shall notify the tenant of the dwelling of their decision and, if the tenant so requests, shall give him a written statement setting out their reasons for making their decision.

(6) After the service of the preliminary notice, the local authority shall take into consideration all representations made on or before the occasion when their proposals with respect to the dwelling are discussed in accordance with the preliminary notice and, in particular, any representations with respect to the nature of the works proposed by the authority for improving the dwelling; and at any time after the occasion when the authority's proposals are so discussed, but not more than two years (or such other period as may be prescribed) after the date when the representations made under subsection (1) of this section were received by them, the authority may, if satisfied that the dwelling still falls within paragraphs (b), (c) and (d) of subsection (3) of this section, serve a notice (in this Part of this Act referred to as an "immediate improvement notice") on the person having control of the dwelling.

(7) The immediate improvement notice shall specify the works which in the opinion of the local authority are required

to improve the dwelling to the full standard or, as the case may be, to the reduced standard, and shall require the person having control of the dwelling to carry out the works so specified within twelve months (or such other period as may be prescribed) from the date when the improvement notice becomes operative or such longer period as the authority by permission given in writing may from time to time allow:

Provided that where the immediate improvement notice requires the improvement of the dwelling to the reduced standard, it may, at the discretion of the local authority, require the works specified therein to be carried out within a period of less than twelve months from the said date.

(8) The works specified in the immediate improvement notice may be different from the works specified in the preliminary notice, and the improvement notice may require the improvement of the dwelling to the full standard or, as the case may be, to the reduced standard notwithstanding that the preliminary notice provided for the improvement of the dwelling to the other of the two standards.

(9) In addition to serving the immediate improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on the tenant of the dwelling and on every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling.

(10) As soon as practicable after service of the immediate improvement notice the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

(11) The power of serving a preliminary notice under this section, and of taking any further steps authorised under this Part of this Act, may be exercised by the local authority notwithstanding that the tenant who made representations under this section quits the dwelling and notwithstanding that after the tenant has made those representations the authority pass a resolution declaring an area which comprises the dwelling to be an improvement area.

Acceptance of undertakings

69.—(1) The local authority may at any time before an improvement notice has been served under this Part of this Act in respect of a dwelling which is without one or more of the standard amenities accept from the person having control of the dwelling, or from any other person having an estate or interest in the dwelling, an undertaking in writing to improve the dwelling to the full standard or, if in the opinion of the

Acceptance of undertakings to carry out works.

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authority it is not capable of improvement at reasonable expense to the full standard, to the reduced standard.

(2) The undertaking shall specify the works agreed to be carried out and the period within which they are to be carried out.

(3) If the local authority have accepted an undertaking under this section as respects a dwelling, they shall not serve an improvement notice under this Part of this Act as respects that dwelling—

- (a) unless any of the works specified in that undertaking are not carried out within the period so specified, or within such longer period as the local authority may by permission in writing have allowed, or
- (b) unless the local authority are satisfied that, owing to a change of circumstances since the undertaking was accepted by them, the undertaking is unlikely to be fulfilled.

(4) An improvement notice as respects a dwelling in relation to which the local authority have accepted an undertaking under this section may, notwithstanding the limitation in section 60(2) or section 66(1) or section 68(6) of this Act, be served at any time within two years (or such other period as may be prescribed) from the end of the period specified in the undertaking or, if the authority have allowed a longer period, from the end of that longer period.

(5) Before accepting an undertaking under this section, the local authority shall satisfy themselves that the person giving the undertaking has a right to carry out the works specified in the undertaking as against all other persons interested in the dwelling, except so far as, under subsection (1) or subsection (2) of section 82 of this Act, he may be enabled to carry out those works without the requisite consent; and if the dwelling is for the time being occupied by a tenant there must be incorporated in the undertaking the tenant's written consent, signed by him, to the carrying out of the works specified in the undertaking.

(6) The local authority shall discharge an undertaking if at any time they consider that the dwelling no longer falls within paragraph (b), or no longer falls within paragraph (c), of section 59(1) of this Act (or the corresponding provision of section 68 of this Act), and may discharge an undertaking under this section in any other case.

(7) The discharge of the undertaking shall be effected by serving notice of the discharge on the person who gave the undertaking, and the local authority shall serve a copy of the notice on the occupier of the dwelling (if different from that person) and on every other person who is to the knowledge of

the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling. PART IV

70.—(1) Where an immediate improvement notice has been served under section 66 of this Act in respect of a dwelling comprised in a tenement, the person having control of the dwelling or any person on whom a copy of the said notice has been served under subsection (3) of the said section may give to the local authority, within a period of twenty-one days from the date of service of the notice or such longer period therefrom as the authority may, either during or after the expiry of the twenty-one days, determine to be appropriate, an undertaking in writing that he will within such period as may be specified in the undertaking carry out such works for the improvement of the dwelling as may be so specified, and if an undertaking is given as aforesaid the authority shall as soon as may be either—

Acceptance of undertaking to carry out works on dwelling in tenement where improvement notice already served.

- (a) accept the undertaking and make an order (in this Part of this Act referred to as a “suspension order”) suspending the notice and any other immediate improvement notice which in the opinion of the local authority ought to be suspended in consequence of their acceptance of the undertaking; or
- (b) reject the undertaking and serve on the person who gave the undertaking notice that they have done so.

(2) A local authority shall not accept an undertaking given under this section if—

- (a) the undertaking proposes improvement of the dwelling to the reduced standard and, in the opinion of the local authority, the dwelling is capable of improvement at reasonable expense to the full standard, or
- (b) the fulfilment of the undertaking will render necessary the rehousing of any of the occupants of dwellings in the tenement, unless the local authority are satisfied that suitable alternative accommodation is available or can be provided for any occupant who will require to be rehoused.

(3) Before accepting an undertaking under this section, the local authority shall satisfy themselves that the person giving the undertaking has a right to carry out the works specified in the undertaking as against all other persons interested in the dwelling, except so far as, under subsection (1) or subsection (2) of section 82 of this Act, he may be enabled to carry out those works without the requisite consent.

(4) Where a local authority have accepted an undertaking under this section, then if within the period specified in the undertaking, or such longer period as the authority may by

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permission in writing have allowed, and before all the works so specified are carried out, the authority are satisfied that, owing to a change of circumstances since the undertaking was accepted by them, the undertaking is unlikely to be fulfilled, they shall revoke the relevant suspension order made by them under subsection (1)(a) of this section.

(5) The local authority shall discharge an undertaking if they consider that the dwelling no longer falls within paragraph (a), or no longer falls within paragraph (b), of section 66(1) of this Act, and may discharge an undertaking under this section in any other case; and where an undertaking is discharged under this subsection the authority shall withdraw the immediate improvement notice in connection with which the undertaking was given.

(6) The discharge of the undertaking and withdrawal of the related immediate improvement notice shall be effected by serving notice of the discharge and withdrawal on the person who gave the undertaking and on the person having control of the dwelling, and the local authority shall at the same time serve a copy of the last-mentioned notice on every other person who is to the knowledge of the authority an owner of the dwelling and on the tenant (if any) of the dwelling.

(7) As soon as practicable after the service of a notice under subsection (6) of this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

General provisions as to improvement notices and undertakings

General provisions as to improvement notices.

71.—(1) Any improvement notice shall—

- (a) where no appeal is brought against it under section 72 or section 73 of this Act, become operative on the expiration of six weeks from the date of the service of the improvement notice on the person having control of the dwelling;
- (b) where an appeal is brought against it as aforesaid—
 - (i) if and so far as it is confirmed by the sheriff, become operative on the final determination of the appeal;
 - (ii) if, in the case of an immediate improvement notice served under section 66 of this Act, it is suspended by the sheriff under section 73(3) of this Act, become operative on the suspension ceasing to have effect in terms of the said section 73(3).

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(2) For the purposes of subsection (1) of this section—

(a) any period after the service of an immediate improvement notice under section 66 of this Act and while an undertaking given under section 70 of this Act is under consideration, and any period while a suspension order under subsection (1)(a) of the said section 70 is in force, shall be left out of account in reckoning, in relation to the said improvement notice, the period of six weeks referred to in subsection (1)(a) of this section ;

(b) the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the improvement notice appealed against.

(3) An improvement notice shall, subject to the right of appeal conferred by sections 72 and 73 of this Act, be final and conclusive as to any matters which could be raised on any such appeal.

(4) Without prejudice to the provisions of this Part of this Act making it the duty of a local authority to withdraw an improvement notice in specified circumstances, the authority may, if they think fit, at any time withdraw any improvement notice, including a final improvement notice served in connection with a suspended improvement notice.

(5) The withdrawal of an improvement notice shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of the withdrawal notice on the occupier of the dwelling (if different from the person having control of the dwelling) and on every person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling.

(6) As soon as practicable after service of a withdrawal notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.

72.—(1) Within six weeks from the service on the person having control of any dwelling of an improvement notice, any such person or any other person having an estate or interest in the dwelling, other than a person whose only estate or interest is as a tenant occupying the dwelling, may appeal to the sheriff against the improvement notice. Appeals against improvement notices.

(2) Any period after the service of an immediate improvement notice under section 66 of this Act and while an undertaking given under section 70 of this Act is under consideration, and any period while a suspension order under subsection

PART IV (1)(a) of the said section 70 is in force, shall be left out of account in reckoning, in relation to the said improvement notice, the period of six weeks referred to in subsection (1) of this section.

(3) The grounds of the appeal may be all or any of the following, that is to say—

- (a) that it is not practicable to comply with the requirements of the improvement notice at reasonable expense, regard being had to the estimated cost of the works and the value which it is estimated that the dwelling will have when the works are completed ;
- (b) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works specified in the notice are otherwise unreasonable in character or extent ;
- (c) that the dwelling is not, or is no longer, without one or more of the standard amenities, or that the dwelling after being improved would not be in such condition as to be fit for human habitation, and likely, subject to normal maintenance, to remain in that condition and available for use as living accommodation for a period of not less than fifteen years ;
- (d) that some person other than the appellant will, as the holder of an estate or interest in the dwelling, derive a benefit from the execution of the works and that that other person ought to pay the whole or part of the cost of the execution of the works ;
- (e) that the improvement notice is invalid on the ground that any requirement of this Act has not been complied with or on the ground of some informality, defect or error in or in connection with the improvement notice.

(4) In so far as an appeal under this section is based on the ground that the improvement notice is invalid, the sheriff shall confirm the improvement notice unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.

(5) No appeal shall be brought against a final improvement notice on any ground which is a ground on which an appeal was brought, or might have been brought, against the suspended improvement notice to which the final improvement notice relates, except so far as that ground depends on an alteration in the dwelling or the building of which the dwelling forms part, or on some other change in circumstances, which has taken place since the service of the suspended improvement notice.

(6) On any appeal under this section the sheriff may, subject to subsection (8) of this section, make such order either confirming or quashing or varying the improvement notice as he

thinks fit but not, in the case of an immediate improvement notice or a final improvement notice, so as to extend the period within which the works are to be carried out.

(7) On any appeal under this section the sheriff may, if he thinks fit, accept from an appellant or any other party to the proceedings an undertaking to carry out the works specified in the improvement notice, or any such works as might have been so specified if the sheriff had exercised his jurisdiction to vary the improvement notice; and any undertaking accepted by the sheriff shall have the same effect as if it had been given to and accepted by the local authority under this Part of this Act, and had not been given to the sheriff.

(8) Where in pursuance of subsection (7) of this section the sheriff accepts an undertaking to carry out works on a dwelling in respect of which an immediate improvement notice has been served under section 66 of this Act, he shall direct the local authority to make an order (in this Part of this Act referred to as a "suspension order") suspending the immediate improvement notice appealed against and any other immediate improvement notice which in the opinion of the sheriff ought to be suspended in consequence of his acceptance of the undertaking; and for the purposes of this Part of this Act a suspension order made by a local authority in compliance with a direction of the sheriff given under this subsection shall be deemed to have been made by them under section 70(1)(a) of this Act.

(9) An improvement notice shall not be varied on an appeal under this section—

- (a) so as to require the carrying out of works to improve a dwelling to the full standard if the works specified in the improvement notice appealed against were works to improve the dwelling to the reduced standard, or
- (b) so as to require the carrying out of works to improve a dwelling to the reduced standard if the works specified in the improvement notice appealed against were works to improve the dwelling to the full standard.

(10) Where the grounds on which an appeal under this section is brought include the grounds specified in subsection (3)(d) of this section, the sheriff may on the hearing of the appeal make such order as he thinks fit with respect to the payment to be made by that other person to the appellant or, where the works are carried out by the local authority, to the authority.

(11) If an improvement notice is quashed on an appeal under this section the sheriff may, if he thinks fit, and subject to compliance by the local authority with such terms and conditions as the sheriff thinks fit to impose, extend the time within which, under section 60(2) or section 66(1) or section 68(6) of this Act, as the case may be, the authority may serve a further improvement notice in respect of the dwelling.

PART IV

(12) Where an improvement notice is quashed on an appeal under this section the local authority shall as soon as practicable thereafter cause to be recorded in the General Register of Sasines a notice stating that the improvement notice has been quashed as aforesaid.

Appeal
against
improvement
notice under
s. 66 by
occupying
tenant.

73.—(1) Notwithstanding the provisions of section 72(1) of this Act, a tenant occupying a dwelling in respect of which an immediate improvement notice has been served under section 66 of this Act may, within six weeks from the service of the improvement notice, appeal to the sheriff under this section against the improvement notice on the ground that the carrying out of the works specified in the improvement notice will cause unreasonable hardship to him or to any member of his family residing with him, regard being had to the age, health and any infirmity of the tenant or any such member.

(2) Any period after the service of an immediate improvement notice under section 66 of this Act and while an undertaking given under section 70 of this Act is under consideration, and any period while a suspension order under subsection (1)(a) of the said section 70 is in force, shall be left out of account in reckoning, in relation to the said improvement notice, the period of six weeks referred to in subsection (1) of this section.

(3) On any appeal under this section the sheriff may either confirm or suspend the immediate improvement notice as he thinks fit, and any such suspension shall cease to have effect when there is a change in the occupation of the dwelling.

(4) For the purposes of subsection (3) of this section there is a change in the occupation of a dwelling when the tenant who was occupying the dwelling when the immediate improvement notice was suspended by the sheriff ceases to occupy the dwelling, except that there is no change in the occupation of the dwelling if, on the tenant ceasing to occupy the dwelling, it is occupied by a member of his family who was residing with him immediately before he ceased to occupy the dwelling.

Duty of local
authority to
offer loans to
meet expenses
of improve-
ment.

74.—(1) Any person who is liable to incur expenditure in complying with an immediate improvement notice or a final improvement notice served, or an undertaking accepted, under this Part of this Act, or who is liable to make a payment as directed by the sheriff under section 72(10) of this Act, may apply to the local authority for a loan.

(2) Subject to this section, if the local authority are satisfied that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of the amount of the expenditure or payment to which the application relates, the authority shall offer to make

a loan of that amount to the applicant, the loan to be secured to the authority by a bond and disposition in security of the premises consisting of or comprising the dwelling, or by a bond and assignation in security of a lease of those premises, or by a bond and such other deed of security over the applicant's estate or interest in the said premises as may be agreed between the authority and the applicant.

(3) Subject to this section, if the local authority are not so satisfied, but consider that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of a smaller amount, the authority may, if they think fit, offer to make a loan of that smaller amount to the applicant, the loan to be secured as mentioned in subsection (2) of this section.

(4) Any offer made by the local authority under this section shall contain a condition to the effect that, if a standard grant or an improvement grant becomes payable under section 19 of the House Purchase and Housing Act 1959 or section 111 of the Housing (Scotland) Act 1950 in respect of the expenditure or payment to which the application under this section relates, the authority shall not be required to lend a sum greater than the amount of the expenditure or payment to which the application relates after deduction of the amount of the standard grant or, as the case may be, of the improvement grant. 1959 c. 33. 1950 c. 34.

(5) The local authority shall not make an offer under the foregoing provisions of this section unless they are satisfied—

- (a) that the applicant's estate or interest in the said premises amounts to ownership or a lease for a period which will not expire before the date for final repayment of the loan, and
- (b) that, according to a valuation made on behalf of the local authority, the amount of the principal of the loan does not exceed the value which it is estimated the subjects comprised in the security will bear after improvement of the dwelling or dwellings to the full or, as the case may be, the reduced standard.

(6) The rate of interest payable on a loan under this section shall be such as the Secretary of State may direct either generally or in any particular case, and the Secretary of State may, if he thinks fit, give directions, either generally or in any particular case, as to the time within which a loan under this section, or any part of such a loan, is to be repaid.

(7) Subject to the foregoing provisions of this section, the loan offered by the local authority under this section shall be subject to such reasonable terms as the authority may specify in their offer.

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1950 c. 34.

(8) The local authority's offer may in particular include any such terms as are described in section 75(3)(c) of the Housing (Scotland) Act 1950 (repayment of principal and interest) and provision for the advance being made by instalments from time to time as the works of improvement progress.

(9) An application under this section must be made in writing within three months of the date when the improvement notice becomes operative or the undertaking is accepted or the payment is to be made as directed by the sheriff, as the case may be, or such longer period as the local authority by permission given in writing may allow.

(10) References in this section to the dwelling are references to the dwelling to which the improvement notice or undertaking relates or in respect of which the payment is to be made.

(11) Where a standard grant or an improvement grant is payable partly in respect of expenditure or a payment to which the application under this section relates, and partly in respect of other expenditure or another payment, the reference in subsection (4) of this section to a standard grant or an improvement grant shall be taken as a reference to the part of the standard grant or improvement grant which in the opinion of the local authority is attributable to the expenditure or payment to which the application under this section relates.

Enforcement of improvement notices and undertakings to carry out works.

75.—(1) If the works to be carried out in compliance with an immediate improvement notice or a final improvement notice (as read with the suspended improvement notice), or an undertaking accepted under this Part of this Act, have not been carried out in whole or in part within the period specified in the notice or undertaking, or within any further period which the local authority have by permission given in writing allowed, the authority may themselves do the work which has not been completed.

(2) If before the expiration of the period mentioned in subsection (1) of this section the person who is for the time being the person having control of the dwelling or who is bound by the undertaking notifies the local authority in writing that he does not intend or is unable to do the work in question, the authority may, if they think fit, do the work before the expiration of the said period.

(3) Not less than twenty-one days before beginning to do the work, the local authority shall serve notice of their intention on the occupier of the dwelling, on the person having control of the dwelling and on every other person who is to the knowledge of the authority an owner or lessee of the dwelling or a person holding a heritable security over the dwelling.

76.—(1) Sections 11(3) and 12 of this Act shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them under section 75 of this Act in carrying out works in pursuance of that section as they apply for the purpose of enabling a local authority to recover expenses incurred by them in executing works on an insanitary house, so, however, that the person from whom expenses incurred by a local authority in carrying out works in pursuance of the said section 75 may be recovered shall, in the case of works to which that section applied as being works as respects which an undertaking was accepted under this Part of this Act, be the person who gave the undertaking.

PART IV
Recovery of
expenses
incurred by
local authority.

(2) Sections 26 and 27 of this Act shall apply in relation to a demand by a local authority for the recovery of expenses incurred by them in carrying out works in pursuance of section 75 of this Act and to an order made by a local authority with respect to any such expenses as they apply in relation to a demand for the recovery of expenses incurred by a local authority in executing works on an insanitary house and to an order made by a local authority with respect to any such expenses.

(3) This section shall not apply in relation to the recovery by a local authority of any expenses so far as such expenses are by any direction of the sheriff on appeal recoverable under an order of the sheriff.

77.—(1) Where any person has completed, in respect of any dwelling, any works required to be executed by an improvement notice or any works as respects which an undertaking was accepted under this Part of this Act, he may apply to the local authority for a charging order, and subsections (2) to (4) of section 28, and section 29, of this Act shall, with any necessary modifications, apply in relation to any such application or order as they apply in relation to an application or order under the said section 28 and as if any reference in the said section 29 to Part II of this Act included a reference to this Part of this Act.

Charging
orders.

(2) Where under section 75 of this Act a local authority have themselves incurred expenses in the execution of works, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses, and subsections (2) to (4) of section 28, and section 29, of this Act shall, with any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 28 and as if any reference in the said section 29 to Part II of this Act included a reference to this Part of this Act.

PART IV

Relations between lessors and lessees

Adjustment
of relations
between
lessors and
lessees.

78.—(1) Where a person who incurs expenditure in complying with an improvement notice is a lessor of the dwelling to which the notice relates, he may apply to the sheriff for an increase of the rent payable under the lease (not being controlled rent), and the sheriff, after giving to the lessee and any sub-lessee an opportunity of being heard, and having regard to—

- (a) the amount of the expenditure,
- (b) any transfer of the burden of the expenditure from the lessor to any other person, and
- (c) all the other circumstances,

may, if he thinks fit, make such an order for the variation of the lease by an increase of the rent payable under the lease as will in his opinion afford an appropriate return in respect of the expenditure.

(2) This section shall not authorise the sheriff to increase the rent payable to the landlord in respect of an agricultural holding, a croft or a holding.

(3) In this section “controlled rent” means rent which is subject to a limit imposed by the Rent Act 1957 or any other enactment.

1957 c. 25.

Increase in
controlled rent
in respect
of improve-
ment.
1920 c. 17.

79.—(1) In the case of an improvement effected in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act, section 2(1)(a) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 (increase for improvements) shall have effect subject to the provisions of this section.

1959 c. 33.

(2) If a standard grant under section 19 of the House Purchase and Housing Act 1959 in respect of the improvement, although obtainable, has not been obtained, the said section 2(1)(a) (under which the amount of the permitted increase in rent in respect of expenditure incurred by the landlord on the improvement of a dwellinghouse to which the said Act of 1920 applies is limited to an amount calculated at a rate per annum not exceeding twelve and one half per cent. of the amount so expended) shall apply as if for the reference therein to the amount expended on the improvement there were substituted a reference to that amount diminished by a sum equal to what the amount of the said standard grant would have been if it had been obtained.

(3) In any proceedings relating to the increase permitted by the said section 2(1)(a) in respect of the improvement it shall be assumed, until the contrary is proved, that a standard grant was obtainable in respect of the improvement.

(4) The local authority shall, at the request in writing of the landlord or the tenant, give to him an estimate in writing of what the amount of the standard grant would have been if it had been obtained, and for the purposes of any such proceedings that estimate shall be sufficient evidence of what that amount would have been.

(5) In this section "landlord" and "tenant" have the same meanings respectively as in the said Act of 1920.

80.—(1) Section 8 of the Agricultural Holdings (Scotland) Act 1949 (increases of rent for improvements carried out by landlord) shall apply as if references in subsection (1) of that section to improvements carried out at the request of the tenant included references to improvements carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act: Adjustment of relations between lessors and lessees of agricultural holdings, etc. 1949 c. 75.

Provided that where the tenant has contributed to the cost incurred by the landlord in carrying out the improvement, the increase in rent provided for by the said section 8 shall be reduced proportionately.

(2) Any works carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act shall be included among the improvements specified in paragraph 18 of Schedule 1 to the said Act of 1949 (tenant's right to compensation for erection, alteration or enlargement of buildings), but subject to the power conferred by section 79 of that Act to vary the said Schedule 1; and sections 51 and 52 of that Act (which make that right to compensation subject to certain conditions) shall not apply to any works carried out in compliance with such a notice or undertaking:

Provided that where a person other than the tenant claiming compensation has contributed to the cost of carrying out the works in compliance with any such notice or undertaking, compensation in respect of the works, as assessed under section 49 of the said Act of 1949, shall be reduced proportionately.

(3) Any works carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act shall—

- (a) if carried out on a croft, be permanent improvements on that croft and be deemed to be suitable to the croft for the purposes of section 14(1)(a) of the Crofters (Scotland) Act 1955 (crofter's right to compensation for improvements); 1955 c. 21.

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1886 c. 29.

(b) if carried out on a holding, be permanent improvements on that holding and be deemed to be suitable to the holding for the purposes of section 8(a) of the Crofters Holdings (Scotland) Act 1886 (landholder's right to compensation for improvements);

and accordingly, after paragraph 1 of Schedule 5 to the said Act of 1955, and after paragraph 1 of the Schedule to the said Act of 1886 (both of which Schedules relate to permanent improvements), there shall be inserted the following paragraph—

“ 1A. Works carried out in compliance with an immediate improvement notice or a final improvement notice served, or an undertaking accepted, under Part IV of the Housing (Scotland) Act 1966 ”.

Right to serve purchase notice

Right to serve
purchase
notice.

81.—(1) If the person having control of a dwelling is served with an immediate improvement notice or a final improvement notice under this Part of this Act, that person or, if any such notice was served on a person as being one who received the rent of the dwelling as trustee, tutor, curator, factor or agent for or of any other person, that other person may, by notice in writing served on the local authority at any time within six months from the date on which the improvement notice becomes operative, require the authority to purchase his interest in the dwelling in accordance with this section.

(2) On service of a notice under subsection (1) of this section the local authority shall be deemed to be authorised to acquire the interest of the said person in the dwelling compulsorily under the Lands Clauses Acts and to have served a notice to treat in respect of that interest on the date of the service of the notice under the said subsection.

1947 c. 42.

(3) Paragraphs 2 and 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (which contain provisions modifying the Lands Clauses Acts in relation to compulsory purchases under that Act) shall apply in relation to compulsory purchases under this section.

(4) Within twenty-one days of receipt of a notice served by any person under subsection (1) of this section the local authority shall notify every other person who is to their knowledge an owner or lessee of the dwelling or a person holding a heritable security over the dwelling, or who is the occupier of the dwelling.

Supplemental

PART IV

82.—(1) The person having control of any premises—

Provisions as to carrying out of works.

(a) which consist of or comprise a dwelling in an improvement area which is without all or any of the standard amenities, or

(b) which consist of or comprise a dwelling in respect of which representations have been made by the tenant under section 68(1) of this Act,

shall, as against any other person having an estate or interest in the premises, have the right to enter the premises in order to carry out any survey or examination required with a view to providing the dwelling with any of the standard amenities.

(2) After service of an immediate improvement notice or a final improvement notice in respect of any dwelling, the person having control of the dwelling shall have the right, as against any other person having an estate or interest in the dwelling, to take any reasonable steps for the purpose of complying with the improvement notice; and any person bound by an undertaking accepted under this Part of this Act shall have the right as against the occupier of the dwelling to which the undertaking relates to take any reasonable steps for the purpose of complying with the undertaking.

(3) Without prejudice to the provisions of subsection (2) of this section, the carrying out of works in pursuance of an improvement notice or an undertaking accepted under this Part of this Act shall not give rise to any liability on the part of a lessee to reinstate the dwelling at any time in the condition in which it was before the works were carried out, or to any liability for failure so to reinstate the dwelling.

83.—(1) A local authority may by agreement with a person having control of a dwelling, or any other person having an estate or interest in a dwelling, execute at his expense any work which that person is required to carry out in the dwelling in pursuance of an improvement notice or of an undertaking accepted under this Part of this Act, and for that purpose the authority shall have all such rights as that person would have as against any other person having an estate or interest in the dwelling.

Further powers and duties of local authority.

(2) Where under this Part of this Act a local authority are required to serve a copy of a notice on any person who is to their knowledge an owner or lessee of any dwelling or a person holding a heritable security over any dwelling, any person having an estate or interest in that dwelling who is not served with a copy of the notice shall, on application in writing to the authority, be entitled to obtain a copy of that notice.

PART IV
Exclusion of dwellings controlled by Crown or certain public authorities.

84.—(1) A preliminary notice or an improvement notice shall not be served in respect of any dwelling in which there is a Crown interest except with the consent of the appropriate authority and, where a preliminary notice or an improvement notice is served in respect of any dwelling with the consent of the appropriate authority, this Part of this Act shall apply to the dwelling as it applies to a dwelling in which there is no such interest.

(2) A preliminary notice or an improvement notice shall not be served in respect of any dwelling if the person having control of the dwelling is—

- (a)* a local authority ;
- (b)* a development corporation ;
- (c)* a housing association satisfying one of the conditions set out in paragraphs *(a)*, *(b)* and *(c)* of section 25(2) of the Housing (Repairs and Rents) (Scotland) Act 1954 (exclusion of certain lettings from Rent Acts) ;
- (d)* a housing trust within the meaning of section 39(1) of the said Act of 1954 which was in existence on 13th November 1953 ;
- (e)* the Scottish Special Housing Association ;
- (f)* the Housing Corporation established under Part I of the Housing Act 1964 ;
- (g)* an executive council constituted under section 32 of the National Health Service (Scotland) Act 1947 ;

1954 c. 50.

1964 c. 56.

1947 c. 27.

and if after such a notice is served any such body as is mentioned in paragraphs *(a)* to *(g)* above becomes the person having control of the dwelling, any such notice as respects the dwelling, and any undertaking accepted under this Part of this Act as respects the dwelling, shall cease to have effect.

(3) If, in consequence of the provisions of subsection (2) of this section, an improvement notice ceases to have effect, it shall be the duty of the body mentioned in paragraphs *(a)* to *(g)* of that subsection to notify the local authority and to furnish them with all information required by them for the purpose of recording in the General Register of Sasines a notice stating that the improvement notice has ceased to have effect, and the authority shall as soon as practicable after receiving such notification cause to be recorded in the General Register of Sasines a notice to the said effect.

(4) In this section “ Crown interest ” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for

the purposes of a government department, and “ the appropriate authority ”—

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- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners ;
- (b) in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land ;
- (c) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department ;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

(5) In this section “ local authority ” means a local authority, joint board or joint committee as respectively defined by the Local Government (Scotland) Act 1947.

1947 c. 43.

85. This Part of this Act shall not apply to a dwelling provided after the end of the year 1944, unless the dwelling was provided by the conversion, before the end of the year 1958, of a building erected before the end of the year 1944.

Exclusion of certain dwellings provided after 1944.

86.—(1) Subject to this section, in this Part of this Act “ the standard amenities ”, in relation to a dwelling, mean the following amenities provided for the exclusive use of the occupants of the dwelling, that is to say—

Definition of standard amenities and related expressions.

- (a) a fixed bath or shower, which, subject to subsection (2) of this section, is to be in a bathroom ;
- (b) a wash-hand basin ;
- (c) a hot and cold water supply at a fixed bath or shower, which, if reasonably practicable, is to be in a bathroom ;
- (d) a hot and cold water supply at a wash-hand basin ;
- (e) a hot and cold water supply at a sink ;
- (f) a water closet ; and
- (g) satisfactory facilities for storing food.

(2) The fixed bath or shower mentioned in paragraph (a) of subsection (1) of this section may, if it is not reasonably practicable for it to be provided in a bathroom, but it is reasonably practicable for it to be provided with a hot and cold water supply, be in a part of the dwelling which is not a bathroom or bedroom.

(3) The water closet mentioned in paragraph (f) of subsection (1) of this section must, if reasonably practicable, be in, and readily accessible from, the dwelling or, if that is not reasonably

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practicable, in such a position in the curtilage of the dwelling, or where the dwelling is part of a larger building, in that building, as to be readily accessible from the dwelling.

(4) In relation to a dwelling which is without one or more of the standard amenities, references in this Part of this Act to the improvement of the dwelling to the full standard are references to the carrying out of works to provide the dwelling with those of the standard amenities which it does not have.

(5) In relation to a dwelling which is without one or more of the standard amenities listed in paragraphs (e), (f) and (g) of subsection (1) of this section, references in this Part of this Act to the improvement of the dwelling to the reduced standard are references to the carrying out of works to provide the dwelling with those of the said standard amenities listed in paragraphs (e), (f) and (g) of subsection (1) of this section which it does not have.

(6) In determining for the purposes of this Part of this Act whether a dwelling is capable of improvement at reasonable expense to the full standard, or to the reduced standard, regard shall be had to the estimated cost of the works which would be required to provide the dwelling with amenities to the full standard or to the reduced standard, as the case may be, and to the value which it is estimated that the dwelling (or the building of which the dwelling forms part) would have if those works were carried out.

1959 c. 33.

(7) An order under section 19 of the House Purchase and Housing Act 1959 varying the standard amenities for the purposes of that Act may also vary the provisions of this section and may contain such transitional and other supplemental provisions, including transitional provisions to take account of the provisions of this Part of this Act, as may appear to the Secretary of State to be expedient.

Interpretation
of Part IV.

87.—(1) In this Part of this Act, unless the context otherwise requires—

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling ;

“flat” means a separate set of premises, whether or not on the same floor, constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally ;

“heritable security” has the same meaning as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by *ex facie* absolute disposition or assignation ;

“improvement area” means an improvement area under section 58 of this Act ;

1924 c. 27.

“improvement notice” means an immediate improvement notice, a suspended improvement notice or a final improvement notice ;

“lease” includes a sublease or any tenancy, and any agreement for a lease, sublease or tenancy, and “lessor” and “lessee” shall be construed accordingly ;

“tenement” means a building which as constructed contained, and which contains, two or more flats.

(2) In this Part of this Act, unless the context otherwise requires, “tenant”—

(a) includes a subtenant and a tenant (as defined in section 12(1)(g) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920) who retains possession by virtue of the Rent Acts and not as being entitled to a tenancy, but does not include a tenant holding under a lease granted for a period of more than twenty-one years at a rent of less than two-thirds of the net annual value for rating purposes of the leased premises, or a heritable creditor in possession ; and

(b) includes, in relation to a dwelling, a person employed in agriculture (as defined in section 17 of the Agricultural Wages (Scotland) Act 1949) who occupies or resides in the dwelling as part of the terms of his employment,

and “tenancy” shall be construed accordingly.

References in this Part of this Act to a tenant occupying a dwelling include, in the case of a tenant within paragraph (b) of this definition, a tenant residing in the dwelling, and “occupation” and “occupied” and related expressions shall be construed accordingly ; and in relation to a dwelling occupied by such a tenant “the person having control” of the dwelling means, in this Part of this Act, the employer or other person by whose authority the tenant occupies the dwelling.

(3) In relation to any dwelling or other premises, references in this Part of this Act to the local authority shall be construed as references to the local authority in whose district the premises are situated.

(4) Section 5 of this Act shall apply for the determination for the purposes of this Part of this Act of any question whether any dwelling—

(a) is fit or unfit for human habitation, or

(b) will be likely, subject to normal maintenance, to remain fit for human habitation and available for use as a dwelling for a period of not less than fifteen years,

and in determining the question under paragraph (b) of this subsection the term “normal maintenance” shall include only

PART IV such repairs as are reasonable having regard to the prospective life of the dwelling.

PART V

ABATEMENT OF OVERCROWDING

Duty of local authority to inspect district and to make reports and proposals as to overcrowding.

88.—(1) If at any time or times it appears to a local authority that occasion has arisen therefor, or if the Secretary of State so directs, it shall be the duty of the authority to cause an inspection of their district, or of any part thereof, to be made with a view to ascertaining what houses therein are overcrowded, and to prepare and submit to the Secretary of State a report showing in such detail as he may direct the result of the inspection and the additional housing accommodation required in order to put an end to overcrowding in their district or in that part, and, unless they satisfy the Secretary of State that the additional accommodation required will be otherwise provided, to prepare and submit to him proposals for the provision thereof.

(2) Where the Secretary of State gives a direction under subsection (1) of this section, he may fix dates before which the performance of the said duties is to be completed.

(3) Any proposals under this section for the provision of additional housing accommodation shall be accompanied by a statement of the steps which the local authority propose to take to secure that the rehousing of families living under the worst conditions as regards overcrowding, or otherwise living under unsatisfactory housing conditions, is provided for first.

Definition of overcrowding.

89.—(1) A house shall be deemed for the purposes of this Act (except Part VI thereof) to be overcrowded at any time when the number of persons sleeping in the house either—

- (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room ; or
- (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in Schedule 5 to this Act.

(2) In computing for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one half of a unit.

90.—(1) Subject to the provisions of this Part of this Act, if after the appointed day the occupier of a house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty shillings. PART V
Offences in relation to overcrowding.

(2) The occupier of an overcrowded house shall not, unless he has failed to accept an offer of suitable alternative accommodation or to secure the removal of any person living in the house who is not a member of his family and whose removal is reasonably practicable, be guilty of an offence under this section in respect of the overcrowding of the house if—

- (a) the house was overcrowded on the appointed day, or became overcrowded on a subsequent day by reason of a child attaining one of the ages referred to in section 89 of this Act; and
- (b) all the persons sleeping in the house are either—
 - (i) persons who were living there on the appointed day or on such subsequent day, as the case may be, and have continuously thereafter lived there; or
 - (ii) children of any of those persons born thereafter:

Provided that, where the occupier of the house is an owner thereof who acquired his title prior to 2nd August 1935, the provision with regard to failure to accept an offer of suitable alternative accommodation shall not apply if acceptance of the offer would cause such occupier serious hardship in connection with the disposal of the house.

(3) The occupier of a house shall not be guilty of an offence under this section in respect of any overcrowding thereof which is occasioned by the residence therein for a period not exceeding sixteen days of a person to whom lodging is afforded by the occupier otherwise than for gain.

91.—(1) Where, on the representation of a local authority and after consultation with the Scottish Housing Advisory Committee, the Secretary of State is satisfied that houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of Schedule 5 to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, he may by order direct that, in relation to those houses or to such of them as are of a specified class, the said provisions shall, during such period not exceeding three years from the coming

Power of Secretary of State to increase permitted number of persons temporarily to meet exceptional conditions.

PART V

into operation of the order as may be specified therein and any extension of that period which the Secretary of State, upon application by the authority, may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different classes of houses.

(2) After consultation with the local authority and the said Committee, the Secretary of State may by order revoke any such order as aforesaid or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.

(3) The power to make orders conferred on the Secretary of State by this section shall be, and shall be deemed always to have been, exercisable by statutory instrument.

Power of local authority to authorise temporary use of house by persons in excess of permitted number.

92.—(1) Where it appears to a local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

(2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.

(3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

(4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served on the landlord, if any, of the house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

(5) The occupier of a house shall not be guilty of an offence under section 90 of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.

93.—(1) With a view to making provision for any seasonal influx of holiday visitors into their district, it shall be lawful for a local authority, with the approval of the Secretary of State, to pass a resolution authorising, subject to such conditions as may be specified therein, the occupiers of houses generally or of houses of any specified class in the authority's district, or in any specified part thereof, to permit during any period for which the resolution is in force such number of persons in excess of the permitted number to sleep in the said houses as may be specified in the resolution.

PART V
Provision for seasonal influx of holiday visitors.

(2) A resolution under subsection (1) of this section shall remain in force during the year in which it is passed for such period or periods not exceeding sixteen weeks in the aggregate as may be specified in the resolution.

(3) The occupier of a house shall not be guilty of an offence under section 90 of this Act by reason of anything done by him in accordance with any resolution under subsection (1) of this section.

94.—(1) The landlord of a house shall not, after the appointed day, let or agree to let it to any person unless he has furnished to that person a written statement in the prescribed form of the permitted number of persons in relation to the house and has obtained from that person a written acknowledgment in the prescribed form, which acknowledgment the landlord shall be bound to exhibit to the local authority on demand by them; and any person who contravenes or fails to comply with this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two pounds.

Information with respect to the permitted number and certification of number and floor areas of rooms.

(2) It shall be the duty of the local authority, as soon as may be after they have ascertained the floor area of the rooms of a house, to inform the landlord and the occupier thereof in writing of the permitted number of persons in relation to the house, and on application by the landlord or the occupier of any house to give him the like information in relation thereto.

(3) A statement furnished to the occupier of a house in pursuance of subsection (1) of this section shall be deemed to be a sufficient and correct statement if it agrees with information given under subsection (2) of this section.

(4) The Secretary of State shall prescribe the manner in which the floor area of a room is to be ascertained for the purposes of Schedule 5 to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height.

(5) A certificate of the local authority stating the number and floor areas of the rooms in a house, and that the floor areas

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thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be evidence of the facts stated therein.

Recovery of possession of overcrowded house.

95.—(1) Where a house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence—

- (a) nothing in the Rent Acts shall prevent the landlord from obtaining possession of the house ;
- (b) it shall be lawful for the local authority, after giving to the landlord written notice of their intention so to do, to take any such steps for the termination of the occupier's tenancy or for his removal or ejection from the house as the landlord could take.

(2) Where, before the appointed day, any house is overcrowded and has been overcrowded for at least six months—

- (a) nothing in the Rent Acts shall prevent the making of an order for the recovery of possession of the house or for the removal or ejection of the occupier, if the court is satisfied that it is reasonable to make such an order and that suitable alternative accommodation has been offered to and is available for the occupier ;
- (b) it shall be lawful for the local authority to take any such steps for the termination of the occupier's tenancy or for his removal or ejection from the house as the landlord could take, so, however, that no order for the removal or ejection of the occupier of a house to which the Rent Acts do not apply shall be made on the application of the authority unless the court is satisfied as mentioned in paragraph (a) of this subsection.

1957 c. 25.

(3) Where an existing controlled tenancy of a dwelling comes to an end by virtue of this section, section 11(2) of the Rent Act 1957 shall not apply to the first tenancy created thereafter of the dwelling or any part thereof.

1965 c. 75.

In this subsection "existing controlled tenancy" has the same meaning as in section 11 of the Rent Act 1965, and subject as aforesaid expressions used in this subsection and in the said Act of 1957 have the same meanings in this subsection as in that Act.

Enforcement of Part V.

96.—(1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects houses in their district.

(2) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the

persons sleeping in the house, and if the occupier makes default in complying with the requirement, or furnishes a statement which to his knowledge is false in any material particular, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty shillings.

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97. A local authority shall have power to publish information for the assistance of landlords and occupiers of houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding, and as to the enforcement thereof.

Power of local authority to publish information as to rights and duties as respects overcrowding.

98.—(1) It shall be the duty of the medical officer of health for any district to furnish annually to the Secretary of State and to the local authority, in accordance with regulations to be made by the Secretary of State by statutory instrument, particulars with respect to the condition of the district in relation to overcrowding and in particular with respect to any cases in which houses in respect of which the authority have taken steps for putting an end to overcrowding have again become overcrowded.

Duty of medical officers to furnish particulars of overcrowding.

(2) Before furnishing particulars under subsection (1) of this section, the medical officer of health shall consult with, or obtain a report from, the sanitary inspector of the local authority.

99. In this Part of this Act, and in Schedule 5 to this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

Interpretation of Part V.

“appointed day” means, in relation to any locality for which a day has been appointed under section 86 of the Housing (Scotland) Act 1935 or section 59 of the Housing (Scotland) Act 1950 by the Department of Health for Scotland or the Secretary of State, that day, and in relation to any other locality means such day as the Secretary of State may appoint by order made by statutory instrument, and the Secretary of State may appoint different days for different localities, so, however, that he shall not appoint a day for any locality until he is satisfied that the greater part of the additional housing accommodation shown by the report made under section 1(1) of the said Act of 1935 to be required in the locality has been provided ;

1935 c. 41.
1950 c. 34.

“house” means any premises used or intended to be used as a separate dwelling, not being premises which are entered in the valuation roll last authenticated at a rateable value exceeding forty-five pounds ;

“landlord” means, in relation to any house, the person from whom the occupier derives his right to occupy it ;

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“room” does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

“suitable alternative accommodation” means, in relation to the occupier of a house, a house in which the occupier and his family can live without causing it to be overcrowded, being a house which the local authority certify to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and to be suitable in relation to his means.

PART VI

HOUSES IN MULTIPLE OCCUPATION

Registration of houses in multiple occupation

Local authority may make scheme for registration of houses in multiple occupation.

100.—(1) A local authority may make and submit to the Secretary of State for confirmation by him a scheme authorising the authority to compile and maintain a register for their district—

- (a) of houses which, or a part of which, are let in lodgings, or which are occupied by members of more than one family; and
- (b) of buildings which comprise separate dwellings, two or more of which lack either or both of the following, that is to say, a sanitary convenience accessible only to those living in the dwelling and personal washing facilities so accessible;

and the Secretary of State may, if he thinks fit, confirm the scheme with or without modifications.

(2) A scheme under this section need not be for the whole of a local authority's district and need not be for every description of house or building falling within paragraphs (a) and (b) of subsection (1) of this section, and any such scheme—

- (a) may prescribe the particulars to be inserted in the register;
- (b) may make it the duty of persons prescribed by the scheme to notify the local authority of the fact that a house or building appears to be registrable, and to give to the authority all or any of the particulars prescribed by the scheme as regards the house or building; and
- (c) may make it the duty of persons prescribed by the scheme to notify the local authority of any change which makes it necessary to alter the particulars inserted in the register as regards any house or building.

(3) A scheme under this section may make a contravention of, or failure to comply with, any provision in the scheme an offence under the scheme, and a person guilty of an offence under the scheme shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) A scheme under this section may vary or revoke a previous scheme thereunder; and a local authority may at any time, with the consent of the Secretary of State, revoke a scheme by an order, notice of which shall be published by them in one or more newspapers circulating in their district.

(5) A scheme under this section shall not come into force until it has been confirmed and, subject to that, shall come into force on such date as may be fixed by the scheme or, if no date is so fixed, at the expiration of one month after it is confirmed.

101.—(1) At least one month before a scheme under section 100 of this Act is submitted to the Secretary of State for confirmation by him, notice of their intention to submit the scheme shall be given by the local authority in one or more newspapers circulating in their district. Further provisions regarding scheme.

(2) As soon as any such scheme is confirmed by the Secretary of State, the local authority shall publish in one or more newspapers circulating in their district a notice—

- (a) stating the fact of such a scheme having been confirmed;
- (b) describing any steps which will have to be taken under the scheme by those concerned with registrable houses and buildings (other than steps which have only to be taken after a notice from the local authority); and
- (c) naming a place where a copy of the scheme may be seen at all reasonable hours.

(3) A copy of any such scheme confirmed by the Secretary of State shall be printed and deposited at the offices of the local authority by whom it was made and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall on application be furnished to any person on payment of such sum, not exceeding one shilling for every copy, as the authority may determine.

(4) The production of a printed copy of a scheme purporting to be made by a local authority under section 100 of this Act upon which is indorsed a certificate purporting to be signed by the clerk to the authority stating—

- (a) that the scheme was made by the authority,
- (b) that the copy is a true copy of the scheme, and

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(c) that on a specified date the scheme was confirmed by the Secretary of State,

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate in pursuance of this section.

Local authority may require information for purposes of registration.

102.—(1) Without prejudice to the provisions of subsections (4) and (5) of section 192 of this Act, a local authority may, for the purpose of ascertaining whether a house or building is registrable under a scheme made in pursuance of section 100 of this Act and of ascertaining the particulars to be entered in the register as regards the house or building, require any person who has an estate or interest in, or who lives in, the house or building to state in writing any information in his possession which the authority may reasonably require for that purpose.

(2) If any person fails to give to a local authority any information required by them under subsection (1) of this section or knowingly makes any misstatement with reference thereto, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Management code

Power of Secretary of State to make regulations prescribing management code for houses in multiple occupation.

103.—(1) With a view to providing a code for the management of houses which may be applied under section 104 of this Act, the Secretary of State may by regulations contained in a statutory instrument make provision for the purpose of ensuring that the person managing a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family observes proper standards of management.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may, in particular, require the person managing a house to which the regulations apply to ensure the repair, maintenance, cleansing and good order—

- (a) of all means of water supply and drainage in the house ;
- (b) of kitchens, bathrooms and water closets used in common by persons living in the house ;
- (c) of sinks and wash-basins used in common by persons living in the house ;
- (d) of the roof and windows forming part of the house ;
- (e) of common staircases, corridors and passage ways ;
- (f) of outbuildings, yards and gardens used in common by persons living in the house ;

and to make satisfactory arrangements for the disposal of refuse and litter from the house.

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(3) Regulations under this section—

- (a) may make different provision for different types of houses ;
- (b) may provide for keeping a register of the names and addresses of those who are managers of houses ;
- (c) may impose duties on persons who have an estate or interest in a house or any part of a house to which the regulations apply as to the giving of information to the local authority, and in particular may make it the duty of any person who acquires or ceases to hold an estate or interest in such a house to notify the authority ;
- (d) may impose duties on persons who live in a house to which the regulations apply for the purpose of ensuring that the person managing the house can effectively carry out the duties imposed on him by the regulations ;
- (e) may authorise the local authority to obtain information as to the number of individuals or households accommodated in a house to which the regulations apply ;
- (f) may make it the duty of the person managing a house to which the regulations apply to cause a copy of the order under section 104 of this Act applying the regulations to the house, and of the regulations, to be displayed in a suitable position in the house ;
- (g) may contain such other incidental and supplementary provisions as may appear to the Secretary of State to be expedient.

(4) If any person knowingly contravenes or without reasonable excuse fails to comply with any regulation under this section as applied under this Act in relation to any house he shall be guilty of an offence and shall be liable on summary conviction—

- (a) where he has not previously been convicted of an offence under this section, to a fine not exceeding twenty pounds ; and
- (b) where he has previously been convicted of an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

(5) For the purposes of this Part of this Act and of any regulations made under this section, the person managing a

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house which, or a part of which, is let in lodgings or which is occupied by members of more than one family shall be defined as—

- (a) the person who is an owner or a lessee of the house and who, directly or through a trustee, tutor, curator, factor or agent, receives rents or other payments from persons who are tenants of parts of the house, or who are lodgers ; and
- (b) where those rents or other payments are received through another person as his trustee, tutor, curator, factor or agent, that other person ;

but the foregoing definition may be varied or replaced by regulations under this section.

Power of local authority to apply management code to individual house.

104.—(1) If it appears to a local authority that a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family is in an unsatisfactory state in consequence of failure to maintain proper standards of management and, accordingly, that it is necessary that the regulations made under section 103 of this Act should apply to the house, the authority may by order direct that those regulations shall so apply ; and so long as the order is in force the regulations shall apply in relation to the house accordingly.

(2) Not less than twenty-one days before making an order under this section, the local authority shall—

(a) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to make the order, and

(b) post such a notice in some position in the house where it is accessible to those living in the house,

and shall afford to any person on whom a notice is so served an opportunity of making representations regarding their proposal to make the order.

(3) An order under this section shall come into force on the date on which it is made, and the local authority shall within seven days from the making of the order—

(a) serve a copy of the order on an owner of the house and on every person who is to their knowledge a lessee of the house, and

(b) post a copy of the order in some position in the house where it is accessible to those living in the house.

(4) A person on whom a copy of an order is served under subsection (3) of this section, and any other person who is a lessee of the house, may, within fourteen days from the latest date by which copies of the order are required to be served, appeal to the sheriff on the ground that the making of the order was unnecessary.

(5) On an appeal under subsection (4) of this section the sheriff shall take into account the state of the house at the time when the local authority under subsection (2) of this section served notice of their intention to make the order, as well as at the time of the making of the order, and shall disregard any improvement in the state of the house between those times unless the sheriff is satisfied that effective steps have been taken to ensure that the house will in future be kept in a satisfactory state; and, if the sheriff allows the appeal, he shall revoke the order, but without prejudice to its operation prior to the revocation and without prejudice to the making of a further order.

(6) The local authority may at any time on the application of a person having an estate or interest in the house revoke an order under this section, and if a local authority refuse an application under this subsection, or do not within forty-two days from the making of the application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to the sheriff and the sheriff, if of opinion that there has been a substantial change in the circumstances since the making of the order, and that it is in other respects just to do so, may revoke the order.

(7) As soon as practicable after an order under this section has come into force the local authority shall cause the order to be recorded in the General Register of Sasines, and if any such order is revoked the authority shall as soon as practicable cause to be recorded in the General Register of Sasines a notice stating that the order has been revoked.

Powers of local authority to secure execution of works on houses in multiple occupation

105.—(1) If in the opinion of the local authority the condition of a house to which regulations under section 103 of this Act for the time being apply is defective in consequence of neglect to comply with the requirements imposed by the regulations, or, in respect of a period falling wholly or partly before the regulations applied to the house, neglect to comply with standards corresponding to the requirements imposed by the regulations, the authority may serve on the person managing the house a notice specifying the works which in the opinion of the authority are required to make good the neglect, and requiring the person on whom the notice is served to execute those works.

Power to require doing of work to make good neglect of proper standards of management.

(2) If it is not practicable after reasonable inquiry to ascertain the name or address of the person managing the house, the notice under this section may be served by addressing it to him

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by the description of “manager of the house” (naming the house to which it relates) and by delivering it to some person on the premises.

(3) A notice under this section shall require the execution of the works within such period, being not less than twenty-one days from the service of the notice, as may be specified in the notice, but that period may from time to time be extended by written permission of the local authority.

(4) Where the local authority serve a notice on any person under this section they shall inform any other person who is to their knowledge an owner or lessee of the house or a person holding a heritable security over the house of the fact that such a notice has been served.

Power
to require
execution
of works
of other
descriptions.

106.—(1) If in the opinion of the local authority the condition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is so far defective with respect to any of the matters mentioned in subsection (2) of this section, having regard to the number of individuals or households, or both, accommodated for the time being on the premises, as not to be reasonably suitable for occupation by those individuals or households, the authority may serve a notice either—

- (a) specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for such occupation as aforesaid; or
- (b) specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for occupation by a number of individuals or households smaller than the number accommodated for the time being on the premises, and specifying also the number of individuals or households, or both, which in the opinion of the authority the premises could reasonably accommodate if those works were carried out;

and in either case requiring the person on whom the notice is served to execute the works specified in the notice.

(2) The matters referred to in subsection (1) of this section are—

- natural and artificial lighting,
- ventilation,
- water supply,
- personal washing facilities,
- drainage and sanitary conveniences,
- facilities for the storage, preparation and cooking of food,
- and for the disposal of waste water,

installations for space heating or for the use of space heating appliances.

(3) Any notice under this section shall be served either—

- (a) on the person having control of the house, or
- (b) on any person to whom the house is let, or on any person who, as the trustee, tutor, curator, factor or agent for or of a person to whom the house is let, receives rents or other payments from tenants of parts of the house or lodgers in the house.

(4) If the local authority are satisfied that after the service of a notice under this section in respect of any premises the number of individuals living on those premises has been reduced to a level which will make the work specified in the notice unnecessary, and that, either in consequence of their exercise of the powers conferred by sections 111 and 112 of this Act to limit the number of persons living on the premises or otherwise, that number will be maintained at or below that level, they may notify in writing the person on whom the notice was served of the withdrawal of the notice, but the withdrawal of the notice shall be without prejudice to the issue of a further notice.

(5) A notice under this section shall require the execution of the works within such period, being not less than twenty-one days from the service of the notice, as may be specified in the notice, but that period may from time to time be extended by written permission of the local authority.

(6) Where the local authority serve a notice on any person under this section they shall inform any other person who is to their knowledge an owner or lessee of the house or a person holding a heritable security over the house of the fact that such a notice has been served.

107.—(1) If it appears to a local authority that a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is not provided with such means of escape from fire as the authority consider necessary, the authority may, subject to this section, serve on any person on whom a notice may be served under section 106 of this Act a notice specifying the works which in the opinion of the authority are required to provide such means of escape, and requiring the person on whom the notice is served to execute those works.

(2) A local authority who are not the fire authority for the area in which the house is situated, or who have, under section 12 of the Fire Services Act 1947, delegated all their functions in respect of that area to another fire authority, shall, before serving a notice under this section, consult with the fire authority concerned. 1947 c. 41.

(3) A notice under this section shall require the execution of the works within such period, being not less than twenty-one days

PART VI from the service of the notice, as may be specified in the notice, but that period may from time to time be extended by written permission of the local authority.

(4) Where the local authority serve a notice on any person under this section they shall inform any other person who is to their knowledge an owner or lessee of the house or a person holding a heritable security over the house of the fact that such a notice has been served.

1947 c. 41. (5) In this section “fire authority” means, in relation to any area, the authority for the time being constituted the fire authority for that area by the Fire Services Act 1947, except that in relation to an area the fire brigade for which is administered by such a joint committee as is mentioned in section 36(4)(b) of that Act, it means that joint committee.

Appeal
against notice
requiring
execution
of works.

108.—(1) A person on whom a notice is served under section 105 or section 106 or section 107 of this Act, or any other person who is an owner or lessee of the house, or a person holding a heritable security over the house, to which the notice relates, may, within twenty-one days from the service of the notice, or within such longer period as the local authority may in writing allow, appeal to the sheriff on any of the following grounds which are appropriate in the circumstances of the particular case, that is to say—

- (a) in the case of a notice under section 105 or section 106 of this Act, that the condition of the house did not justify the local authority (having regard, if the notice is under the said section 106, to the considerations set out in subsections (1) and (2) of that section) in requiring the execution of the works specified in the notice ;
- (b) in the case of a notice under section 107 of this Act, that the notice is not justified by the terms of that section ;
- (c) that there has been some informality, defect or error in, or in connection with, the notice ;
- (d) that the local authority have 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 ;
- (e) in the case of a notice under section 106 of this Act, being a notice of the kind described in subsection (1)(b) of that section, that the number of individuals or households, or both, specified in the notice is unreasonably low ;
- (f) that the time within which the works are to be executed is not reasonably sufficient for the purpose ;

(g) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that other person ought to pay the whole or any part of the expenses of executing the works.

(2) If and so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the sheriff shall dismiss the appeal if he is satisfied that the informality, defect or error was not a material one.

(3) Where the grounds on which an appeal under this section is brought include the ground specified in subsection (1)(g) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to in that notice, and on the hearing of the appeal the sheriff may, if satisfied that any other person referred to in the notice of appeal has had proper notice of the appeal, make such order as he thinks fit with respect to the payment to be made by that other person to the appellant or, where the work is executed by the local authority, to the authority.

(4) If on an appeal under this section against a notice under section 106 of this Act the sheriff is satisfied that the number of persons living in the house has been reduced, and that adequate steps (whether by the exercise by the local authority of the powers conferred by sections 111 and 112 of this Act to limit the number of persons living in the house or otherwise) have been taken to prevent that number being again increased, the sheriff may, if he thinks fit, revoke the notice or vary the list of works specified in the notice.

109.—(1) If a notice is served under section 105 or section 106 or section 107 of this Act and—

Carrying out
of works by
local authority.

(a) where no appeal is brought under section 108 of this Act against the notice, the works specified in the notice are not completed within the period so specified, with any extension duly permitted by the local authority ;

(b) where an appeal is so brought, the works specified in the notice (in so far as it is confirmed on appeal) are not completed within twenty-eight days from the final determination of the appeal, or such longer period as the sheriff in determining the appeal may fix ;

the local authority may themselves do the work required to be done by the notice, with any variation made by the sheriff.

(2) Notwithstanding subsection (1) of this section, if the person on whom any such notice was served notifies the local authority

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(3) Sections 11(3) and 12 of this Act shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them under this section in carrying out works in pursuance thereof as they apply for the purpose of enabling a local authority to recover expenses incurred by them in executing works on an insanitary house, so, however, that—

- (a) the person from whom expenses incurred by a local authority in carrying out works in pursuance of this section may be recovered shall be the person on whom the notice was served, and
- (b) if that person was only properly served with the notice as trustee, tutor, curator, factor or agent for or of some other person, then the expenses may be recovered either from him or from that other person, or in part from him and as to the remainder from that other person.

(4) Sections 26 and 27 of this Act shall apply in relation to a demand by a local authority for the recovery of expenses incurred by them in carrying out works in pursuance of this section and to an order made by a local authority with respect to any such expenses as they apply in relation to a demand for the recovery of expenses incurred by a local authority in executing works on an insanitary house and to an order made by a local authority with respect to any such expenses.

(5) Where a local authority have incurred expenses in carrying out works in pursuance of this section, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses, and subsections (2) to (4) of section 28, and section 29, of this Act shall, with any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 28 and as if any reference in the said section 29 to Part II of this Act included a reference to the provisions of this Part of this Act (other than those relating to control orders).

- (6) If a local authority apply to the sheriff and satisfy him—
 - (a) that any expenses reasonably incurred by them in carrying out works in pursuance of this section (with the interest accrued due thereon) have not been, and are unlikely to be, recovered, and
 - (b) that some person is profiting by the execution of the works in respect of which the expenses were incurred to obtain rents or other payments which would not have been obtainable if those works had not been executed.

the sheriff, if satisfied that that person has had proper notice of the application, may order him to make such payment or payments to the local authority as may appear to the sheriff to be just.

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110.—(1) Subject to this section, if a person on whom a notice has been served under section 105 or section 106 or section 107 of this Act wilfully fails to comply with the notice, he shall be guilty of an offence and shall be liable on summary conviction—

Penalty for failure to execute works.

(a) in the case of a first offence, to a fine not exceeding one hundred pounds ;

(b) in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both.

(2) For the purposes of this section—

(a) where no appeal is brought under section 108 of this Act against any such notice, the notice is not complied with if the works specified in the notice are not completed within the period so specified, with any extension duly permitted by the local authority ; and

(b) where an appeal is so brought, the notice (in so far as it is confirmed on appeal) is not complied with if the works specified in the notice are not completed within twenty-eight days from the final determination of the appeal, or such longer period as the sheriff in determining the appeal may fix.

(3) If the local authority on being notified under section 109(2) of this Act by the person on whom any such notice requiring the execution of works was served that he is not able to do the work in question, serve notice that they propose to do the work and relieve the person served with the notice from liability under this section, no liability shall arise under this section in respect of the notice requiring the execution of works.

(4) Subsection (1) of this section shall be without prejudice to the exercise by the local authority of their powers of carrying out works under section 109 of this Act.

Overcrowding

111.—(1) A local authority may, for the purpose of preventing the occurrence of, or remedying, a state of affairs calling for the service of a notice or a further notice under section 106 of this Act, fix as a limit for any house what is in their opinion the highest number of individuals who should, having regard to the considerations set out in subsections (1) and (2) of that section, live in the house in its existing condition, and give a direction applying that limit to the house.

Local authority may give directions to prevent or reduce overcrowding in houses in multiple occupation.

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References in this section to a house include references to part of a house, and the local authority shall have regard to the desirability of applying separate limits where different parts of a house are, or are likely to be, occupied by different persons.

(2) The powers conferred by this section shall be exercisable whether or not a notice has been given under section 106 of this Act, and where a local authority have served a notice under subsection (1)(b) of the said section 106 specifying the number of individuals or households, or both, which in the opinion of the authority any premises could reasonably accommodate if the works specified in the notice were carried out, the authority may adopt that number of individuals, or a number of individuals determined by reference to that number of households, in fixing a limit under subsection (1) of this section as respects those premises.

(3) The powers conferred by subsection (1) of this section may be exercised as regards any premises notwithstanding the existence of any previous direction under that subsection laying down a higher maximum.

(4) A direction under subsection (1) of this section shall have effect so as to make it the duty of the occupier for the time being of the house—

- (a) not to permit any individual to take up residence in the house so as to increase the number of individuals living in the house to a number above the limit specified in the direction, and
- (b) where the number of individuals living in the house is for the time being above the limit so specified and any individual ceases to reside in the house, not to permit any other individual to take up residence in the house.

In this subsection the reference to the occupier for the time being of a house shall include a reference to any person who is for the time being entitled or authorised to permit individuals to take up residence in the house or any part thereof.

(5) If any person knowingly fails to comply with the requirements imposed on him by subsection (4) of this section he shall be guilty of an offence and shall be liable on summary conviction—

- (a) where he has not previously been convicted of an offence under this section, to a fine not exceeding twenty pounds; and
- (b) where he has previously been convicted of an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

112.—(1) A local authority shall, not less than seven days before giving a direction under section 111 of this Act—

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Further provisions regarding directions.

- (a) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to give the direction, and
- (b) post such a notice in some position in the house where it is accessible to those living in the house,

and shall afford to any person on whom a notice is so served an opportunity of making representations regarding their proposal to give the direction.

(2) The local authority shall within seven days from the giving of any such direction—

- (a) serve a copy of the direction on an owner of the house and on every person who is to their knowledge a lessee of the house, and
- (b) post a copy of the direction in some position in the house where it is accessible to those living in the house.

(3) At any time after giving such a direction the local authority may, having regard to any works which have been executed in the house or any other change of circumstances, and on the application of any person having an estate or interest in the house, revoke that direction, or vary it so as to allow more people to be accommodated in the house.

(4) If the local authority refuse an application under subsection (3) of this section or do not within forty-two days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to the sheriff, and on the appeal the sheriff shall have power to revoke the direction or to vary it in any manner in which it might have been varied by the authority.

(5) The local authority may from time to time serve on the occupier of a house or part of a house in respect of which a direction under section 111 of this Act is in force a notice requiring him to furnish them within seven days with a statement in writing giving all or any of the following particulars, that is to say—

- (a) the number of individuals who are, on a date specified in the notice, living in the house or part of the house, as the case may be ;
- (b) the number of families or households to which those individuals belong ;

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(c) the names, ages and sex of those individuals and the names of the heads of each of those families or households;

(d) the rooms used by those individuals and families or households respectively;

and if the occupier makes default in complying with the requirements or furnishes a statement which to his knowledge is false in any material particular, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

Provisions supplemental to sections 100 to 112

Application of sections 103 to 106 to certain buildings comprising separate dwellings.

113.—(1) Sections 103 to 106 of this Act shall apply—

(a) to a building which is not a house but comprises separate dwellings, two or more of which lack either or both of the following, that is to say, a sanitary convenience accessible only to those living in the dwelling and personal washing facilities so accessible; and

(b) to a building which is not a house but comprises separate dwellings, two or more of which are wholly or partly let in lodgings or occupied by members of more than one family;

(being in either case a building all the dwellings in which are owned by the same person) as if references in those sections to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family included references to any such building:

Provided that—

(i) a notice shall not, by virtue of this section, be served under section 106(1)(b) of this Act in respect of such a building;

(ii) a direction shall not, by virtue of this section, be given under section 111 of this Act in relation to such a building.

(2) If a local authority make an order under section 104 of this Act, as applied by subsection (1) of this section, in respect of any building at a time when another order under the said section 104 is in force as respects one of the dwellings in the building, they shall revoke the last-mentioned order.

(3) References to a house in sections 108, 109, 117 and 119 of this Act shall include references to a building to which this section applies.

114.—(1) If on 13th November 1963—

- (a) all the dwellings in any tenement are owned by the same person, and
- (b) all or any of those dwellings are without one or more of the standard amenities,

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Management code to be available for dwellings in certain tenements.

sections 103 to 105 of this Act shall apply to the tenement as if references in those sections to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family included references to the tenement.

(2) If a local authority make an order under section 104 of this Act, as applied by subsection (1) of this section, in respect of any tenement at a time when another order under the said section 104 is in force as respects one of the dwellings in the tenement, they shall revoke the last-mentioned order.

(3) References to a house in section 108 of this Act (so far as relating to appeals against notices under section 105 of this Act) and in sections 109, 117 and 119 of this Act shall include references to a tenement to which this section applies.

(4) Expressions in this section to which meanings are given in Part IV of this Act shall have the same meanings in this section.

115.—(1) Where it is shown to the satisfaction of the sheriff, or of a justice of the peace or magistrate, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person employed by, or acting on the instructions of, a local authority for the purpose—

Warrant to authorise entry.

- (a) of survey and examination to determine whether any powers under the foregoing provisions of this Part of this Act should be exercised in respect of the premises, or
- (b) of ascertaining whether there has been a contravention of any regulations or direction made or given under the foregoing provisions of this Part of this Act,

then, subject to this section, the sheriff, justice or magistrate may by warrant under his hand authorise that person to enter on the premises for the purposes mentioned in paragraphs (a) and (b) above, or for such of those purposes as may be specified in the warrant.

(2) A sheriff, justice or magistrate shall not grant a warrant under this section unless he is satisfied—

- (a) that admission to the premises has been refused and, except where the purpose specified in the information—
 - (i) is the survey and examination of premises to determine whether there has been a failure to comply

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with a notice under section 105 or section 106 or section 107 of this Act, or

(ii) is to ascertain whether there has been a contravention of any regulations or direction made or given under the foregoing provisions of this Part of this Act,

that admission was sought after not less than twenty-four hours' notice of the intended entry had been given to the occupier ; or

(b) that an application for admission to the premises would defeat the object of the entry.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(4) Any person who, in the exercise of a right of entry under this section, enters any premises which are unoccupied, or any premises the occupier of which is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.

(5) Any power of entry conferred by this section—

(a) shall include power to enter, if need be, by force, and

(b) may be exercised by the person on whom it is conferred either alone or together with any other persons.

Application to sheriff where consent unreasonably withheld.

116. If on an application made by any person required by a notice under the foregoing provisions of this Part of this Act to execute any works it appears to the sheriff that any other person having an estate or interest in the premises has unreasonably refused to give any consent required to enable the works to be executed, the sheriff may give the necessary consent in place of that other person.

Protection of superiors and owners.

117.—(1) If the superior or owner of any lands and heritages gives notice to the local authority of his estate in those lands and heritages, the authority shall give to him notice of any proceedings taken by them in pursuance of the foregoing provisions of this Part of this Act in relation to those lands and heritages or any part thereof.

(2) Nothing in the foregoing provisions of this Part of this Act shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any agreement or stipulation entered into by a lessee with reference to any house in respect of which a notice requiring the execution of works is served by a local authority under the foregoing provisions of this Part of this Act, or as respects

which regulations made under section 103 of this Act are for the time being in force ; and if any owner is obliged to take possession of a house in order to comply with any such notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which has occurred before he so took possession.

118.—(1) Where an offence punishable under the foregoing provisions of this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, 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. Offences by bodies corporate.

(2) Where a person is convicted of an offence by virtue of subsection (1) of this section and the body corporate in question is under the foregoing provisions of this Part of this Act liable, as having been previously convicted of an offence, to a higher penalty than if it had not been previously convicted of any offence, that person shall be liable under the foregoing provisions of this Part of this Act to the same penalties as the body corporate, including the imprisonment to which it would be liable if a natural person :

Provided that he shall not be so liable if he shows that at the time of the first-mentioned offence he did not know of the body corporate's conviction for the earlier offence and that at the time of the earlier conviction he was not acting or purporting to act as a director, manager, secretary or other similar officer of the body corporate.

- 119.** In the foregoing provisions of this Part of this Act— Statutory tenant to be regarded as lessee, etc.
- (a) references to a lessee of a house and to a person to whom a house is let include references to any person who retains possession of the house by virtue of the Rent Acts and not as being entitled to any tenancy ; and
 - (b) references to a person having an estate or interest in a house include references to any person who retains possession of the house as mentioned in paragraph (a) of this section.

Control orders

120.—(1) A local authority may make an order under this section (in this Part of this Act referred to as a "control order") as respects a house in their district which, or a part of which, is Making of control order.

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- (a) if an order under section 104 of this Act is in force as respects the house, or a notice has been served or direction given as respects the house under section 105 or section 106 or section 111 of this Act, or
- (b) if it appears to the local authority that the state or condition of the house is such as to call for the taking of any such action as may be taken under any of those sections,

and if it appears to the local authority that the living conditions in the house are such that it is necessary to make the control order in order to protect the safety, welfare or health of persons living in the house.

(2) A local authority may exclude from the provisions of a control order any part of the house which, when the control order comes into force, is occupied by a person who has an estate or interest in the whole of the house, and, except where the context otherwise requires, references in this section and in the following provisions of this Part of this Act to the house do not include references to any part of the house so excluded from the provisions of the control order.

(3) A control order shall come into force when it is made, and as soon as practicable after making a control order the local authority shall, in exercise of the powers conferred in the following provisions of this Part of this Act, and having regard to the duties imposed on them by the said provisions, enter on the premises and take all such immediate steps as appear to them to be required to protect the safety, welfare or health of persons living in the house.

(4) As soon as practicable after making a control order the local authority shall—

- (a) post a copy of the control order, together with a notice as described in subsection (5) of this section, in some position in the house where it is accessible to those living in the house ; and
- (b) serve a copy of the control order, together with such a notice, on every person who, to the knowledge of the local authority—
 - (i) was, immediately before the coming into force of the control order, a person managing the house or a person having control of the house, or
 - (ii) is an owner or lessee of the house or a person holding a heritable security over the house.

(5) The notice referred to in subsection (4) of this section shall set out the effect of the control order in general terms, referring to the rights of appeal against control orders conferred by this Part of this Act and stating the principal grounds on which the local authority consider it necessary to make a control order.

(6) As soon as practicable after making a control order the local authority shall cause the control order to be recorded in the General Register of Sasines.

121.—(1) While a control order is in force the local authority shall, subject to the provisions of section 122 of this Act relating to persons who are occupying parts of the house, have the right to possession of the premises and the right to do, and to authorise others to do, in relation to the premises anything which any person having an estate or interest in the premises would, but for the making of the control order, be entitled to do, without incurring any liability to any such person except as expressly provided by this Part of this Act. General effect of control order.

(2) Subject to subsection (3) of this section, the local authority may, notwithstanding that they do not, under this section, have an interest amounting to an estate in the premises, create an interest in the premises which, as near as may be, has the incidents of a lease and, subject to the provisions of section 122(4) of this Act and to any other express provision of this Part of this Act, any enactment or rule of law relating to landlords and tenants or leases shall apply in relation to any interest created under this section as if the local authority were the owner of the premises.

(3) Subject to the provisions of sections 130(3) and 133(9) of this Act, the local authority shall not, in exercise of the powers conferred by this section, create any right in the nature of a lease or licence which is for a fixed term exceeding one month, or which is terminable by notice to quit (or an equivalent notice) of more than four weeks :

Provided that this subsection shall not apply to a right created with the consent in writing of the person or persons who would have power to create that right if the control order were not in force.

(4) On the coming into force of a control order any order under section 104 of this Act, and any notice or direction under section 105, section 106, section 107 or section 111 of this Act, shall cease to have effect as respects the house to which the control order applies, but without prejudice to any criminal liability incurred before the coming into force of the control order, or to the right of the local authority to recover any expenses incurred in carrying out any works.

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(5) References in this Act or in any other enactment to housing accommodation provided or managed by a local authority shall not include references to any house which is subject to a control order, but this subsection shall not be taken as restricting the powers of acquiring land by agreement or compulsorily conferred on local authorities by Part VII of this Act.

Effect of control order on persons occupying any part of house, etc.

122.—(1) In this section references to a person to whom this section applies are references to any person—

- (a) who, at the time when a control order comes into force, is occupying any part of the house, and
- (b) who at that time is not a person who has an estate or interest in the whole of the house.

(2) Section 121 of this Act shall not affect the rights or liabilities of a person to whom this section applies under any lease, licence or agreement, whether in writing or not, under which that person is occupying any part of the house at the time when the control order comes into force, and—

- (a) any such lease, licence or agreement shall, while the control order is in force, have effect as if the local authority were substituted in the lease, licence or agreement for any party to the lease, licence or agreement who has an estate or interest in the house and who is not a person to whom this section applies; and
- (b) any such lease shall continue to have effect as near as may be as a lease notwithstanding that the rights of the local authority, as substituted for the lessor, do not amount to an estate in the premises.

(3) Subject to the provisions of subsection (4) of this section and to any other express provision of this Part of this Act, any enactment or rule of law relating to landlords and tenants or leases shall apply in relation to any lease to which the local authority become a party under this section as if the authority were the owner of the premises.

1954 c. 50.

(4) Section 25 of the Housing (Repairs and Rents) (Scotland) Act 1954 (which excludes lettings by local authorities from the Rent Acts) shall not apply to any lease or agreement under which a person to whom this section applies is occupying any part of the house, and if immediately before the control order came into force any person to whom this section applies was occupying part of the house under a tenancy to which the Rent Acts applied (including a statutory tenancy), nothing in the provisions of this Part of this Act relating to control orders shall prevent the Rent Acts from continuing to apply after the coming into force of the control order.

(5) So much of any regulations made under section 103 of this Act as imposes duties on persons who live in a house to which the regulations apply shall apply also to persons who live in a house as respects which a control order is in force.

(6) Without prejudice to the rights conferred on the local authority by section 121 of this Act, the authority, and any person authorised in writing by them, shall have the right at all reasonable times, as against any person having an estate or interest in a house which is subject to a control order, to enter any part of the house—

- (a) for the purpose of survey and examination, and
- (b) for the purpose of carrying out any works.

(7) The rights conferred by subsection (6) of this section shall, so far as reasonably required for the purpose of survey and examination of a part of a house subject to a control order, or for the purpose of carrying out any works in that part of a house, be exercisable as respects the part of the house which, by virtue of section 120(2) of this Act, is not subject to the control order.

123.—(1) Subject to this section, if on the date on which a control order comes into force there is any furniture in the house which a resident in the house has the right to use in consideration of periodical payments to the dispossessed proprietor (whether included in the rent payable by the resident or not), the right to possession of the furniture shall, on that date and as against all persons other than the resident, vest in the local authority and remain vested in the authority while the control order remains in force.

Effect of control order on furnished lettings.

(2) The local authority may, on the application in writing of the person owning any furniture to which subsection (1) of this section applies, by notice served on that person not less than two weeks before the notice takes effect, renounce the right to possession of the furniture as conferred by that subsection.

(3) In respect of the period during which the local authority have the right to possession of any furniture in pursuance of subsection (1) of this section, the authority shall be liable to pay to the dispossessed proprietor compensation in respect of the use of any furniture the right to possession of which vests under that subsection at such rate as the parties may agree or as may be determined by the tribunal constituted under section 1 of the Rent of Furnished Houses Control (Scotland) Act 1943 for the area in which the house is situated.

1943 c. 44.

(4) If the local authority's right to possession of any furniture conferred by subsection (1) of this section is a right exercisable

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as against more than one person interested in the furniture, any such person may apply to the sheriff for an adjustment of the rights and liabilities of those persons as regards the furniture, and the sheriff may make an order for any such adjustment of rights and liabilities either unconditionally or subject to such terms and conditions (including terms or conditions with respect to the payment of money by any party to the proceedings to any other party to the proceedings by way of compensation, damages or otherwise) as he thinks just and equitable.

(5) Compensation due under this section—

- (a) shall be payable by quarterly instalments, the first instalment being payable three months after the date when the control order comes into force;
- (b) is to be considered as accruing due from day to day and shall be apportionable in respect of time accordingly.

(6) In this Part of this Act “dispossessed proprietor” means the person by whom the rents or other periodical payments to which a local authority become entitled on the coming into force of a control order would have been receivable but for the making of the control order, and the successors in title of that person; and in this section “furniture” includes fittings and other articles.

Functions
of local
authority
when control
order in
force.

124.—(1) It shall be the duty of the local authority to exercise the powers conferred on them by a control order so as to maintain proper standards of management in the house and to take such action as is needed to remedy all the matters which they would have considered it necessary to remedy by the taking of action under any of the foregoing provisions of this Part of this Act (other than those relating to control orders) if they had not made a control order.

(2) The local authority may fit out, furnish and supply any house subject to a control order with such furniture, fittings and conveniences as appear to them to be required.

(3) It shall be the duty of the local authority to make reasonable provision for insurance of any premises subject to a control order, including any part of the premises which, by virtue of section 120(2) of this Act, is excluded from the provisions of the control order, against destruction or damage by fire or other cause, and premiums paid for the insurance of the premises shall, for the purposes of the following provisions of this Part of this Act, be treated as expenditure incurred by the local authority in respect of the premises.

(4) It shall be the duty of the local authority to keep full accounts of their income and expenditure in respect of a house

which is subject to a control order, and to afford to the dispossessed proprietor, or any other person having an estate or interest in the house, all reasonable facilities for inspecting, taking copies of and verifying those accounts.

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(5) While a control order is in force the local authority shall afford to the dispossessed proprietor, or any other person having an estate or interest in the house, any reasonable facilities requested by him for inspecting and examining the house.

125.—(1) In respect of the period during which the control order is in force the local authority shall be liable to pay to the dispossessed proprietor compensation at an annual rate of an amount equal to one half of the gross annual value for rating purposes of the house as shown in the valuation roll on the date when the control order comes into force.

Periodical payments to dispossessed proprietor.

(2) Compensation due under this section—

- (a) shall be payable by quarterly instalments, the first instalment being payable three months after the date when the control order comes into force ;
- (b) is to be considered as accruing due from day to day and shall be apportionable in respect of time accordingly.

(3) If at the time when compensation under this section accrues due the estate or interest of the dispossessed proprietor is subject to any heritable security or charge, the compensation shall be deemed to be comprised in that heritable security or charge.

(4) For the purposes of the references in this section to the gross annual value of a house—

- (a) where after the date on which the control order comes into force the valuation roll is altered so as to vary the gross annual value of the house, or of the lands and heritages of which the house forms part, and the alteration has effect from a date not later than the date on which the control order comes into force, compensation shall be payable under this section as if the gross annual value of the house or lands and heritages shown in the valuation roll on the date when the control order came into force had been the amount of that value shown in the roll as altered ; and
- (b) if the house forms part only of any lands and heritages, such proportion of the gross annual value shown in the valuation roll for those lands and heritages as may be agreed in writing between the local authority and

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the person claiming the compensation shall be the gross annual value of the house ;

and any dispute arising under paragraph (b) of this subsection shall be determined by the sheriff on the application of either party.

(5) If different persons are the dispossessed proprietors of different parts of any house, compensation payable under this section shall be apportioned between them in such manner as they may agree (or as may, in default of agreement, be determined by the sheriff on the application of any of such persons) according to the proportions of the gross annual value of the house properly attributable to the parts of the house in which they are respectively interested.

Scheme listing works involving capital expenditure.

126.—(1) After a control order has been made, the local authority shall prepare a scheme under this section and shall, not later than eight weeks after the date on which the control order comes into force, serve a copy of the scheme on every person who is to the knowledge of the authority—

- (a) a dispossessed proprietor, or
- (b) an owner or lessee of the house, or a person holding a heritable security over the house,

and on any other person on whom the local authority served a copy of the control order.

(2) The scheme shall give particulars of all works which in the opinion of the local authority—

- (a) the local authority would have required to be carried out under the foregoing provisions of this Part of this Act (other than those relating to control orders), or under any other enactment relating to housing or public health, and
- (b) constitute works involving capital expenditure.

(3) The scheme shall also—

- (a) include an estimate of the cost of carrying out the works of which particulars are given in the scheme ; and
- (b) specify what is in the opinion of the local authority the highest number of individuals or households who should, having regard to the considerations set out in subsections (1) and (2) of section 106 of this Act, live in the house from time to time, having regard to its existing condition and to its future condition as the works progress which the authority carry out in the house ; and

(c) include an estimate of the balances which will from time to time accrue to the local authority out of the net amount of the rent and other payments received by the authority from persons occupying the house after deducting—

(i) compensation payable by the authority under section 123 and section 125 of this Act, and

(ii) all expenditure, other than expenditure of which particulars are given under subsection (2) of this section, incurred by the authority in respect of the house while the control order is in force, together with the appropriate establishment charges.

(4) In this Part of this Act references to surpluses on revenue account as settled by the scheme are references to the amount included in the scheme by way of an estimate under subsection (3)(c) of this section, subject to any variation of the scheme made by the local authority under the following provisions of this section, or made by the sheriff on an appeal or an application under the following provisions of this Part of this Act.

(5) The local authority may at any time vary the scheme in such a way as to increase the amount of the surpluses on revenue account as settled by the scheme for all or any periods (including past periods).

(6) The provisions of this section shall not affect the powers conferred on a local authority by section 121 of this Act and, accordingly, a local authority shall have power to carry out any works in a house which is subject to a control order whether or not particulars of those works have been included in a scheme under this section.

127.—(1) An account shall be kept by the local authority for the period during which a control order is in force showing—

(a) the surpluses on revenue account as settled by the scheme, and

(b) the expenditure incurred by the authority in carrying out works of which particulars were given in the scheme.

Recovery by local authority of capital expenditure incurred in carrying out works included in scheme.

(2) Balances shall be struck in the account at half-yearly intervals so as to ascertain the amount of expenditure under subsection (1)(b) of this section which cannot be set off against the said surpluses on revenue account, and (except where the control order is revoked by the sheriff on an appeal against the control order and the account under this section is no

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longer needed) the final balance shall be struck at the date when the control order ceases to have effect.

(3) So far as, at the end of any half-yearly period, expenditure is not set off against the said surpluses on revenue account, the expenditure shall, for the purposes of this section, carry interest at the rate for the time being fixed for the purposes of section 12(1) of this Act until it is so set off or until a demand for such expenditure is served by the local authority under the said section 12(1), as applied by subsection (5) of this section.

So far as there is any sum out of the said surpluses on revenue account not required to meet any expenditure incurred by the local authority, it shall go to meet interest under this subsection.

(4) Except where the control order is revoked by the sheriff on an appeal against the control order under the following provisions of this Part of this Act, on and after the time when the control order ceases to have effect the expenditure reasonably incurred by the local authority in carrying out works of which particulars were given in the scheme, together with interest as provided in this section, shall, so far as not set off in accordance with this section against the surpluses on revenue account as settled by the scheme, be recoverable from the dispossessed proprietor.

(5) Sections 11(3) and 12 of this Act shall, subject to any necessary modifications, apply for the purpose of enabling the local authority to recover from the dispossessed proprietor any expenditure which, by virtue of subsection (4) of this section, is recoverable from him as they apply for the purpose of enabling a local authority to recover expenses incurred by them in executing works on an insanitary house.

(6) Sections 26 and 27 of this Act shall apply in relation to a demand by the local authority for the recovery of any such expenditure and to an order made by the local authority with respect to any such expenditure as they apply in relation to a demand for the recovery of expenses incurred by a local authority in executing works on an insanitary house and to an order made by a local authority with respect to any such expenses.

(7) It shall be competent for the local authority to make a charging order in favour of themselves in respect of any such expenditure, and subsections (2) to (4) of section 28, and section 29, of this Act shall, with any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 28 and as if any reference in the said section 29 to Part II of this Act included a reference to the provisions of this Part of this Act relating to control orders.

Section 120(2) of this Act shall not apply so as to restrict the effect of any charging order made by virtue of this subsection to the part of the house to which a control order is applied.

(8) For the purposes of this section references to the provisions of a scheme include references to those provisions as varied under this Part of this Act and if, when the control order ceases to have effect, proceedings under the following provisions of this Part of this Act are pending which may result in a variation of the scheme, those proceedings may be continued until finally determined; and if any expenditure which, by virtue of subsection (4) of this section, is recoverable from the dispossessed proprietor is recovered from him before the final determination of those proceedings, the local authority shall be liable to account for any money so recovered which, having regard to the decision in the proceedings as finally determined, they ought not to have recovered.

128.—(1) Either the lessor or the lessee under any lease of premises which consist of or comprise a house which is subject to a control order, other than a lease to which section 122(2) of this Act applies, may apply to the sheriff for an order under this section. Power of sheriff to modify or determine lease.

(2) On any such application, the sheriff may make an order for the determination of the lease, or for its variation, and, in either case, either unconditionally or subject to such terms and conditions (including terms or conditions with respect to the payment of money by any party to the proceedings to any other party to the proceedings by way of compensation, damages or otherwise) as the sheriff may think just and equitable to impose, regard being had to the respective rights, obligations and liabilities of the parties under the lease and to the other circumstances of the case.

(3) If on any such application the sheriff is satisfied—

- (a) that if the lease is determined and the control order is revoked the lessor will be in a position, and intends, to take all such action to remedy the condition of the house as the local authority consider would have to be taken in pursuance of the powers conferred on them by the foregoing provisions of this Part of this Act (other than those relating to control orders); and
- (b) that the local authority intend, if the lease is determined, to revoke the control order;

the sheriff shall exercise the jurisdiction conferred by this section so as to determine the lease.

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Appeals, etc.

Appeal
against
control order.

129.—(1) At any time after the making of a control order, but not later than the expiry of a period of six weeks from the date on which a copy of the relevant scheme is served in accordance with section 126(1) of this Act, any person having an estate or interest in the house, or, subject to subsection (2) of this section, any other person, may appeal to the sheriff against the control order.

(2) The sheriff may, before entertaining an appeal by a person who had not, when he brought the appeal, an estate or interest in the house, require the appellant to satisfy the sheriff that he may be prejudiced by the making of the control order.

(3) The grounds of an appeal under this section may be all or any of the following, that is to say—

- (a) that (whether or not the local authority have made an order or issued a notice or direction under any of the provisions of this Act mentioned in section 120(1)(a) thereof) the state or condition of the house was not such as to call for the taking of any such action as may be taken under any of those provisions ;
- (b) that it was not necessary to make the control order in order to protect the safety, welfare or health of persons living in the house ;
- (c) where part of the house was occupied by the dispossessed proprietor when the control order came into force, that it was practicable and reasonable for the local authority to exercise their powers under section 120(2) of this Act so as to exclude from the provisions of the control order a part of the house (or a greater part of the house than has been excluded) ;
- (d) that the control order is invalid on the ground that any requirement of this Act has not been complied with or on the ground of some informality, defect or error in or in connection with the control order.

(4) In so far as an appeal under this section is based on the ground that the control order is invalid, the sheriff shall confirm the control order unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.

(5) A control order shall, subject to the right of appeal conferred by this section, be final and conclusive as to any matter which could have been raised on any such appeal.

(6) Where a control order is revoked on an appeal under this section the local authority shall as soon as practicable thereafter cause to be recorded in the General Register of Sasines a notice stating that the control order has been revoked as aforesaid.

130.—(1) This section shall have effect if a control order is revoked by the sheriff on an appeal against the control order. Provisions where control order revoked on appeal.

(2) If the local authority are in the course of carrying out any works in the house which, if a control order were not in force, the authority would have power to require some other person to carry out under the foregoing provisions of this Part of this Act (other than those relating to control orders), or under any other enactment relating to housing or public health, and on the hearing of the appeal the sheriff is satisfied that the carrying out of the works could not be postponed until after the determination of the appeal because the works were urgently required for the sake of the safety, welfare or health of persons living in the house, or of other persons, the sheriff may suspend the revocation of the control order until the works have been completed.

(3) The sheriff may authorise the local authority to create under section 121(2) of this Act interests which expire, or which the dispossessed proprietor can terminate, within six months from the time when the control order ceases to have effect, being interests which, notwithstanding subsection (3) of the said section 121, are for a fixed term exceeding one month, or are terminable by notice to quit (or an equivalent notice) of more than four weeks.

(4) The sheriff shall take into consideration whether the state or condition of the house is such that any action ought to be taken by the local authority under the foregoing provisions of this Part of this Act (other than those relating to control orders) and shall take all or any of the following steps accordingly, that is to say—

- (a) approve the making of an order under section 104 of this Act ;
- (b) approve the giving of a notice under section 105 or section 106 or section 107 of this Act ; or
- (c) approve the giving of a direction under section 111 of this Act ;

and no appeal against any order or notice so approved shall lie under section 104(4) or section 108 of this Act.

(5) In respect of the period from the coming into force of the control order until its revocation by the sheriff, the local authority shall, subject to this section, be liable to pay to the

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dispossessed proprietor the balances which from time to time accrued to the authority out of the net amount of the rent and other payments received by the authority while the control order was in force from persons occupying the house after deducting—

- (a) compensation payable by the local authority under section 123 and section 125 of this Act, and
- (b) all expenditure, other than capital expenditure, incurred by the local authority in respect of the house while the control order was in force, together with the appropriate establishment charges.

(6) If the sheriff is satisfied that the balances which the local authority are, under subsection (5) of this section, liable to pay to the dispossessed proprietor are unduly low for any reason within the control of the authority, having regard to the desirability of observing the standards of management contained in regulations made under section 103 of this Act and to the other standards which the authority ought to observe as to the number of persons living in the house and the rents which they ought to charge, the sheriff shall direct that, for the purposes of the authority's liability to the dispossessed proprietor under this section, the balances under subsection (5) of this section shall be deemed to be such greater sums as the sheriff may direct:

Provided that the sheriff shall not under this subsection give a direction which will afford to the dispossessed proprietor a sum greater than what he may, in the opinion of the sheriff, have lost by the making of the control order.

(7) If different persons are dispossessed proprietors in relation to different parts of the house, sums payable under this section by the local authority shall be apportioned between them in the manner provided by section 125(5) of this Act.

(8) For the purpose of enabling the local authority to recover capital expenditure incurred by them in carrying out works in the house in the period before the control order is revoked, the authority may on the hearing of the appeal apply to the sheriff for approval of those works on the ground that they were works which, if a control order had not been in force, the authority could have required some other person to carry out under the foregoing provisions of this Part of this Act (other than those relating to control orders), or under any other enactment relating to housing or public health, and that the carrying out of the works could not be postponed until after the determination of the appeal because the works were urgently required for the sake of the safety, welfare or health of the persons living in the house, or other persons.

(9) Any expenditure reasonably incurred by the local authority in carrying out works approved under subsection (8) of this section—

- (a) may be deducted by the local authority out of the balances which the authority are, under subsection (5) of this section, liable to pay to the dispossessed proprietor ;
- (b) so far as not so deducted, shall be recoverable from the dispossessed proprietor.

(10) Any expenditure recoverable by the local authority from the dispossessed proprietor by virtue of subsection (9)(b) of this section shall carry interest at the rate for the time being fixed for the purposes of section 12(1) of this Act from the date when the control order is revoked ; and subsections (5) to (7) of section 127 of this Act shall, with any necessary modifications, apply for the purpose of enabling the authority to recover any such expenditure as if they were incorporated in this section.

131.—(1) Within six weeks from the date on which a copy of the relevant scheme is served in accordance with section 126(1) of this Act, any person having an estate or interest in the house may appeal to the sheriff against the scheme on all or any of the following grounds, that is to say—

- (a) that having regard to the condition of the house and to the other circumstances, any of the works of which particulars are given in the scheme (whether already carried out or not) are unreasonable in character or extent, or are unnecessary ;
- (b) that any of the works do not involve expenditure which ought to be regarded as capital expenditure ;
- (c) that the number of individuals or households living in the house, as specified by the local authority in the scheme, is unreasonably low ;
- (d) that the estimate of the surpluses on revenue account in the scheme is unduly low on account of some assumptions, whether as to rents charged by the local authority or otherwise, made by the authority in arriving at the estimate as to matters which are within the control of the authority.

(2) On an appeal under this section the sheriff may, as he thinks fit, confirm or vary the scheme.

(3) If an appeal has been brought against the control order and the sheriff decides on the appeal to revoke the control order, the sheriff shall not proceed with any appeal against the scheme relating to that control order.

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(4) Proceedings on an appeal against a scheme shall, so far as practicable, be combined with proceedings on any appeal against the control order to which the scheme relates.

Application for variation of scheme.

132.—(1) Without prejudice to the right of appeal against a scheme conferred by section 131 of this Act, either the local authority or any person having an estate or interest in the house to which the scheme relates may at any time apply to the sheriff for a review of the estimate of the surpluses on revenue account in the scheme.

(2) On an application under this section the sheriff may, as he thinks fit, confirm or vary the scheme, but the sheriff shall not on such an application vary the scheme so as to affect the provisions thereof relating to the works.

(3) On an application under this section the surpluses on revenue account as settled by the scheme may be varied for all or any periods including past periods, and the sheriff shall take into consideration whether in the period since the control order came into force the actual balances mentioned in section 126(3)(c) of this Act have exceeded, or been less than, the surpluses on revenue account as settled by the scheme as for the time being in force, and shall also take into consideration whether there has been any change in circumstances such that the number of persons or households who should live in the house, or the net amount of the rents and other payments receivable by the local authority from persons occupying the house, ought to be greater or less than was originally estimated.

Expiration and revocation of control order

Expiration of control order, and earlier revocation by local authority or sheriff.

133.—(1) A control order shall cease to have effect on the expiry of a period of five years beginning with the date on which it came into force.

(2) The local authority may at any earlier time, either on an application under this section or on their own initiative, by order revoke a control order.

(3) Not less than twenty-one days before the local authority revoke a control order they shall serve notice of their intention to revoke the control order on the persons occupying any part of the house, and on every person who is to the knowledge of the authority an owner or lessee of the house or a person holding a heritable security over the house.

(4) If any person applies to the local authority requesting the authority to revoke a control order, and giving the grounds on which the application is made, the authority shall, if they refuse the application, inform the applicant of their decision and of

their reasons for rejecting the grounds advanced by the applicant; and if the authority refuse the application or do not, within forty-two days from the making of the application or within such further period as the applicant may in writing allow, inform the applicant of their decision on the application, the applicant may appeal to the sheriff, and the sheriff may revoke the control order:

Provided that, if an appeal has been brought under this subsection, then, except with the leave of the sheriff, another appeal shall not be so brought, whether by the same or a different appellant, in respect of the same control order until the expiry of a period of six months beginning with the final determination of the first-mentioned appeal.

(5) If on an appeal under subsection (4) of this section the local authority represent to the sheriff that revocation of the control order would unreasonably delay completion of any works of which particulars were given in the relevant scheme under this Part of this Act and which the authority have begun to carry out, the sheriff shall take the representations into account and may, if he thinks fit, revoke the control order as from the time when the works are completed.

(6) If an appellant under subsection (4) of this section has an estate or interest in the house which, apart from the rights conferred on the local authority by the provisions of this Part of this Act relating to control orders, and apart from the rights of persons occupying any part of the house, would give him the right to possession of the house, and that estate or interest was, when the control order came into force, subject to a lease for a term of years which has subsequently expired, then, if that person satisfies the sheriff that he is in a position and intends, if the control order is revoked, to demolish or reconstruct the house or to carry out substantial work of construction on the site of the house, the sheriff shall revoke the control order.

(7) Where in a case falling under subsection (6) of this section the sheriff is not satisfied as therein mentioned, but would be so satisfied if the date of revocation of the control order were a date later than the date of the hearing of the appeal, the sheriff shall, if the appellant so requires, make an order for the revocation of the control order on that later date.

(8) Where the sheriff on an appeal under subsection (4) of this section decides to revoke a control order in respect of a house from the dispossessed proprietor of which any amount will be recoverable by virtue of this Part of this Act, the sheriff may make it a condition of the revocation of the control order

PART VI that the appellant first pays off to the local authority that amount, or such part of that amount as the sheriff may specify.

(9) Where the sheriff on an appeal under subsection (4) of this section revokes a control order he may authorise the local authority to create under section 121(2) of this Act interests which expire, or which the dispossessed proprietor can terminate, within six months from the time when the control order ceases to have effect, being interests which, notwithstanding subsection (3) of the said section 121, are for a fixed term exceeding one month, or are terminable by notice to quit (or an equivalent notice) of more than four weeks.

(10) Where—

- (a) the local authority propose to revoke a control order on their own initiative, and apply to the sheriff under this subsection, or
- (b) the sheriff on an appeal under subsection (4) of this section revokes a control order,

the sheriff may take all or any of the following steps, to take effect on the revocation of the control order, that is to say—

- (i) approve the making of an order under section 104 of this Act;
- (ii) approve the giving of a notice under section 105 or section 106 or section 107 of this Act; or
- (iii) approve the giving of a direction under section 111 of this Act;

and no appeal against any order or notice so approved shall lie under section 104(4) or section 108 of this Act.

(11) Where a control order is revoked by the local authority under subsection (2), or by the sheriff on an appeal under subsection (4), of this section, the local authority shall as soon as practicable thereafter cause to be recorded in the General Register of Sasines the revocation order made by them or, as the case may be, a notice stating that the control order has been revoked by the sheriff as aforesaid.

Effect of cessation of control order

Effect of
cessation of
control order.

134. Schedule 6 to this Act (which sets out the consequences of a control order ceasing to have effect) shall have effect for the purposes of this Part of this Act.

Restriction on recovery of possession after making of compulsory purchase order

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- 135.**—(1) The provisions of this section shall apply where—
- (a) a local authority have made an order under Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, as applied to the acquisition of land under this Act (other than section 20 thereof), authorising the compulsory acquisition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family; and
- (b) any premises forming part of that house are at a time in the relevant period occupied by a person (in this section referred to as “the former lessee”) who was the lessee of those premises when the order was made or became the lessee thereof after the order was made, but who is no longer the lessee thereof.

Restriction
on recovery
of possession
after making
of compulsory
purchase
order.
1947 c. 42.

In this section “the relevant period” means the period of twelve months beginning with the making of the said order or, if at a time before the expiration of the said period of twelve months the Secretary of State notifies the local authority that he declines to confirm the order, or the order is quashed by a court, the period beginning with the making of the order and ending with that time.

(2) Subject to this section, in proceedings in any court of competent jurisdiction instituted during the relevant period to enforce against the former lessee the right to recover possession of the premises the court may if it thinks fit—

- (a) suspend the execution of any decree of removing or warrant of ejection or other like order made in the proceedings for such period, not exceeding the period of twelve months beginning with the making of the said compulsory purchase order, and subject to such conditions, if any, as the court thinks fit; and
- (b) from time to time vary the period of suspension (but not so as to enlarge that period beyond the end of the said period of twelve months), or terminate it, and vary the terms of the said decree, warrant or other like order in other respects.

(3) If at any time the Secretary of State notifies the local authority that he declines to confirm the said compulsory purchase order, or that order is quashed by a court, or, whether before or after that order has been submitted to the Secretary of State for confirmation, the authority decide not to proceed with it, it shall be the duty of the authority to notify the person entitled to the benefit of the decree of removing or warrant of ejection or other like order, and that person shall be entitled,

PART VI on applying to the court, to obtain an order terminating the period of suspension, but subject to the exercise of such discretion in fixing the date on which possession is to be given as the court might exercise apart from this subsection if it were then making such a decree, warrant or other like order for the first time.

(4) Subsections (2) and (3) of this section shall not apply where the person entitled to possession of the premises is the local authority.

Interpretation

Interpretation
of Part VI.

136.—(1) In this Part of this Act, unless the context otherwise requires—

“dispossessed proprietor” has the meaning given by section 123(6) of this Act;

“establishment charges” means, in relation to any expenditure incurred by a local authority, the proper addition to be made to that expenditure to take account of overhead expenditure incurred by the authority, and to allow for a proper return on capital;

1924 c. 27.

“heritable security” has the same meaning as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by *ex facie* absolute disposition or assignation;

“lease” includes a sublease or any tenancy, and any agreement for a lease, sublease or tenancy, and references to a lessor or to a lessee or to a person to whom a house is let shall be construed accordingly;

“licence” means any right or permission relating to land but not amounting to an estate or interest therein;

“person managing a house” has the meaning given by section 103(5) of this Act;

1920 c. 17.

“statutory tenant” means a tenant (as defined in section 12(1)(g) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920) who retains possession by virtue of the Rent Acts, and not as being entitled to a tenancy, and “statutory tenancy” shall be construed accordingly;

“surpluses on revenue account as settled by the scheme” has the meaning given by section 126(4) of this Act.

(2) References in this Part of this Act to the net amount of rents or other payments received by a local authority from persons occupying a house are references to the amount of the rent and other payments received by the authority from those persons under leases or licences, or in respect of furniture to which section 123(1) of this Act applies, after deducting income tax paid or borne by the authority in respect of those rents and other payments.

(3) References in this Part of this Act to expenditure incurred in respect of a house subject to a control order include, in a case where the local authority—

- (a) require persons living in a house to vacate their accommodation for any period while the local authority are carrying out works in the house, and
- (b) defray all or any part of the expenses incurred by or on behalf of those persons removing from and returning to the house, or provide housing accommodation for those persons for any part of that period,

references to the sums so defrayed by the local authority, and to the net cost to the authority of so providing housing accommodation.

(4) For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed the final determination thereof having the like effect as a decision dismissing the appeal.

PART VII

PROVISION OF HOUSING ACCOMMODATION

General powers and duties of local authorities

137. It shall be the duty of every local authority to consider the housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation and for that purpose to review the information which has been brought to their notice, either as a result of the inspections and surveys carried out under section 4(1) of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Secretary of State, to prepare and submit to the Secretary of State proposals for the provision of new houses, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authorities under Part II or Part III of this Act or under section 138(1)(d) thereof.

Duty of local authority to review housing conditions and to frame proposals.

138.—(1) A local authority may provide housing accommodation—

- (a) by the erection of houses on any land acquired or appropriated by them ;
- (b) by the conversion of any buildings into houses ;
- (c) by acquiring houses ;
- (d) by altering, enlarging, repairing or improving any houses or other buildings which have, or a right or interest in which has, been acquired by the local authority.

Mode of provision of housing accommodation.

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Any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

(2) The local authority may alter, enlarge, repair or improve any house so erected, converted or acquired.

(3) For the purposes of this Part of this Act the provision of housing accommodation includes the provision of a cottage with a garden of not more than one acre.

Power of local authority to provide shops, etc., in connection with housing accommodation.

139.—(1) The power of a local authority under this Part of this Act to provide housing accommodation shall include power (either by themselves or jointly with any other person) to provide and maintain, with the consent of the Secretary of State, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Secretary of State will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

(2) The Secretary of State may, in giving his consent to the provision of any building or land under this section, by order apply, with any necessary modifications, to that building or land any statutory provisions which would have been applicable thereto if the building or land had been provided under any enactment giving any local authority powers for the purpose.

Power of local authority to provide furniture, etc.

140.—(1) A local authority—

(a) may fit out, furnish and supply any house erected, converted or acquired by them under section 138 of this Act with all requisite furniture, fittings and conveniences ;

(b) shall have power, and shall be deemed always to have had power, to sell, or to supply under a hire-purchase agreement, furniture to the occupants of houses provided by the local authority and, for that purpose, to buy furniture.

(2) In this section “hire-purchase agreement” means a hire-purchase or conditional sale agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965.

1965 c. 67.

Power of local authority to provide board and laundry facilities.

141.—(1) The power of a local authority under this Part of this Act to provide housing accommodation shall include power to provide, in connection with the provision of such accommodation for any persons, such facilities for obtaining meals and such laundry facilities and services as accord with the needs of those persons.

(2) A local authority may make such reasonable charges for meals provided by them by virtue of this section, and such reasonable charges to persons availing themselves of laundry facilities or services so provided, as the authority may determine.

(3) This section shall not authorise the grant of a certificate under the Licensing (Scotland) Acts 1959 and 1962 for the sale of exciseable liquor in connection with the provision under this section of facilities for obtaining meals.

142. A local authority shall have power under this Part of this Act— Power of local authority to acquire land for, or in connection with, provision of housing accommodation.

- (a) to acquire any land as a site for the erection of houses ;
- (b) to acquire land proposed to be used for any purpose authorised by section 139 or section 141 of this Act ;
- (c) to acquire—
 - (i) houses, and
 - (ii) buildings other than houses, being buildings which may be made suitable as houses,
 together with any lands occupied with the houses or buildings, or any right or interest in houses or in such buildings as are mentioned in sub-paragraph (ii) of this paragraph ;
- (d) to acquire land for the purposes of—
 - (i) selling or leasing the land under the powers conferred by this Act, with a view to the erection thereon of houses by persons other than the local authority ;
 - (ii) selling or leasing, under the powers conferred by this Act, any part of the land acquired, with a view to the use thereof for purposes which in the opinion of the local authority are necessary or desirable for, or incidental to, the development of the land as a building estate ;
 - (iii) carrying out thereon works for the purpose of, or connected with, the alteration, enlargement, repair or improvement of an adjoining house ;
 - (iv) selling or leasing the land under the powers conferred by this Act, with a view to the carrying out on the land by a person other than the local authority of such works as are mentioned in sub-paragraph (iii) of this paragraph :

Provided that nothing in paragraph (c) of this section shall authorise a local authority to acquire otherwise than by agreement any house or other building which is situated on land used

PART VII for agriculture, and which is required in connection with that use of that land.

Procedure for
acquiring
land.
1947 c. 43.

143.—(1) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement under section 156 of the Local Government (Scotland) Act 1947 (notwithstanding anything in section 173 of that Act), and section 158 of that Act shall apply accordingly.

1947 c. 42.

(2) A local authority may be authorised by the Secretary of State to purchase land compulsorily for the purposes of this Part of this Act, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act.

(3) A local authority may acquire land by agreement, or may be authorised by the Secretary of State to purchase land compulsorily, for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes.

1963 c. 51.

(4) Where land is purchased compulsorily by a local authority for the purposes of this Part of this Act, the compensation payable in respect thereof shall be assessed by the Lands Tribunal in accordance with the Land Compensation (Scotland) Act 1963, subject to observance of the rules contained in Schedule 4 to this Act.

Local
authority
may take
possession of
land to be
acquired by
agreement or
appropriated
for purposes
of Part VII.

1845 c. 19.

144. Where a local authority have agreed to purchase, or have determined to appropriate, land for the purposes of this Part of this Act, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after such agreement has been made, or such appropriation takes effect, the authority may, after giving to the person so in possession not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to payment to the person so in possession of the like compensation, and interest on the compensation awarded, as if the authority had been authorised to purchase the land compulsorily and that person had in pursuance of such power been required to give up possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act 1845.

145.—(1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the authority may—

PART VII
Powers of dealing with land acquired or appropriated for purposes of Part VII.

- (a) lay out and construct public streets or roads and open spaces on the land ;
- (b) subject to subsection (5) of this section, sell or lease the land or part thereof to any person under the condition that that person will erect thereon in accordance with plans approved by the local authority, and maintain, such number of houses of such types as may be specified by the authority, and when necessary will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority ;
- (c) subject to subsection (5) of this section, sell or lease the land or excamb it for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange ;
- (d) subject to subsections (5) and (6) of this section, sell or lease any houses on the land or erected by them on the land, subject to such conditions, restrictions and stipulations as they may think fit to impose in regard to the use of the houses, and on any such sale they may agree to the price being paid by instalments or to payment of part of the price being secured by bond and disposition in security or otherwise upon the subjects sold.

(2) Where under subsection (1) of this section a local authority sell or lease land, they may contribute or agree to contribute towards the expenses of the development of the land and the laying out and construction of streets or roads thereon, subject to the condition that the streets or roads are dedicated to the public use.

(3) Where a local authority have acquired a building which may be made suitable as a house, or a right or interest in such a building, they shall forthwith proceed to secure that it is so made suitable either by themselves executing any necessary work or by selling or leasing it to some person subject to conditions for securing that he will so make it suitable.

(4) Where a local authority acquire any land for the purposes of section 142(d)(iv) of this Act they may, subject to subsection

PART VII (5) of this section, sell or lease the land to any person for the purpose and under the condition that that person will carry out thereon, in accordance with plans approved by the authority, the works with a view to the carrying out of which the land was acquired.

(5) A local authority shall not, in the exercise of their powers under paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) of this section, or under subsection (4) thereof, dispose of—

- (a) land which consists or forms part of a common or open space or is held for use as allotments, or
- (b) land which has been acquired (whether before or after the commencement of this Act) by the local authority in the exercise (directly or indirectly) of compulsory powers and has not subsequently been appropriated by the authority for any purposes other than that for which it was so acquired,

except with the consent of the Secretary of State.

1959 c. 70. (6) Notwithstanding anything in section 27(1) of the Town and Country Planning (Scotland) Act 1959, a local authority shall not, in the exercise of their powers under paragraph (d) of subsection (1) of this section, sell or lease any house in respect of the provision of which an Exchequer contribution has (whether before or after the commencement of this Act) been paid under any of the enactments specified in Part I of Schedule 6 to the Housing (Scotland) Act 1950, except with the consent of the Secretary of State.

1950 c. 34.

1947 c. 43. (7) Subject to the provisions of the Town and Country Planning (Scotland) Act 1959, section 168 of the Local Government (Scotland) Act 1947 (which makes provision as to price and other matters relating to the disposal of land by local authorities) shall apply to any disposal of land by a local authority in the exercise of their powers under paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) of this section, or under subsection (4) thereof, as it applies to the like disposal of land by a local authority within the meaning of the said Act of 1947 in the exercise of any power under Part VIII of that Act:

Provided that the said section 168 shall not apply to the disposal of a house by a local authority, being a disposal in relation to which subsection (6) of this section has effect.

(8) For the purposes of subsection (5) of this section, the consent of the Secretary of State may be given either generally to all local authorities, or to any class of local authorities, or may be given specifically in any particular case, and (whether given generally or otherwise) may be given either unconditionally or subject to such conditions as the Secretary of State may consider appropriate.

(9) For the purposes of this section land shall be taken to have been acquired by a local authority in the exercise (directly or indirectly) of compulsory powers if it was acquired by them compulsorily or was acquired by them by agreement at a time when they were authorised by or under any enactment to acquire the land compulsorily :

Provided that land shall not be taken to have been acquired by a local authority in the exercise (directly or indirectly) of compulsory powers if it was acquired by them (whether compulsorily or by agreement) in consequence of the service in pursuance of any enactment (including any enactment contained in this Act) of a notice requiring the authority to purchase the land.

146. If any house, building, land or dwelling in respect of which a local authority are required by section 137 of the Housing (Scotland) Act 1950 to keep a housing revenue account is sold by the authority with the consent of the Secretary of State, the Secretary of State may in giving consent impose such conditions as he thinks just.

Power of Secretary of State in certain cases to impose conditions on sale of local authority's houses, etc. 1950 c. 34.

147. Where any housing operations under this Part of this Act are being carried out by a local authority outside their own district, that authority shall, subject to the approval of the Secretary of State, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into an agreement with the local authority of the district in which the operations are being carried out as to the terms and conditions on which any such works are to be executed.

Execution of works by local authority in connection with housing operations outside their district.

148. Where the Secretary of State approves the proposals of a local authority in relation to the provision of houses, whether under this Act or under any other Act, in the district of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Secretary of State, and the Secretary of State's decision shall be final and binding on the authorities.

Adjustment of differences between local authorities as to carrying out of proposals for provision of housing accommodation.

PART VII

Management, etc., of local authority's houses

General management and inspection of local authority's houses.
1935 c. 41.

149.—(1) The general management, regulation and control of houses provided by a local authority under this Part of this Act, or in respect of which contributions are payable under section 35 of the Housing (Scotland) Act 1935, shall be vested in and exercised by the authority, and the authority may make such reasonable charges as they may determine for the tenancy or occupation of such houses.

(2) A house provided by a local authority under this Part of this Act shall be at all times open to inspection by the local authority of the district in which it is situated or by any officer duly authorised by them.

Byelaws for regulation of local authority's houses.

150.—(1) A local authority may make byelaws for the management, use and regulation of houses provided by them.

(2) Any fine for the breach of any such byelaws shall be paid to the credit of the fund out of which the expenses of this Part of this Act are defrayed.

Conditions to be observed in management of local authority's houses.
1950 c. 34.

151.—(1) A local authority shall, in relation to all houses in respect of which they are required by section 137 of the Housing (Scotland) Act 1950 to keep a housing revenue account, observe the requirements specified in the following provisions of this section.

(2) The local authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary houses or overcrowded houses, have large families, or are living under unsatisfactory housing conditions.

(3) Except in so far as the Secretary of State may otherwise sanction, the local authority shall secure, in accordance with any directions that may be given to them by the Secretary of State—

(a) that a number of houses equal to the number in respect of which the Secretary of State has undertaken to make a contribution under any of the following enactments, that is to say—

1923 c. 24.

section 1(3) of the Housing, &c., Act 1923,

1930 c. 40.

the Housing (Scotland) Act 1930,

1931 c. 39.

the Housing (Rural Authorities) Act 1931,

1933 c. 16.

section 1 of the Housing (Financial Provisions) (Scotland) Act 1933,

section 30 of the Housing (Scotland) Act 1935,

1938 c. 3.

section 1 of the Housing (Financial Provisions) (Scotland) Act 1938,

(2 & 3 Geo. 6).

are reserved for low wage earners or persons of a like economic condition ; PART VII

- (b) that a number of houses equal to the number in respect of which the Secretary of State has undertaken to make a contribution or to pay a subsidy under any of the following enactments, that is to say—

section 1 of the Housing (Agricultural Population) 1938 c. 38. (Scotland) Act 1938,

section 84 of the Housing (Scotland) Act 1950 as 1950 c. 34. amended by section 2 of the Housing (Scotland) 1952 c. 63. Act 1952,

section 85 of the Housing (Scotland) Act 1950,

section 2(2)(c) of the Housing and Town Develop- 1957 c. 38. ment (Scotland) Act 1957,

section 4 of the Housing (Scotland) Act 1962, 1962 c. 28.

are reserved for the agricultural population except in so far as the demand for housing accommodation in the district on the part of members of the agricultural population can be satisfied without such reservation ; and

- (c) that a number of houses equal to the number in respect of which the Secretary of State has undertaken to make a contribution to the local authority under section 35 of the Housing (Scotland) Act 1935 are reserved for such persons as are mentioned in section 3(1)(a) of the Housing (Rural Workers) Act 1926. 1935 c. 41.
1926 c. 56.

(4) The local authority may grant to any tenant such rebates from rent subject to such terms and conditions as they may think fit.

(5) The local authority shall from time to time review rents and make such changes either of rents generally or of particular rents and rebates as circumstances may require.

(6) The local authority shall make it a condition of every let that the tenant shall not assign, sublet or otherwise part with the possession of the premises or any part thereof, except with the consent in writing of the authority, and—

- (a) in determining whether to give or withhold such consent, the local authority shall comply with any directions that may be given to them by the Secretary of State ; and
- (b) the local authority shall not in any case give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a

PART VII

reasonable rent has been, or is to be, received by the tenant in consideration of the assignation, subletting or other transaction.

1926 c. 56.

(7) The conditions contained in section 3 of the Housing (Rural Workers) Act 1926 shall not have effect in relation to houses to which the requirements of this section apply.

Housing associations

Power of local authority to promote and assist housing associations.

152.—(1) A local authority may promote the formation or extension of, or, subject to the provisions of this Act, assist, a housing association whose objects include the erection, improvement or management of housing accommodation.

(2) A local authority, with the consent of and subject to any regulations or conditions which may be made or imposed by the Secretary of State, may, for the assistance of such an association—

- (a) make grants or loans to the association,
- (b) subscribe for any share or loan capital of the association,
- (c) guarantee or join in guaranteeing the payment of the principal of and interest on any moneys borrowed by the association (including moneys borrowed by an issue of loan capital) or of interest on any share capital issued by the association,

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority think fit.

The Secretary of State's power of making regulations under this subsection shall be exercisable by statutory instrument.

Power of local authority to make arrangements with housing association for provision of housing accommodation.

153.—(1) A local authority may, with the approval of the Secretary of State, make arrangements with a housing association for the purpose of enabling the association to provide any housing accommodation which the authority are empowered under this Part of this Act to provide.

(2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to housing and as may be approved by the Secretary of State.

(3) If a housing association represent to the Secretary of State that they have submitted to a local authority proposals for arrangements under this section and that the authority have unreasonably refused to make arrangements in accordance with

the proposals, the Secretary of State may require the authority to furnish him with a report as to the matter stating the reasons for their refusal.

154. The Secretary of State may make arrangements with a housing association for—

- (a) the provision of dwellings by the association by means of the conversion of houses or other buildings ;
- (b) the improvement of dwellings by the association :

Provided that before making arrangements under this section in respect of any housing accommodation the Secretary of State shall consult with the local authority in whose district the housing accommodation is, or will be, situated.

Power of Secretary of State to make arrangements with housing association for improvement of housing accommodation.

155.—(1) A local authority may, with the approval of the Secretary of State, make arrangements with a housing association for—

- (a) the provision of dwellings by the association by means of the conversion of houses or other buildings ;
- (b) the improvement of dwellings by the association.

(2) Arrangements made under this section shall include such terms with regard to such matters, including the rents at which the dwellings to be provided or improved in accordance with the arrangements are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to housing and as may be approved by the Secretary of State.

Power of local authority to make arrangements with housing association for improvement of housing accommodation.

(3) A dwelling which has been provided or improved in giving effect to arrangements made under this section shall not, by reason only of such provision or improvement, be deemed to be a new house within the meaning of any local Act notwithstanding anything contained in such Act.

(4) References in this section to the improvement of dwellings shall be construed as including references to the alteration or enlargement thereof and to the execution of works of repair thereto, not being works of ordinary repair, and as including also references to the execution of works of ordinary repair thereto so far, but so far only, as the execution thereof is incidental to or connected with the execution of works of improvement, alteration or enlargement or of works of repair not being works of ordinary repair, and the expression "improved" shall be construed accordingly.

156.—(1) A local authority shall have power, and shall be deemed always to have had power, to sell, or to supply under a hire-purchase agreement, furniture to the occupants of houses provided by a housing association under arrangements made with the authority and, for that purpose, to buy furniture.

Power of local authority to sell furniture to persons housed by housing association.

PART VII
1965 c. 67.

(2) In this section “hire-purchase agreement” means a hire-purchase or conditional sale agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965.

Unification of conditions affecting housing association's houses.

157. Where the Secretary of State has undertaken to make in respect of any houses under the management of a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Secretary of State may, on the application of the association and after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as he thinks fit, and in specifying the conditions to be so observed the Secretary of State shall have regard to the provisions of this Part of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.

Power of Secretary of State to recognise central association.

158.—(1) The Secretary of State may, if he thinks fit, recognise for the purposes of this section any central association or other body established for the purposes of promoting the formation and extension of housing associations and of giving them advice and assistance.

(2) The Secretary of State may make a grant in aid of the expenses of the said association or body of such amount as he may, with the approval of the Treasury, determine.

Development corporations

Provision and improvement of housing accommodation by development corporations.

159. A development corporation shall be deemed to be a housing association within the meaning of this Act (except section 154 thereof), and accordingly arrangements may be made—

- (a) under section 153 of this Act for the provision by a development corporation of any housing accommodation which a local authority are empowered under this Part of this Act to provide ;
- (b) under section 155 of this Act for the improvement of housing accommodation by a development corporation.

PART VIII

GENERAL FINANCIAL PROVISIONS

Payment of removal and other allowances to persons displaced

160.—(1) A local authority may pay—

(a) to any person displaced from a house or building—

(i) which has been purchased by the local authority under section 14, section 20, Part III or Part VII of this Act, or which, or a part of which, has been acquired by the authority under section 67 thereof, or

(ii) to which a closing order made under section 15 or section 18 of this Act or a demolition order or a clearance order applies, or

(iii) in respect of which an undertaking that the house will not be used for human habitation has been accepted under section 15(4) of this Act from the owner by the local authority, or

(iv) which is to be demolished by the owner in accordance with an agreement made with the local authority under Part II of this Act,

such reasonable allowance as they think fit towards his expenses in removing ; and

(b) to any person carrying on any trade or business in any such house or building as is referred to in paragraph (a) of this subsection such reasonable allowance (in addition to any allowance which they may pay to him under that paragraph) as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building.

(2) In estimating the loss sustained by any person as mentioned in subsection (1)(b) of this section, the local authority shall have regard to the period for which the premises occupied by that person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(3) The power conferred on a local authority by subsection (1) of this section to make allowances towards the expenses incurred in removing by persons displaced in consequence of the exercise by the authority of their powers shall include power to make allowances to persons so displaced temporarily in respect of expenses incurred by them in storage of furniture.

Power of local authority to pay removal and other allowances to certain persons displaced.

PART VIII

(4) Where, as a result of action taken by a local authority under Part III of this Act, the population of the locality is materially decreased, the authority may pay to any person carrying on a retail shop in the locality such reasonable allowance as they may think fit towards any loss which, in their opinion, he will thereby sustain, so, however, that in estimating any such loss they shall have regard to the probable future development of the locality.

Payment of purchase money or compensation by one local authority to another

Payment of purchase money or compensation by one local authority to another.

161.—(1) Any purchase money or compensation payable in pursuance of this Act by a local authority in respect of any lands, right or interest of another local authority which would, but for this section, be paid into bank in manner provided by the Lands Clauses Acts may, if the Secretary of State consents, instead of being paid into bank, be paid and applied as the Secretary of State determines.

(2) A determination of the Secretary of State under this section shall be final and conclusive.

Borrowing by local authorities

Power of local authority to borrow for purposes of certain provisions of Act.

162. Without prejudice to any power of borrowing conferred on them by any other enactment, a local authority may borrow money for the purposes of Part VII of this Act and of section 160 thereof.

Borrowing in connection with operations carried out by local authority outside their district.

163.—(1) Where housing operations under Part VII of this Act are being carried out by a local authority outside their own district, that authority shall have power to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the operations or a period of five years from the date of the borrowing, whichever period is the shorter, on money borrowed under this section) incurred by them in connection with any works necessary for the purposes, or incidental to the carrying out, of the operations.

(2) The local authority of any district in which operations are being carried out as aforesaid by the local authority of another district shall have power to borrow money for the purposes of any agreement entered into by them with that other authority under Part VII of this Act, and that in the same manner as if such works as aforesaid had been executed by them.

164. Where housing operations under Part VII of this Act are being carried out by a local authority outside their own district, that authority shall have power to advance to the local authority of the district in which the operations are being carried out such sums as may, by reason of any agreement made with the last-mentioned authority under the said Part VII, be required by the last-mentioned authority in connection with the construction by them of any works necessary for the purposes, or incidental to the carrying out, of the operations.

PART VIII
Power of local authority carrying out operations outside their district to lend money to other local authority concerned.

165.—(1) Without prejudice to any other powers of borrowing, a local authority may borrow any sums for any of the purposes of this Act for which they have power to borrow by virtue of any enactment by the issue of bonds (in this Act referred to as “local bonds”) in accordance with the provisions of this Act.

Power of local authority to issue local bonds.

(2) The provisions set out in Schedule 7 to this Act shall have effect with respect to local bonds.

(3) Where, on an application made by two or more local authorities, the Secretary of State is satisfied that it is expedient that those authorities should have power to make a joint issue of local bonds, the Secretary of State may by order make such provision as appears to him necessary for the purpose, and any such order shall provide for the securing of the bonds issued upon the joint rates, property and revenues of the authorities.

The provisions of an order so made shall be binding and conclusive in respect of the matters to which the order relates.

(4) A local authority by whom any local bonds have been issued may borrow for the purpose of redeeming those bonds.

(5) Subject to the provisions of paragraph 6 of Schedule 7 to this Act and save as otherwise expressly provided, nothing in Part XII of the Local Government (Scotland) Act 1947 or section 2(2) of the Public Works Loans Act 1965 shall apply to or affect the power of a local authority to issue local bonds under this Act or apply to any local bond issued under this Act.

1947 c. 43.
1965 c. 63.

Power of Secretary of State to acquire shares in certain housing societies

166.—(1) The Secretary of State, with the approval of the Treasury, may acquire shares in any authorised society within the meaning of the Housing Act 1914.

Power of Secretary of State to acquire shares in certain housing societies.

(2) If, in the case of any such society as is mentioned in subsection (1) of this section, or in the case of any trust to which section 119 of the Housing (Scotland) Act 1925 applied—

1914 c. 31.
1925 c. 15.

(a) the society or trust is wound up, and

PART VIII

(b) the Secretary of State is at the commencement of the winding up the owner of all the shares therein,

the Secretary of State shall pay into the Exchequer any sum received by him on the winding up.

(3) If the sum paid into the Exchequer under subsection (2) of this section in respect of any such society or trust as aforesaid is less than the amount outstanding, as at the commencement of the winding up of the society or trust, of any advances made to the society or trust by any government department, the Secretary of State shall pay into the Exchequer a sum equal to the difference.

PART IX

GENERAL

The Scottish Housing Advisory Committee

The Scottish
Housing
Advisory
Committee.

167.—(1) The Secretary of State shall appoint a committee, to be called the Scottish Housing Advisory Committee, for the purpose of—

- (a) advising the Secretary of State on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section 91 of this Act to consult the Committee ;
- (b) advising the Secretary of State on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing ;
- (c) considering the operation of the enactments relating to housing and making to the Secretary of State such representations as the Committee think desirable concerning the execution of those enactments.

(2) The Secretary of State may by order made by statutory instrument make provision with respect to the constitution and procedure of the Committee, and any such order shall secure the inclusion in the Committee of women as well as men, and the appointment of two sub-committees of the Committee for the purpose of dealing with matters relating to urban and rural housing respectively.

(3) The Secretary of State may pay such expenses of the Committee as he may, with the approval of the Treasury, determine. PART IX

Rehousing

168. Where under the powers given by any local Act or provisional order or order having the effect of an Act any land is acquired, whether compulsorily or by agreement, by any authority, company or person, or where any land is so acquired compulsorily under any general Act, the provisions set out in Schedule 8 to this Act shall apply with respect to the provision of housing accommodation: Rehousing obligations where land is acquired under statutory provisions.

Provided that the said Schedule shall not apply where land is acquired under, or by virtue of an order made under, any provision of this Act (other than section 175 thereof).

Byelaws

169.—(1) The power of making and enforcing byelaws under section 72 of the Public Health (Scotland) Act 1897 with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family shall extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) on the owner within the meaning of the said Act of the said house, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged. Byelaws with respect to houses in multiple occupation. 1897 c. 38.

(2) For the purpose of discharging any duty so imposed, the owner or other person may at all reasonable times enter upon any part of the premises, and section 185 of this Act shall apply as if for the reference to the provisions of Part II of this Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner, and any inmate of the premises were the occupier of a house.

(3) Where an owner or other person has failed to execute any works which he has been required to execute under the byelaws, the local authority may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of Part II of this Act with respect to the enforcement of notices requiring the execution of works and the recovery of expenses by local authorities shall apply, with such modifications as may be necessary.

PART IX
Byelaws with respect to accommodation for agricultural workers.

170.—(1) A local authority shall make, with respect to bothies, chaumers and similar premises which are used for the accommodation of agricultural workers and are not part of a farmhouse, byelaws regarding any of the following matters, that is to say—

- (a) the provision of a separate entrance in any case where the premises form part of other premises ;
- (b) the provision of ventilation and floor area ;
- (c) the provision of adequate heating and lighting ;
- (d) the prevention of and safety from fire ;
- (e) the provision of a ventilated larder and a fireplace or stove suitable for cooking food and sufficient cooking utensils ;
- (f) the provision of furnishing, including the provision of a separate bed and bedding for each worker ;
- (g) the provision of accommodation for personal clothing, and of facilities for personal ablution ;
- (h) the painting, whitewashing or other cleansing of the premises at regular intervals ;
- (i) intimation to the local authority by farmers of the number of workers employed by them who are accommodated in bothies or in chaumers or similar premises ;
- (j) such other matters as may from time to time be prescribed :

Provided that, if the local authority show to the satisfaction of the Secretary of State that it is unnecessary to make byelaws under this section, the Secretary of State may dispense with the making of such byelaws.

(2) Byelaws regarding the matters specified in paragraph (e) of subsection (1) of this section shall apply only to premises in which the occupants cook their meals.

(3) Byelaws made by a local authority under this section may be limited to particular parts of the authority's district.

(4) Where a local authority fail, within such period as the Secretary of State may allow, to make with respect to any of the matters specified in subsection (1) of this section byelaws which are in the opinion of the Secretary of State sufficient and satisfactory, the Secretary of State may himself make such byelaws which shall be of the like force and effect as if they had been made by the authority and confirmed.

171.—(1) With a view to the provision of proper accommodation for seasonal workers a local authority shall make byelaws for the whole or any part of their district regarding the following matters, that is to say—

PART IX
Byelaws with respect to accommodation for seasonal workers.

- (a) intimation to the local authority of the intention to employ seasonal workers ;
- (b) the nature and extent of the accommodation to be provided for such workers, including due provision for—
 - (i) sleeping accommodation and separation of the sexes ;
 - (ii) lighting, ventilation, cubic space, cleanliness and furnishing, including beds and bedding and cooking utensils ;
 - (iii) storage of food, washing of clothes and drying of wet clothes ;
 - (iv) water closets or privies for the separate use of the sexes ; and
 - (v) a suitable supply of water ;
- (c) determining the persons responsible for the provision of the accommodation required by the byelaws, taking into account the terms of current contracts ;
- (d) inspection of the premises ;
- (e) exhibition on the premises of the byelaws ;
- (f) such other matters relating to the accommodation of seasonal workers (including determining the persons responsible for regulating the use by the workers of the accommodation) as may from time to time be prescribed :

Provided that, if the local authority show to the satisfaction of the Secretary of State that it is unnecessary to make byelaws under this section, the Secretary of State may dispense with the making of such byelaws.

(2) In cases of emergency, the Secretary of State may suspend, as respects the district of any local authority or any part thereof, the operation of any byelaw made under this section which affects agricultural interests.

(3) If in consequence of any byelaws made under this section a farmer or a fruit grower is required to provide accommodation involving the erection of additional buildings, he may require the landlord to erect such buildings on terms and conditions to be determined, failing agreement, by the Secretary of State.

(4) In this section the expression “ seasonal workers ” includes navvies, harvesters, potato-workers, fruit-pickers, herring-gutters, and such other workers engaged in work of a temporary nature as may from time to time be prescribed.

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(5) Where a local authority fail, within such period as the Secretary of State may allow, to make with respect to any of the matters specified in subsection (1) of this section byelaws which are in the opinion of the Secretary of State sufficient and satisfactory, the Secretary of State may himself make such byelaws which shall be of the like force and effect as if they had been made by the authority and confirmed.

Confirmation of byelaws. 1947 c. 43.

172. For the purposes of section 301 of the Local Government (Scotland) Act 1947 (which relates to the procedure and other matters connected with the making of byelaws) the Secretary of State shall be the person by whom byelaws made under this Act are to be confirmed.

Power of Secretary of State to revoke unreasonably restrictive byelaws.

173.—(1) If the Secretary of State is satisfied, by local inquiry or otherwise, that the erection of any buildings within any district is, or is likely to be, unreasonably impeded in consequence of any byelaws with respect to new streets in force therein, he may require the local authority to revoke such byelaws or to make such new byelaws as he may consider necessary for the removal of the impediment.

(2) If the local authority do not within three months after such requisition comply therewith, the Secretary of State may himself revoke the said byelaws, and make such new byelaws as he may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the authority and confirmed.

Relaxation of building regulations, etc., in connection with housing operations

Relaxation of building regulations, etc., in connection with housing operations.

174.—(1) Where in pursuance of housing operations to which this section applies public streets or roads are laid out and constructed in accordance with plans and specifications approved by the Secretary of State, the provisions of any building regulations shall not, so far as they are inconsistent with the plans and specifications so approved, apply to those new streets or roads, and, notwithstanding the provisions of any other Act, any street or road laid out and constructed in accordance with those plans and specifications may be taken over and thereafter maintained by the authority responsible for the maintenance of public streets, roads or highways in the district.

(2) Where the Secretary of State has approved plans and specifications which in certain respects are inconsistent with the provisions of any building regulations in force in the district in

which the works are to be executed, any proposals for the laying out and construction of new streets or roads which do not form part of housing operations to which this section applies may, notwithstanding those provisions, be carried out if the local authority are, or, on appeal, the Secretary of State is, satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved.

(3) Where the Secretary of State is himself carrying out housing operations, it shall not be necessary for him to obtain the authority of the local authority or the dean of guild court for the laying out and construction of streets and roads as aforesaid.

(4) The housing operations to which this section applies are housing operations carried out—

(a) by a local authority or by local authorities jointly under this Act, or

(b) by a housing association, or

(c) by a county council for the provision of houses for persons in their employment or paid by them,

and approved by the Secretary of State, and housing operations carried out by the Secretary of State under this Act.

Special provisions as to land

175.—(1) Where the Scottish Special Housing Association Compulsory (hereafter in this section referred to as “the Association”) purchase of land by Scottish Special Housing Association. desire to acquire any land for—

(a) the provision of new houses by the Association in the circumstances specified in paragraph (a) or paragraph (b) or paragraph (c) of section 23(1) of the Housing and Town Development (Scotland) Act 1957, or 1957 c. 38.

(b) the provision of housing accommodation by the Association under a scheme submitted by them to the Secretary of State under section 18(1)(b) of the Housing (Scotland) Act 1962, 1962 c. 28.

and the Association have made an application to the local authority in whose district the land is situated requesting them to acquire the land under Part VII of this Act for the purpose of selling it or leasing it to the Association, then if the authority have power to acquire the land under the said Part VII and the Association are satisfied, after consultation with the authority, that the authority are unwilling to acquire the land for that purpose or that the footing on which they are willing to do so involves the sale or leasing of the land to the Association subject to conditions which are unacceptable to the Association, the Association may themselves acquire the land compulsorily.

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1964 c. 56.

(2) The Association may, at the request of the Housing Corporation made in accordance with section 4(1) of the Housing Act 1964, acquire land compulsorily for selling it or leasing it to a housing society.

1947 c. 42.

(3) The power of the Association to acquire any land compulsorily under subsection (1) or subsection (2) of this section shall be exercisable in any particular case on their being authorised to do so by the Secretary of State, and in relation to the compulsory purchase the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if the Association were a local authority within the meaning of that Act, as if this Act had been in force immediately before the commencement of that Act, and as if in Part I of Schedule 1 to that Act (procedure for authorising compulsory purchases) references to an owner of any land comprised in the compulsory purchase order included references to the local authority in whose district the land is situated.

(4) The Association may not dispose of any land acquired by them compulsorily under this section which is not required for the purposes for which it was acquired without the consent in writing of the Secretary of State.

(5) In the case of land which is situated partly in the district of one local authority and partly in the district of another, references in this section to the local authority in whose district the land is situated shall be construed as references to each of those local authorities.

Special procedure for completion of compulsory acquisition of land in certain circumstances.

176.—(1) If the Secretary of State is satisfied, in the case of a compulsory purchase order submitted to him by a local authority under this Act, that, as respects the whole or any part of the land to which the order relates—

- (a) reasonable inquiry has been made and it is not practicable to ascertain the name or address of the owner of the land or that part thereof, or
- (b) the land or that part thereof is owned by such number of persons that the obtaining of a separate title from each would cause undue delay, or
- (c) any other special circumstances exist which, in his opinion, make it necessary or expedient that the power conferred on him by this section should be exercised,

1945 c. 33.

he may include in the order as confirmed by him a direction that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 shall apply to the order, or, as the case may be, to the order so far as it relates to the part of the land in question:

Provided that no such direction shall be so included in a compulsory purchase order unless application in that behalf is included in the order as submitted to the Secretary of State.

(2) A compulsory purchase order which contains any direction under this section shall, as soon as may be after the order becomes operative, be recorded by the local authority in the General Register of Sasines.

(3) References in the said Schedule 6 to a purchase order providing for expedited completion, to the purchasing authority and to section 36(2) of the Town and Country Planning (Scotland) Act 1947 shall be construed, for the purposes of this section, as references respectively to a compulsory purchase order containing a direction under this section, to the local authority authorised to acquire land by that order and to subsection (2) of this section. 1947 c. 53.

(4) Paragraph 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (which provides for early entry on land), paragraph 4 of that Schedule (which makes special provision with respect to the sale of parts of houses and other premises), section 50(1) of this Act and paragraph 2(d) of Schedule 3 thereto shall not apply to any compulsory purchase order containing a direction under this section. 1947 c. 42.

(5) In relation to any compulsory purchase order containing a direction under this section, any words in any enactment importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of this section and paragraph 1 of Schedule 6 to the said Act of 1945, is to be deemed to have been served.

177.—(1) A local authority, in preparing any proposals for the provision of houses or in taking any action under this Act, shall have regard to artistic quality in the lay-out, planning and treatment of the houses to be provided, the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Secretary of State. Duty of local authority to have regard to amenities of locality, etc.

(2) For their better advice in carrying out the requirements of subsection (1) of this section a local authority may, and if required by the Secretary of State shall, appoint a local advisory committee including representatives of architectural and other artistic interests; and the authority shall furnish to the Secretary of State a copy of any representation, recommendation or report made to them by the committee.

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178. Where—

Power of local authority to enforce obligations against owner for time being of land.

- (a) a local authority have sold or exchanged land acquired by them under this Act, and the purchaser of the land or the person taking the land in exchange has entered into an agreement with the authority concerning the land ; or
- (b) an owner of any land has entered into an agreement with the local authority concerning the land for the purposes of any of the provisions of this Act ;

then, if the agreement has been recorded in the General Register of Sasines, it shall be enforceable at the instance of the local authority against persons deriving title from the person who entered into the agreement :

Provided that no such agreement shall at any time be enforceable against any party who has in bona fide onerously acquired right (whether completed by infetment or not) to the land prior to the recording of the agreement as aforesaid or against any person deriving title from such party.

Disposal of land for erection of churches, etc.

179. Where a local authority, in the exercise of any power conferred on them by this Act, dispose of land to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.

Official representations

Official representations.

180.—(1) In this Act, “official representation” means, in the case of a local authority, a representation made to the authority by the medical officer of health for the district.

(2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any house in the district of the authority is unfit for human habitation, or that any area in their district is an area which should be dealt with as a clearance area.

(3) If it is intimated in writing to the medical officer of health of any local authority—

- (a) by any four or more local government electors of the district of the authority, or
- (b) in the case of a county, by the district council of any district (within the meaning of the Local Government (Scotland) Act 1947) within the county, or
- (c) in the case of a small burgh within the meaning of the said Act of 1947, by the medical officer of health of the county,

1947 c. 43.

that any house is unfit for human habitation, or that any area should be dealt with as a clearance area, it shall be the duty of the medical officer of health of the local authority forthwith to inspect that house or that area and to make a report to the authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation or whether, in his opinion, the area should be dealt with as a clearance area; but the absence of any such complaint shall not excuse him from inspecting any house or area and making a representation thereon to the authority.

(4) Before making an official representation (other than such a representation for the purposes of section 11 or section 15 of this Act), the medical officer of health of a local authority shall consult with, or obtain a report from, the sanitary inspector of the authority.

(5) A local authority shall as soon as may be take into consideration any official representation which has been made to them.

(6) Every representation made in pursuance of this Act by a medical officer of health shall be in writing.

Recovery of possession, entry etc.

181.—(1) Where a closing order, a demolition order, a clearance order or a resolution passed under section 56 of this Act has become operative, the local authority shall serve on the occupier of any building or house or any part thereof to which the order or resolution relates a notice—

Recovery of possession of building or house subject to closing order, etc.

- (a) stating the effect of the order or resolution, and
- (b) specifying the date by which the order or resolution requires the building or house to be vacated, and
- (c) requiring the occupier to remove from the building or house before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later.

(2) If at any time after the date on which a notice under subsection (1) of this section requires a building or house to be vacated any person is in occupation of the building or house or of any part thereof, the local authority or any owner of the building or house may make summary application for removal and ejection to the sheriff, and the sheriff may, after requiring service of such additional notice (if any) as he thinks fit, grant warrant for ejection whereby vacant possession of the building or house or of the part thereof shall be given to the authority or owner, as the case may be, within such period, not being less than two weeks nor more than four weeks, as the sheriff may determine.

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(3) Any expenses incurred by a local authority under this section in obtaining possession of any building or house or part thereof may be recovered by them from the owner of the building or house:

Provided that this subsection shall not have effect in the case of expenses incurred in obtaining possession of—

- (a) premises included in a clearance order which are not specified therein as being unfit for human habitation ; or
- (b) premises to which a resolution passed under section 56 of this Act applies ; or
- (c) any other premises, unless the owner has failed to make within a reasonable time a summary application for removal and ejection to the sheriff or, having made such an application, has failed to take all steps necessary to have the application disposed of within a reasonable time.

(4) Any person who, knowing that a demolition order or a clearance order or a resolution passed under section 56 of this Act has become operative and applies to any building or house, enters into occupation of that building or house or of any part thereof after the date by which the order or resolution requires that building or house to be vacated, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which the occupation continues after conviction.

Recovery of possession of house to which Rent Acts apply.

182. Nothing in the Rent Acts shall be deemed to affect the provisions of this Act relating to obtaining possession of a house with respect to which a closing order, a demolition order or a clearance order has been made or to which a resolution passed under section 56 of this Act applies, or to prevent possession being obtained—

- (a) of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to housing ;
- (b) of any house possession of which is required for the purpose of securing compliance with any byelaws made for the prevention of overcrowding ;
- (c) of any premises by any owner thereof in a case where an undertaking has been given under Part II of this Act that those premises shall not be used for human habitation.

183.—(1) Subject to the provisions of this section, any person authorised by a local authority or by the Secretary of State may at all reasonable times enter any house, premises or building—

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Power of
entry for
survey, etc.

- (a) for the purpose of survey and examination, where it appears to the local authority or the Secretary of State that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of any house, premises or building ;
- (b) for the purpose of survey and examination, in the case of any house in respect of which a notice requiring the execution of works has been served or a closing order, a demolition order or a clearance order has been made ;
- (c) for the purpose of survey or valuation, in the case of houses, premises or buildings which the local authority are authorised to purchase compulsorily under this Act ;
- (d) for the purpose of survey and examination of any dwelling with a view to ascertaining whether the requirements of any improvement notice served, or undertaking accepted, under Part IV of this Act have been complied with ;
- (e) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part V of this Act the number of persons permitted to use the house for sleeping ;
- (f) for the purpose of ascertaining whether there has been a contravention of any regulation or direction made or given under Part VI of this Act ;
- (g) for the purpose of ascertaining whether there has been an offence under section 110 of this Act.

(2) Any person so authorised shall, except where entry is only for the purpose mentioned in paragraph (f) or paragraph (g) of subsection (1) of this section, give twenty-four hours' notice of his intention to enter any house, premises or building to the occupier thereof and to the owner, if the owner is known.

(3) An authorisation under this section shall be in writing and shall state the particular purpose or purposes for which the entry is authorised.

184. If any person obstructs the medical officer of health or any officer of a local authority or any officer of the Secretary of State or any person authorised to enter houses, premises or

Penalty for
obstructing
execution
of Act.

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buildings in pursuance of this Act in the performance of anything which such officer, authority or person is by this Act required or authorised to do, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for preventing execution of works, etc.

185.—(1) If any person, after receiving notice of the intended action—

- (a) being the occupier of any premises, prevents the owner or other person having control thereof, or his officers, agents, servants or workmen from carrying into effect with respect to those premises any of the provisions of Part II or Part IV of this Act, or any of the provisions of Part VI of this Act (other than section 115 and the provisions relating to control orders) ; or
- (b) being the owner or occupier of any premises, or a person having control of any premises, prevents the medical officer of health, or any officers, agents, servants or workmen of such officer or of the local authority, from so doing ; or
- (c) being the occupier of any part of a house subject to a control order under Part VI of this Act, prevents any officers, agents, servants or workmen of the local authority from carrying out any works in the house ;

the sheriff or any two justices of the peace sitting in open court or any magistrate having jurisdiction in the place on proof thereof may order that person to permit to be done on the premises all things requisite for carrying into effect such provisions with respect to the premises or, in a case falling under paragraph (c) of this subsection, everything which the local authority consider necessary.

(2) If any such person fails to comply with such an order, he shall be guilty of an offence and shall for each day during which the failure continues be liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for damage to houses, etc.

186. Any person who wilfully or by culpable negligence damages or suffers to be damaged any house provided under this Act, or any of the fittings or appurtenances of any such house, including the drainage and water supply and any apparatus connected with the drainage or water supply, and the fence of any enclosure, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding forty shillings, without prejudice to any remedy for the recovery of the amount of the damage.

Powers of sheriff for housing purposes

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187.—(1) Where any premises in respect of which a closing order made under section 18 of this Act, a demolition order, a clearance order or a resolution passed under section 56 of this Act has become operative form the subject matter of a lease, and the action taken under the order or resolution has not had the effect of determining the lease, either the landlord or the tenant or any other person deriving right thereunder may apply to the sheriff within whose jurisdiction the premises are situated for an order determining the lease.

Power of sheriff to determine lease in certain cases.

(2) On any such application the sheriff, after giving to any subtenant or other person whom he considers to be interested in the matter an opportunity of being heard, may, if he thinks fit, order that the lease shall be determined, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation or damages or otherwise) as he may think it just and equitable to impose, regard being had to the respective rights, obligations and liabilities of the parties under the lease and to all the other circumstances of the case:

Provided that the sheriff shall not be entitled to order any payment to be made by the landlord to the tenant in respect of the lease of a house.

(3) In this section the expression “lease” includes a sublease and any tenancy or tacit relocation following on a lease.

188.—(1) If it appears to the sheriff, on the application of the superior of any lands and heritages, that default is being made in the execution of any works required to be executed on any premises thereon in respect of which a notice requiring the execution of works has been served in pursuance of this Act, or in respect of which a closing order has been made, or in the demolition of a building thereon in pursuance of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the sheriff may make an order empowering the applicant forthwith to enter on the lands and heritages and, within the time fixed by the order, to execute the works or to demolish the building, as the case may be.

Power of sheriff to authorise superior to execute works, etc.

(2) Before an order is made under this section notice of the application shall be given to the local authority.

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 Power of sheriff to authorise conversion of house into several dwellings.

1947 c. 53.

189.—(1) Where an application is made to the sheriff by the local authority or by the feuar or the lessee of a house, and—

- (a) it is proved to the satisfaction of the sheriff that, owing to changes in the character of the neighbourhood in which the house is situated, the house cannot readily be let as a single dwelling but could readily be let if converted into two or more dwellings; or
- (b) planning permission has been granted under Part II of the Town and Country Planning (Scotland) Act 1947 for the use of the house as converted into two or more dwellings instead of as a single dwelling;

and it is proved to the satisfaction of the sheriff that the conditions or restrictions of the feu charter or feu contract or the provisions of the lease do not admit of such conversion, the sheriff, after giving any person entitled to any interest in the house or entitled to enforce such condition, restriction or provision an opportunity of being heard, may vary the conditions or restrictions of the feu charter or feu contract or the provisions of the lease so as to enable the house to be so converted, subject to such conditions and upon such terms as the sheriff may think just; and the decision of the sheriff shall be final.

(2) In this section the expression “sheriff” shall not include sheriff-substitute.

Procedure on applications and appeals to sheriff.

190.—(1) Any application to the sheriff under any of the following provisions of this Act, that is to say—

- section 10,
- section 13,
- Part IV,
- Part VI,

shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts 1837 to 1889, and the determination of the sheriff on any such application shall be final and conclusive.

(2) The procedure on any appeal to the sheriff under this Act (including expenses) shall be such as the Court of Session may by act of sederunt determine.

(3) The sheriff may, before considering any appeal which may be made to him under this Act, require the appellant to deposit such sum to cover the expenses of the appeal as may be fixed by the act of sederunt made in pursuance of subsection (2) of this section.

(4) On any appeal to the sheriff under this Act 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, and, where the appeal is against any notice or order given or made by the local authority, the notice or order may be confirmed, varied or quashed, as the sheriff thinks just:

Provided that the sheriff may at any stage of the proceedings on appeal, and shall, if so directed by the Court of Session, state a case for the opinion of the Court on any question of law arising in the course of the appeal.

(5) Any notice or order as respects which an appeal to the sheriff is given under this Act (other than Part IV or Part VI thereof) shall not become operative until either the time within which an appeal can be made under this Act has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice or order until it becomes operative.

Orders, notices, etc.

191.—(1) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or, where the authority have not a seal, shall be authenticated by the signature of any two or more members of the authority and of their clerk. Authentication of orders, notices, etc., by local authority.

(2) A notice, demand or other written document proceeding from a local authority under this Act shall be signed by their clerk.

192.—(1) Any notice required or authorised to be given in connection with the compulsory purchase of land under Part III of this Act may, notwithstanding anything in section 349 of the Local Government (Scotland) Act 1947, be served in accordance with the provisions of that section. Provisions relating to service of documents. 1947 c. 43.

(2) Where under any enactment in Part IV or Part VI of this Act it is the duty of a local authority to serve any document on a person who is to the knowledge of the authority the person having control of any premises, or a person managing any premises, or a person having an estate or interest in any premises (whether or not restricted to persons who are owners or lessees or persons holding heritable securities or to any other class of those having an estate or interest in premises),

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it shall be the duty of the authority to take reasonable steps to identify the person or persons coming within the description in the enactment.

(3) Any person having an estate or interest in any premises may for the purposes of the enactments mentioned in subsection (2) of this section give notice to the local authority of his interest in the premises, and the authority shall enter the notice in their records.

(4) A local authority may, for the purpose of enabling them to serve—

(a) any order made by them under section 15 or section 18 of this Act, or

(b) any notice which they are by this Act authorised or required to serve,

require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein whether as holder of a heritable security, lessee or otherwise.

(5) If any person, having been required by a local authority in pursuance of subsection (4) of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

(6) Any order, notice or other document required or authorised to be served under this Act which is to be served on any person as being a person having control of any premises may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served by addressing it to him by the description of "person having control of" the premises (naming them) to which it relates and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(7) Where under any enactment in Part II, Part IV or Part VI of this Act a document is to be served on the person having control of any premises, or on the person managing any premises, or on the owner of any premises, and more than one person comes within the description in the enactment, the document may be served on more than one of those persons.

Default of local authority

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- 193.**—(1) Subject to the provisions of this section, in any case where—
- (a) a complaint has been made to the Secretary of State—
- (i) as respects the district of any local authority, by any four or more local government electors of the district, or
- (ii) as respects any county, by the district council of any district (within the meaning of the Local Government (Scotland) Act 1947) within the county, that the local authority have failed to exercise any of their powers under this Act in any case where those powers ought to have been exercised ; or
- (b) the Secretary of State is of opinion that an investigation should be made as to whether a local authority have failed as aforesaid ;

Power of Secretary of State in event of failure of local authority to exercise powers.

1947 c. 43.

the Secretary of State may cause a public local inquiry to be held, and if, after the inquiry has been held, he is satisfied that there has been such a failure on the part of the local authority, he may, after giving the authority an opportunity of making representations, make an order rendering exercisable by the Secretary of State such of the said powers of the authority as may be specified in the order.

(2) Where the Secretary of State, after having caused a public local inquiry to be held in pursuance of subsection (1) of this section, is satisfied that the local authority have failed to exercise any of their powers under Part VII of this Act to provide housing accommodation for persons who are members of the agricultural population in a case where those powers ought to have been exercised, the Secretary of State may, before making such an order as is mentioned in the said subsection (1), make an order declaring the authority to be in default and directing the authority to exercise for the purpose of remedying the default such of their said powers, and in such manner, and within such time or times, as may be specified in the order ; and if the authority fail to comply with any requirement of the order within the time limited thereby for compliance with that requirement, the Secretary of State may make such an order as is mentioned in the said subsection (1).

194.—(1) The provisions of this section shall have effect in any case where under section 193 of this Act the Secretary of State has by order rendered exercisable by himself any powers of a local authority.

Provisions as to exercise by Secretary of State of powers of local authority.

(2) Any expenses incurred by the Secretary of State in exercising the said powers shall be paid in the first instance out of

PART IX moneys provided by Parliament, but the amount of those expenses as certified by the Secretary of State shall on demand be paid by the local authority to the Secretary of State and shall be recoverable as a debt due to the Crown.

(3) The payment of any such expenses as aforesaid shall, so far as the expenses are of a capital nature, be a purpose for which a local authority may borrow money.

(4) The Secretary of State may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the authority, and that property and those debts and liabilities shall vest and attach accordingly.

Default powers
of Secretary
of State in
relation to
rents.
1947 c. 43.

195.—(1) Where after the holding of a local inquiry under section 356 of the Local Government (Scotland) Act 1947 (which provides for defaults of local authorities) the Secretary of State is satisfied that there has been a failure on the part of a local authority to do what is required of them by section 151(5) of this Act, he may make a rents scheme for all or any of the houses under the management of the authority, and, if he makes an order under subsection (2) of the said section 356 declaring the authority to be in default in respect of the failure (in this section referred to as a “default order”), he may include in the directions which, under that subsection, he may make in the default order a direction that the authority shall in managing the houses in question comply with the scheme so long as the direction is in force.

(2) If—

(a) by a default order, whether made before or after the commencement of this Act, the Secretary of State has declared a local authority to be in default in respect of a failure such as is mentioned in subsection (1) of this section and directed the authority to take within a specified time steps to remedy the default, but has not directed them to comply with a rents scheme, and

(b) the local authority fail to comply with any requirement of the default order within the time limited thereby for compliance with that requirement,

then, without prejudice to subsection (3) of the said section 356 (which relates to enforcement), the Secretary of State may make a rents scheme for all or any of the houses under the management of the authority and may by order (in this section referred to as a “supplementary order”) direct the authority in managing the houses to comply with the scheme so long as the direction is in force.

(3) In this section "rents scheme" in relation to any houses means a scheme making such provision as the Secretary of State, after consultation with the local authority concerned, thinks fit—

(a) for fixing the rents to be charged for those houses, subject to such variation as may be provided for in the scheme, and

(b) if the Secretary of State thinks fit, for granting, in such cases and subject to such conditions as may be specified in the scheme, rebates from those rents;

and a rents scheme may provide as aforesaid in relation to rents generally or to particular rents.

(4) Subsection (3) of the said section 356 shall have effect as if any reference therein to any requirement of a default order included a reference to any requirement of a rents scheme to which the local authority has been directed under this section (whether in a default order or in a supplementary order) to comply, so however that, in relation to any requirement of a rents scheme—

(a) any reference in the said subsection (3) to the time limited by the default order for compliance shall be construed as a reference to the time during which the direction to comply with the rents scheme is in force, and

(b) any reference to the functions in respect of which there has been default shall be construed as a reference to the duty to manage the houses in question in accordance with the rents scheme.

(5) While a direction to comply with a rents scheme made under this section in relation to any of the houses under the management of a local authority is in force the authority shall comply with the scheme and, subject to subsection (6) of this section, shall not, except so far as the Secretary of State may allow, exercise in relation to the rents in question their functions under subsections (4) or (5) of section 151 of this Act.

(6) If the scheme does not make provision for granting rebates from the rents to which it relates the local authority may exercise their functions under the said subsections (4) or (5) so far as relating to rebates, but only in accordance with a scheme made by them and approved by the Secretary of State.

(7) Section 372 of the Local Government (Scotland) Act 1947 c. 43. 1947 (which relates to the revocation of, and other matters concerning, certain orders, including default orders) shall apply to a supplementary order as it applies to a default order, and the power conferred by that section to alter an order shall include power to alter a rents scheme to which an order relates.

PART IX

General powers of Secretary of State

Power to vary and revoke orders.

196.—(1) Any order made by the Secretary of State under this Act may be varied or revoked by a subsequent order made by the Secretary of State, but without prejudice to the validity of anything previously done under the order.

(2) The power to make orders conferred on the Secretary of State by subsection (1) of this section, so far as that power is exercised in relation to an order made under any provision of this Act, being a provision the power to make orders under which is expressed to be exercisable by statutory instrument, shall be, and shall be deemed always to have been, exercisable by statutory instrument.

(3) When an order under section 193 of this Act rendering any powers or duties of a local authority exercisable by the Secretary of State is revoked under subsection (1) of this section, the Secretary of State may, either by the revoking order or by a supplementary order, make such provision as appears to him desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the Secretary of State in exercising the powers and duties to which the order so revoked related.

Power to prescribe forms, etc.

197.—(1) Except as otherwise expressly provided in this Act, the Secretary of State may by statutory instrument make regulations prescribing—

- (a) the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act ;
- (b) any other thing which by this Act is required or authorised to be prescribed.

(2) The forms so prescribed or forms as near thereto as circumstances admit shall be used in all cases to which those forms are applicable.

Regulations: procedure.

198. Any statutory instrument made in the exercise of any power to make regulations conferred by this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power to dispense with advertisements and notices.

199.—(1) The Secretary of State may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if he is satisfied that there is reasonable cause for dispensing with the publication or service.

(2) Any such dispensation may be given by the Secretary of State either before or after the time at which the advertisement

is required to be published or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Secretary of State thinks fit, due care being taken by the Secretary of State to prevent the interests of any person being prejudiced by the dispensation.

200.—(1) For the purposes of the execution of his powers and duties under this Act, the Secretary of State may cause such local inquiries to be held as he may think fit. Local inquiries.

(2) Where under this Act the Secretary of State is required to cause a public local inquiry to be held, then, subject to the provisions of section 44(4) of this Act, the person to be appointed by the Secretary of State to hold the inquiry shall be selected from a panel set up by the Lord President of the Court of Session, the Lord Justice Clerk and the Chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors, in consultation with the Secretary of State.

201. If it appears to the Secretary of State that, owing to density of population or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Secretary of State may require the local authority to make a report to him containing such particulars as to the population of the district and other matters as he may direct, and the authority shall comply with the requirement of the Secretary of State, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of this Act as the Secretary of State may determine. Power to obtain report on area.

202. The Secretary of State may make arrangements with any other government department for the exercise or performance by that department of any of his powers and duties under this Act which in his opinion could more conveniently be so exercised or performed, and in such case that department and the officers thereof shall have the same powers and duties as are by this Act conferred on the Secretary of State and his officers. Arrangements between Secretary of State and other departments.

Miscellaneous

203. Without prejudice to any powers, whether statutory or otherwise, already enjoyed by an heir of entail in possession of an entailed estate in Scotland to sell or grant feus of any part of such estate, any such heir in possession may, notwithstanding Power of heir of entail to sell or feu land for housing purposes.

PART IX any prohibition or limitation in any deed of entail or in any Act of Parliament, sell or feu any part or parts of such estate—

- (a) to a local authority for any purpose for which a local authority may acquire land under this Act, or
- (b) to a housing association for the purpose of the provision of houses,

without its being necessary to obtain the consent of the next heir, and without any restriction as to the extent of ground to be sold or feued, excepting, however, from the provisions of this section the subjects excepted in section 4 of the Entail (Scotland) Act 1914:

1914 c. 43.

Provided that—

- (a) the price of land so sold shall, in accordance with the provisions of the Entail Acts, be invested for behoof of the heir of entail in possession and succeeding heirs of entail, and the feuduty shall be received for the same behoof; and
- (b) it shall not be lawful for the heir of entail in possession to take any grassum or valuable consideration other than the feuduty for granting any such feu.

Fair wages.

204. It shall be the duty of every local authority by whom housing accommodation is provided under the enactments relating to housing, whether with or without financial assistance from the Government, to secure the insertion in all contracts relating to such provision of a fair wages clause, complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts of government departments.

Crown rights.

205. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown, or authorise the use of or interference with any land (including tidal lands below high-water mark of ordinary spring tides) belonging to Her Majesty in right of the Crown or to any government department, without the consent of Her Majesty or the government department, as the case may be.

PART X

SUPPLEMENTAL

Powers of Act to be cumulative.

206. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed:

Provided that a local authority shall not, by reason of any local Act relating to a place within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under any Part of this Act.

207.—(1) Except in so far as otherwise expressly provided **Financial** in this Act there shall be paid out of money provided by Par- **provisions.**liament—

- (a) all sums payable and all expenses incurred by the Secretary of State under this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.

(2) Except in so far as otherwise expressly provided in this Act, there shall be paid into the Exchequer—

- (a) any receipts of the Secretary of State under this Act; and
- (b) any other sums falling to be so paid in consequence of any of the provisions of this Act.

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

“ agricultural holding ” means an agricultural holding within the meaning of the Agricultural Holdings (Scotland) 1949 c. 75. Act 1949;

“ agricultural population ” means—

(a) in relation to persons resident within a large burgh, persons who are engaged in agriculture, and includes the dependants of such persons; and

(b) in relation to persons resident outside a large burgh, persons who are, or in their latest occupation were, engaged in agriculture or in an industry mainly dependent on agriculture, and includes the dependants of such persons;

“ agriculture ” means the use of land for agricultural or pastoral purposes, or for the purpose of poultry farming or market gardening, or as an orchard or woodlands, or for the purpose of afforestation, and “ agricultural worker ” shall be construed accordingly;

“ apparatus ” means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic

PART X

power, gas or electricity, and standards and brackets carrying street lamps ;

“ building regulations ” means any statutory enactments, byelaws, rules and regulations or other provisions under whatever authority made, relating to the construction of new buildings and the laying out of and construction of new streets or roads ;

1947 c. 43.

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

“ clearance area ” means a clearance area within the meaning of Part III of this Act ;

“ clearance order ” has the meaning assigned to it by section 36(1) of this Act ;

“ clearance resolution ” has the meaning assigned to it by section 34(1) of this Act ;

“ closing order ” means a closing order made under section 15(1) of this Act ;

“ common ” includes any town or village green ;

“ croft ” and “ crofter ” have the like meanings respectively as in the Crofters (Scotland) Acts 1955 and 1961 ;

“ demolition order ” has the meaning assigned to it by section 15(2) of this Act ;

1946 c. 68.

“ development corporation ” means a corporation established by an order under section 2 of the New Towns Act 1946 by the Secretary of State ;

“ district ”, in relation to a local authority, has the meaning assigned to it by section 1 of this Act ;

“ Exchequer contribution ” means a contribution or a subsidy which the Secretary of State is required or authorised to make to a local authority out of moneys provided by Parliament under any of the enactments specified in Part I of Schedule 6 to the Housing (Scotland) Act 1950 ;

1950 c. 34.

“ flat ” (except in Part IV of this Act) 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 ;

“ holding ” has the like meaning as in the Small Landholders (Scotland) Acts 1886 to 1931 ;

“ house ” includes any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling, and, in particular, includes a flat, and includes also any yard, garden, out-houses and pertinents belonging to the house or usually enjoyed therewith ;

- “housing association” means any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, housing accommodation, being a society, body of trustees or company who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being fixed by the Treasury, whether with or without differentiation as between share and loan capital ;
- “land” includes any right over land ;
- “Lands Tribunal” means the Lands Tribunal for Scotland ;
- “landholder” has the like meaning as in the Small Landholders (Scotland) Acts 1886 to 1931 ;
- “large burgh” has the like meaning as in the Local Government (Scotland) Act 1947 c. 43. 1947 c. 43.
- “local bonds” has the meaning assigned to it by section 165 of this Act ;
- “official representation” has the meaning assigned to it by section 180(1) of this Act ;
- “open space” means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground ;
- “owner” includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promoters of an undertaking ;
- “prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument ;
- “public undertakers” means any corporation, company, body or person carrying on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking ;
- “the Rent Acts” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 or any of those Acts ;
- “sell” and “sale” include feu ;
- “statutory small tenant” has the like meaning as in the Small Landholders (Scotland) Acts 1886 to 1931 ;
- “street” includes any court, alley, passage, square or row of houses whether a thoroughfare or not ;
- “superior” includes the creditor in a ground annual.

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(2) For the purposes of this Act, and without prejudice to section 87(2) thereof—

- (a) the person who for the time being is entitled to receive, or would, if the same were let, be entitled to receive, the rent of any premises, including a trustee, tutor, curator, factor or agent, shall be deemed to be the person having control of the premises; and
- (b) a crofter or a landholder shall be deemed to be the person having control of any premises on his croft or holding in respect of which he would, on the termination of his tenancy, be entitled to compensation under the Crofters (Scotland) Acts 1955 and 1961, or, as the case may be, the Small Landholders (Scotland) Acts 1886 to 1931, as for an improvement.

(3) In this Act any reference to the demolition of a building shall be deemed to include a reference to such reconstruction of the building as the local authority may approve; and where a building is so reconstructed any reference to selling, letting or appropriating the land, the building on which has been or will be demolished, shall, unless the context otherwise requires, be construed as a reference to selling, letting or appropriating the land and the reconstructed building.

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

Construction
of references
to Lands
Tribunal.
1949 c. 42.
1963 c. 51.

209.—(1) Any dispute which by this Act is directed to be determined by the Lands Tribunal shall, in the period before the coming into force of sections 1 to 4 of the Lands Tribunal Act 1949 in Scotland, be determined by an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963; and accordingly during the said period there shall be substituted for references in any provision of this Act (other than this section) to the Lands Tribunal references to an arbiter appointed as aforesaid.

(2) In relation to a dispute arising under section 52(3) of this Act, subsection (1) of this section shall have effect as if after the word “determined”, in the second place where that word occurs, there were inserted the words “unless the local authority and the undertakers otherwise agree”, and an official arbiter acting in such a dispute shall have the like powers in respect of procedure, costs and the statement of cases as he has under the said Act of 1963.

Construction
of references
to this Act,
etc.

210.—(1) Without prejudice to the provisions of section 212 of this Act, in this Act the expression “under this Act”, whether in relation to any land, houses or other property acquired, or to any contribution or to any housing or other operations, or in relation to any other matter or thing made,

effected, given, imposed or done, or right acquired, or obligation incurred, and any other expression describing any matter or thing by reference to this Act or to any enactment in this Act, shall, if and so far as the context permits, be construed as including a reference to any Act repealed by this Act or by the Housing (Scotland) Act 1950 or by the Housing (Scotland) Act 1925, or to the corresponding provision of any Act 1925 c. 15. so repealed. PART X

(2) The references to this Act mentioned below shall be construed as including references to the Housing (Scotland) Act 1950 (so far as not repealed by this Act) and to any enactment (so far as not so repealed) which is construed as one with the said Act of 1950.

The said references are—

the references in sections 2, 177(1), 178(b), 183(1)(a), 193(1), 196(1) and 197(1) of this Act ;

the first reference in section 165(1) of this Act ;

the second reference in section 184 of this Act.

(3) Any reference in this Act to the Land Compensation (Scotland) Act 1963 or to any provision thereof shall, in so far as the context permits, be construed as referring, in a case to which they continue to apply by virtue of section 48 of the said Act of 1963, to the enactments repealed by that Act or to the corresponding provision of any such enactment. 1963 c. 51.

(4) Nothing in this section or in section 211 or in section 212 of this Act, and nothing in Schedule 9 to this Act, shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals. 1889 c. 63.

211. The enactments mentioned in Schedule 9 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act. Consequential amendments.

212.—(1) Subject to the provisions of this section, the enactments specified in Schedule 10 to this Act are hereby repealed, in the case of the enactments mentioned in Part I of that Schedule as from the commencement of this Act, and in the case of the enactments mentioned in Part II of that Schedule as from the appointed day within the meaning of Part V of this Act, to the extent specified in relation thereto in the third column of that Schedule. Repeals and savings.

(2) Nothing in this Act shall affect any order, regulation, rule, byelaw, scheme, plan, agreement, arrangements or application made, charge effected, undertaking, notice, approval, certificate, direction or determination given, condition imposed, or

PART X

any other thing done, before the commencement of this Act, but any order, regulation, rule, byelaw, scheme, plan, agreement, arrangements, application, charge, undertaking, notice, approval, certificate, direction, determination, condition or thing made, effected, given, imposed or done, or having effect as if made, effected, given, imposed or done, under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, effected, given, imposed or done under this Act, have effect as if made, effected, given, imposed or done under the corresponding provision of this Act.

1950 c. 34.
1925 c. 15.

(3) Any person who at the commencement of this Act is holding office or acting or serving under or by virtue of any enactment repealed by this Act or by the Housing (Scotland) Act 1950 or by the Housing (Scotland) Act 1925 shall continue to hold his office or to act or serve as if he had been appointed under this Act.

(4) For the purpose of determining the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, an offence committed by that person against the corresponding provision of any enactment repealed by this Act or by the Housing (Scotland) Act 1950 or by the Housing (Scotland) Act 1925 shall be deemed to have been committed against the first-mentioned provision.

(5) So much of any enactment or other document as refers expressly or by implication to any enactment repealed by this Act or by the Housing (Scotland) Act 1950 or by the Housing (Scotland) Act 1925 shall, in so far as the context permits and as may be necessary to preserve the effect of the first-mentioned enactment or other document, be construed as referring, or (as the case may require) as including a reference, to this Act or the corresponding enactment therein.

(6) The repeal by this Act of any provision of any Act shall not affect the application of that provision to any other provision of that Act which is not repealed by this Act.

Short title,
commence-
ment and
extent.

213.—(1) This Act may be cited as the Housing (Scotland) Act 1966.

(2) This Act shall come into force on 1st April 1967.

(3) This Act shall extend to Scotland only.

SCHEDULES

Section 36.

SCHEDULE 1

CLEARANCE ORDERS

1. A clearance order—
 - (a) shall be in the prescribed form ;
 - (b) shall describe by reference to a map the area to which it applies ;
 - (c) shall fix by reference to the date of its coming into operation the period, not being less than twenty-eight days from that date, within which the local authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. The order shall show separately in the prescribed manner the houses which are unfit for human habitation.

3. Before submitting the order to the Secretary of State the local authority shall—
 - (a) publish in one or more newspapers circulating in their district a notice in the prescribed form stating that the order has been made, describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours ; and
 - (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building to which the order applies a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which and the manner in which objections thereto can be made.

4. As soon as may be after the required notices have been given, the local authority shall submit the order to the Secretary of State for confirmation.

- 5.—(1) If no objection is duly made by any of the persons on whom notices are required to be served under paragraph 3 of this Schedule or by the superior of, or by any person holding a heritable security over, any building to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification.
(2) In any other case the Secretary of State shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification.

SCH. 1

6. An order as confirmed by the Secretary of State under this Schedule shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

7. If the Secretary of State is of opinion that any building included in the order ought not to have been so included but should be included in a compulsory purchase order relating to the clearance area, he may modify the clearance order by excluding therefrom such building and may authorise the local authority to make and submit to him for confirmation in accordance with the provisions of Part III of this Act a compulsory purchase order with respect to such building.

Sections 36, 38,
43.

SCHEDULE 2

VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS UNDER PART III

1. As soon as may be after an order has been confirmed by the Secretary of State, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Secretary of State of his objection to the order, appeared at the public local inquiry in support of his objection.

2.—(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 thirty days after the publication of the notice of confirmation, make an application for the purpose to the Court of Session, and where such application is duly made the Court—

- (a) may by interim order suspend the operation of the order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings ; and
- (b) if satisfied, on the hearing of the application, that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

(2) An application to the Court of Session under this paragraph shall be made in the form and according to the procedure provided in that behalf by act of sederunt, so, however, that the application shall be dealt with in a summary manner.

3. Subject to the provisions of paragraph 2 of this Schedule, an order shall not, either before or after its confirmation, be questioned by reduction or interdict or in any legal proceedings whatsoever, and shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with paragraph 1 of this Schedule.

SCH. 2

4. As soon as may be after an order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Secretary of State for confirmation.

SCHEDULE 3

Sections 38, 43,
44.

COMPULSORY PURCHASE ORDERS MADE UNDER PART III

1. A compulsory purchase order—

- (a) shall be in the prescribed form ;
- (b) shall describe by reference to a map the land to which it applies ;
- (c) shall incorporate subject to the modifications hereinafter mentioned and any necessary adaptations—
 - (i) the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845 c. 19. 1845) ;
 - (ii) section 70 of the Railways Clauses Consolidation 1845 c. 33. (Scotland) Act 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and 1923 c. 20. Support) Act 1923.

2. The modifications subject to which the Lands Clauses Acts shall be incorporated in the order are as follows :—

- (a) the Lands Tribunal shall not take into account any building erected, or any improvement or alteration made, or any interest in land created, after the date of the publication of the compulsory purchase order if, in their opinion, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation ;
- (b) all notices required to be served by the local authority may, notwithstanding anything in section 18 of the Lands Clauses Consolidation (Scotland) Act 1845, be served in the manner specified in section 5(3) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 c. 42. in relation to notices required to be served under that Act ;

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1845 c. 19.

- (c) notwithstanding anything in section 90 of the Lands Clauses Consolidation (Scotland) Act 1845, the Lands Tribunal may determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to the house, building or manufactory, and, if they so determine, may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority that part of the house, building or manufactory.

3. The order shall show separately in the prescribed manner the houses in the clearance area which are unfit for human habitation and the land and buildings, if any, proposed to be purchased outside the area.

4. Before submitting the order to the Secretary of State the local authority shall—

- (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating that the order has been made, describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours ; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land or buildings to which the order applies a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which and the manner in which objections thereto can be made.

5.—(1) If no objection is duly made by any of the persons on whom notices are required to be served under paragraph 4 of this Schedule or by the superior of, or any person holding a heritable security over, any land or buildings to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification.

(2) In any other case, the Secretary of State shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification :

Provided that the Secretary of State may require any person who has made an objection to state in writing the grounds thereof and may confirm the order without causing a public local inquiry to be held if the Secretary of State is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the Lands Tribunal in assessing the compensation.

6. The order as confirmed by the Secretary of State shall not authorise the local authority— SCH. 3

- (a) to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification, or
- (b) to purchase any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification.

7. If the Secretary of State is of opinion that any land included by a local authority in a clearance area ought not to have been so included he shall on confirming the order so modify it as to exclude that land for all purposes from the clearance area.

8. In construing, for the purposes of this Schedule or any compulsory purchase order made under Part III of this Act, any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

SCHEDULE 4

Sections 47, 57
143.

RULES AS TO ASSESSMENT OF COMPENSATION WHERE LAND PURCHASED COMPULSORILY IN CERTAIN CIRCUMSTANCES

1. If the Lands Tribunal are satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes.

2. If the Lands Tribunal are satisfied with respect to any premises that the rental thereof was higher than that generally obtained at the time for similar premises in the locality and that such enhanced rental was obtained by reason of the premises being overcrowded within the meaning of Part V of this Act, the compensation shall, so far as it is based on rental, be based on the rental so generally obtained.

3. The local authority may tender evidence as to the matters aforesaid notwithstanding that they have not taken any steps with a view to remedying the evils disclosed by the evidence.

4. The Lands Tribunal shall (except as provided in section 15(1) of the Land Compensation (Scotland) Act 1963) have regard to, and make an allowance in respect of, any increased value which, in their opinion, will be given to other premises of the same owner by the demolition by the local authority of any buildings. 1963 c. 51.

5. The Lands Tribunal shall embody in their award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, and to the considerations mentioned in paragraph 4 of this Schedule, and the amount (if any) by which compensation has been reduced by reference to each of those matters.

Sections 89, 91,
94, 99

SCHEDULE 5

NUMBER OF PERSONS PERMITTED TO USE A HOUSE FOR SLEEPING

For the purposes of Part V of this Act, the expression "the permitted number of persons" means, in relation to any house, either—

- (a) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists; or
- (b) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area;

whichever is the less:

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

ANNEX
TABLE I

Where a house consists of—

(a) One room	...	...	2.
(b) Two rooms	...	...	3.
(c) Three rooms	...	...	5.
(d) Four rooms	...	...	7½.
(e) Five rooms or more	...	...	10, with an additional 2 in respect of each room in excess of five.

TABLE II

Where the floor area of a room is—

(a) 110 sq. ft. or more	...	...	...	2.
(b) 90 sq. ft. or more, but less than 110 sq. ft.	...	...	...	1½.
(c) 70 sq. ft. or more, but less than 90 sq. ft.	...	...	...	1.
(d) 50 sq. ft. or more, but less than 70 sq. ft.	...	...	...	½.
(e) Under 50 sq. ft.	...	...	...	Nil.

Section 134.

SCHEDULE 6

CONSEQUENCES OF CESSATION OF CONTROL ORDER

Transfer of landlord's interest in tenancies and agreements

1.—(1) On and after the date on which the control order ceases to have effect any lease, licence or agreement in which the local authority were substituted for any other party by virtue of section 122 of this Act shall have effect as if for the authority there were substituted in the lease, licence or agreement the original party or his successor in title.

SCH. 6

(2) On and after the date on which the control order ceases to have effect any agreement in the nature of a lease or licence created by the local authority shall have effect as if the dispossessed proprietor were substituted in the agreement for the authority.

(3) If the dispossessed proprietor is a lessee, nothing in any superior lease shall impose any liability on the dispossessed proprietor or any superior lessee in respect of anything done in pursuance of the terms of an agreement in which the dispossessed proprietor is substituted for the local authority by virtue of this paragraph.

Exclusion of s. 11(2) of Rent Act 1957

1957 c. 25.

2. Paragraph 1 of this Schedule shall not be construed as creating for the purposes of section 11(2) of the Rent Act 1957 (release from control under Rent Acts) any tenancy coming into operation on the date when the control order ceases to have effect.

Cases where leases have been modified while control order was in force

3. If under section 128 of this Act the sheriff modifies or determines a lease, the sheriff may include in the order modifying or determining the lease provisions for modifying the effect of paragraph 1 of this Schedule in relation to the lease.

Interpretation

4. References in this Schedule to the control order ceasing to have effect are references to its ceasing to have effect whether on revocation or in any other circumstances.

SCHEDULE 7

Section 165.

PROVISIONS AS TO LOCAL BONDS

1. Local bonds shall—

- (a) be secured upon all the rates, property and revenues of the local authority ;
- (b) bear interest at such rate as the local authority may determine at the time of the issue of the bonds ;
- (c) be issued in denominations of five, ten, twenty, fifty and one hundred pounds and multiples of hundred pounds ;
- (d) be issued for periods of not less than five years.

2. Local bonds shall be exempt from stamp duty under the Stamp Act 1891, and no duty shall be chargeable under section 8 of the Finance Act 1899, as amended by any subsequent enactment, in respect of the issue of any such bonds.

3. The provisions of section 115 of the Stamp Act 1891 (which relates to composition for stamp duty) shall, with the necessary adaptations, apply in the case of any local authority by whom local bonds are issued as if those bonds were stock or funded debt of the authority within the meaning of that section.

SCH. 7

4. A local authority shall, in the case of any person who is the registered holder of local bonds issued by that authority of a nominal amount not exceeding in the aggregate one hundred pounds, pay the interest on the bonds held by that person without deduction of income tax, but any such interest shall be accounted for and charged to income tax under Case III of Schedule D subject, however, to any provision of the enactments relating to income tax with respect to exemption or abatement.

5. Local bonds issued by a local authority shall be accepted by that authority at their nominal value in payment of the purchase price of any house erected by or on behalf of any local authority in pursuance of any operations under this Act.

6. The Secretary of State may, with the approval of the Treasury, by statutory instrument make regulations with respect to the issue (including terms of issue), transfer and redemption of local bonds and the security therefor, and any such regulations may apply, with or without modifications, any provisions of the Local Loans Act 1875 and the Acts amending that Act, and of Part XII of the Local Government (Scotland) Act 1947 relating to securities created by local authorities and section 2(2) of the Public Works Loans Act 1965, and of any Act relating to securities issued by any local or public body.

1875 c. 83.

1947 c. 43.

1965 c. 63.

Sections 41, 168,

SCHEDULE 8

PROVISIONS AS TO REHOUSING

1. If in the district of any local authority the undertakers have power to take under the enabling Act dwellings occupied by thirty or more persons, the undertakers shall not enter on any such dwellings in that district until the Secretary of State has either approved of a housing scheme under this Schedule or has decided that such a scheme is not necessary.

For the purpose of determining for the purposes of this Schedule the number of persons by whom any dwellings are occupied, any occupation on or after the fifteenth day of December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Secretary of State under this Schedule for his approval of or decision with respect to a housing scheme, shall be taken into consideration.

2. The housing scheme shall make provision for the accommodation of such number of persons as is, in the opinion of the Secretary of State, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons displaced; and in calculating that number the Secretary of State shall take into consideration not only the persons who are occupying the dwellings which the undertakers have power to take, but also any persons who, in his opinion, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

3. Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a provisional order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part VII of this Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

4. The housing scheme shall provide that any lands acquired under the scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings, except so far as the Secretary of State may dispense with that appropriation; and every such appropriation of lands shall be recorded as a real burden affecting such lands in the General Register of Sasines; and the Secretary of State may require the insertion in the scheme of any provisions with respect to the standards of the houses that are to be erected under the scheme, or any conditions to be complied with as to the mode in which the houses are to be erected.

5. If the Secretary of State does not hold a local inquiry with reference to a housing scheme he shall, before approving the scheme, send a copy of the draft scheme to every local authority, and shall consider any representation by any such authority made within the time fixed by him.

6. The Secretary of State may, as a condition of his approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any dwellings under the enabling Act.

7. Before approving any housing scheme the Secretary of State may, if he thinks fit, require the undertakers to give such security as he considers proper for carrying the scheme into effect.

8. If the undertakers enter on any dwellings in contravention of the provisions of this Schedule or of any conditions of approval of the housing scheme made by the Secretary of State, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling; and any such penalty shall be recoverable by the Secretary of State by action in the Court of Session and shall be carried to and form part of the Consolidated Fund.

9. If the undertakers fail to carry out any provision of the housing scheme, the Secretary of State may make such order as he thinks necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by order of the Court of Session on the application of the Secretary of State.

SCH. 8

10. The Secretary of State may, on the application of the undertakers, modify any housing scheme which has been approved by him under this Schedule, and any modifications so made shall take effect as part of the scheme.

11. For the purposes of this Schedule—

the expression “dwelling” or “house” means any house or part of a house occupied as a separate dwelling ;

the expression “enabling Act” means any Act of Parliament or order under which the land is acquired ;

the expression “local authority” means the local authority for the purposes of this Act in whose district in any case any houses in respect of which the housing scheme is made are situated ;

the expression “undertakers” means any authority, company or person who are acquiring land compulsorily or by agreement under any local Act or provisional order or order having the effect of an Act, or are acquiring land compulsorily under any general Act.

Section 211.

SCHEDULE 9

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

The Housing (Scotland) Act 1950

(14 Geo. 6. c. 34)

In sections 137 and 138, references to Part V of the Housing (Scotland) Act 1950 shall include references to Part VII of this Act.

The Housing (Repairs and Rents) (Scotland) Act 1954

(2 & 3 Eliz. 2. c. 50)

In section 39(2)—

(a) for the words from the beginning to “shall” there shall be substituted the words “Section 5 of the Housing (Scotland) Act 1966 shall” ;

(b) for the words “the said Act of 1950” there shall be substituted the words “the said Act of 1966”.

The House Purchase and Housing Act 1959

(7 & 8 Eliz. 2. c. 33)

In section 29(2), for the words from “and, in Scotland” to “shall” there shall be substituted the words “and, in Scotland, section 5 of the Housing (Scotland) Act 1966 shall”.

The Land Compensation (Scotland) Act 1963

(1963 c. 51)

1. In section 15(7)(d), for the reference to paragraph 5 of Schedule 4 to the Housing (Scotland) Act 1950 there shall be substituted a reference to paragraph 4 of Schedule 4 to this Act.

2. Without prejudice to the amendments effected by the following provisions of this Schedule, in Schedule 2 any reference to the Housing (Scotland) Act 1950 shall be construed as a reference to 1950 c. 34. this Act. SCH. 9

3. In Schedule 2, in sub-paragraph (2) of paragraph 1—

- (a) for the reference to section 172 of the Act of 1950 there shall be substituted a reference to section 197 of this Act ;
- (b) for the reference to section 36(2) of the Act of 1950 there shall be substituted a reference to subsections (2) to (4) of section 47 of this Act ;
- (c) for the reference to section 40 of the Act of 1950 as read with section 20 of the Housing and Town Development (Scotland) Act 1957 there shall be substituted a reference to section 49 of this Act. 1957 c. 38.

4. In Schedule 2, in sub-paragraph (5) of paragraph 1, for the reference to section 24 of the Housing (Scotland) Act 1962 there shall be substituted a reference to section 5 of this Act. 1962 c. 28.

5. In Schedule 2, in sub-paragraph (3) of paragraph 2, for the reference to section 40 of the Act of 1950 there shall be substituted a reference to section 49 of this Act.

6. In Schedule 2, for paragraph 5 there shall be substituted the following paragraph—

“ 5.—(1) In this Schedule ‘house’ has the meaning assigned to it by section 208 of the Housing (Scotland) Act 1966.

(2) Any reference in this Schedule to the provisions of the Housing (Scotland) Act 1966 as to site value is a reference to the following provisions of that Act, that is to say, sections 14(4) to (7), 19(2) to (5) and 47(2) to (4) (which relate respectively to the compensation to be paid on the compulsory acquisition of houses subject to notices relating to the execution of works, of closed houses, and of houses unfit for human habitation).”

SCHEDULE 10

ENACTMENTS REPEALED

PART I

Enactments repealed as from the commencement of this Act

Session and Chapter	Short Title	Extent of Repeal
14 Geo. 6. c. 34.	The Housing (Scotland) Act 1950.	<p>Sections 2 to 4. Sections 6 to 22. Sections 24 to 73. In section 74, the words " may in giving consent impose such conditions, and " Sections 79 to 82. In section 83, the words from " and accordingly " to the end of the section. In section 121, subsections (1) and (2). Section 131. In section 132, the words " V and " and the words " and section one hundred and thirty-one " Sections 133 and 134. Section 136. Sections 143 and 144. Sections 146 to 166. Sections 169 to 172. Section 177. Section 181. Section 185. In section 186, subsections (3) and (5). In section 187(1), the words from " and in the case " to " Part IV of this Act " Schedules 1 to 3. In Schedule 4, paragraphs 1, 2, 4, 5 and 6. Schedule 5. Schedules 11 and 12. In Schedule 13, Part II.</p>
15 & 16 Geo. 6. and 1 Eliz. 2. c. 63.	The Housing (Scotland) Act 1952.	<p>In section 2, subsection (2). Section 8. In section 9, subsection (5).</p>
2 & 3 Eliz. 2. c. 50.	The Housing (Repairs and Rents) (Scotland) Act 1954.	<p>Sections 1 to 3. Sections 6 to 8. In section 11, subsections (2) and (3). Section 13. In section 14, subsection (3). In section 15, subsection (2) and, in subsection (3), paragraph (b). In section 41(1), the words " subsection (1) of section seven " In section 44(3), the words " subsection (6) of section six of this Act, and to "</p>

Session and Chapter	Short Title	Extent of Repeal	SCH. 10
2 & 3 Eliz. 2. c. 73.	The Town and Country Planning (Scotland) Act 1954.	Section 39.	
5 & 6 Eliz. 2. c. 25.	The Rent Act 1957.	In section 11, subsection (6).	
5 & 6 Eliz. 2. c. 38.	The Housing and Town Development (Scotland) Act 1957.	Section 20. Section 22. In Schedule 1, paragraphs 1 and 7.	
7 & 8 Eliz. 2. c. 70.	The Town and Country Planning (Scotland) Act 1959.	In section 27, paragraph (a) of subsection (5).	
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	Sections 12 to 19. Sections 21 to 23. Section 28.	
10 & 11 Eliz. 2. c. 28.	The Housing (Scotland) Act 1962.	In section 14, subsection (1). Sections 21 to 31. Section 33. In section 34, subsections (2) and (3). In section 35(1), the words " in the case of those in Part II, modifications relating to houses unfit for human habitation ".	
1964 c. 56.	The Housing Act 1964.	In Schedule 4, paragraphs 1, 9 to 25, 27 to 30 and 35. Sections 13 to 19. Sections 22 to 28. Section 31. Sections 33 and 34. Section 36. Sections 38 to 44. Sections 58 and 59. Sections 64 to 84. Sections 86 to 91. In section 99, subsections (1) to (3) and subsections (5) and (6). Section 102. Section 103, except subsection (1). In section 107, paragraphs (d), (e) and (f). Schedules 3 and 4.	
1965 c. 67.	The Hire-Purchase (Scotland) Act 1965.	In Schedule 5, the amendment of the Housing (Scotland) Act 1950.	

PART II

Enactments repealed as from the appointed day

Session and Chapter	Short Title	Extent of Repeal
3 Edw. 7. c. 33.	The Burgh Police (Scotland) Act 1903.	Sections 67 and 68.
20 & 21 Geo. 5. c. 40.	The Housing (Scotland) Act 1930.	In section 7, in subsection (1), paragraph (iv), and subsection (3).



Industrial Reorganisation Corporation Act 1966

1966 CHAPTER 50

An Act to provide for the establishment of a public corporation with the functions of promoting or assisting the reorganisation or development of any industry or section of an industry and establishing or developing, or promoting the establishment or development of, any industrial enterprise, and for matters relating to the corporation and its functions.

[21st December 1966]

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 Corporation

The Industrial Reorganisation Corporation.

1.—(1) There shall be a body to be called the Industrial Reorganisation Corporation (in this Act referred to as “the Corporation”) having the functions assigned to it by the following provisions of this Act.

(2) The Corporation shall consist of a chairman and not less than seven nor more than fourteen other members.

(3) The chairman shall be appointed by the Secretary of State and the other members shall be appointed by the Secretary of State after consultation with the chairman.

(4) The members of the Corporation shall be appointed from among persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, industry, technology, commercial or financial matters, administration or the organisation of workers.

(5) The Corporation may, with the approval of the Secretary of State, appoint one or more of its members to be deputy chairman or deputy chairmen, and one or more of its members

to be managing director or managing directors, of the Corporation, and may also appoint one or more persons, whether members or not, to be deputy managing director or deputy managing directors of the Corporation.

(6) It is hereby declared that the Corporation is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as the property of, or property held on behalf of, the Crown.

(7) The provisions of the Schedule to this Act shall have effect as respects the Corporation.

2.—(1) The Corporation may, for the purpose of promoting industrial efficiency and profitability and assisting the economy of the United Kingdom or any part of the United Kingdom,— The Corporation's functions.

- (a) promote or assist the reorganisation or development of any industry ; or
- (b) if requested so to do by the Secretary of State, establish or develop, or promote or assist the establishment or development of, any industrial enterprise.

(2) In determining how to exercise its functions under paragraph (a) of the foregoing subsection it shall be the duty of the Corporation to consider which industries it would be expedient to reorganise or develop for the said purpose and to seek to promote or assist the reorganisation or development of those industries which in the opinion of the Corporation it would be most expedient to reorganise or develop for that purpose.

(3) The Corporation shall have power to do anything, whether in the United Kingdom or elsewhere, which is calculated to facilitate the discharge of its functions under the foregoing provisions of this section or is incidental or conducive to their discharge, including—

- (a) the acquisition, holding and disposal of securities ;
- (b) the formation of bodies corporate ;
- (c) the making of loans and the giving (subject to the provisions of the next following subsection and section 7 of this Act) of guarantees with respect to loans made by others ;
- (d) the acquisition and placing at the disposal of others of premises and plant, machinery and other equipment.

(4) The aggregate of the amounts outstanding in respect of the principal of any loans in respect of which guarantees have been given by the Corporation shall not exceed such limit as the Secretary of State may for the time being have imposed on the Corporation for the purposes of this subsection by a direction given to the Corporation with the approval of the Treasury.

(5) The Secretary of State may, after consultation with the Corporation, give to the Corporation directions of a general character as to the exercise and performance by the Corporation of its functions, and it shall be the duty of the Corporation to give effect to any such directions.

1958 c. 45.
1940 c. 9. (N.I.) (6) Section 14(1) of the Prevention of Fraud (Investments) Act 1958 and section 13(1) of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940 (prohibition on distributing circulars relating to investments) shall not apply to documents which the Corporation distributes in the discharge of its functions or causes to be so distributed or has in its possession for the purpose of distribution as aforesaid.

(7) In this section—

references to an industry include references to a section of an industry ; and

“industry” includes any description of commercial or financial activity and “industrial” shall be construed accordingly.

Financial provisions

Borrowing
powers.

3.—(1) Subject to the provisions of this section and section 7 of this Act, the Corporation may borrow—

(a) temporarily, by way of overdraft or otherwise, from any person ;

(b) otherwise than by way of temporary loan, from the Secretary of State ;

such sums as the Corporation may require for meeting its obligations or discharging its functions under this Act.

(2) The aggregate of the amounts outstanding in respect of any temporary loans raised by the Corporation under this subsection shall not exceed such limit as the Secretary of State may for the time being have imposed on the Corporation for the purposes of this subsection by a direction given to the Corporation with the approval of the Treasury.

(3) The Corporation shall not have power to borrow money except in accordance with this section ; but a person lending money to the Corporation shall not be bound to inquire whether the borrowing of money is within the power of the Corporation.

Exchequer
loans.

4.—(1) The Secretary of State may with the approval of the Treasury make loans other than temporary loans to the Corporation.

(2) Any loans which the Secretary of State makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

(3) The Treasury may issue out of the Consolidated Fund to the Secretary of State such sums as are necessary to enable him to make loans under this section.

(4) For the purpose of providing sums to be issued under the last foregoing subsection or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this section shall be deemed for all purposes to have been created and issued under that Act. 1939 c. 117.

(5) Any sums received by the Secretary of State under subsection (2) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and
- (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

5.—(1) Subject to the provisions of section 7 of this Act, the Secretary of State may with the approval of the Treasury pay to the Corporation such sums as he thinks fit not exceeding in the aggregate £50 million or such greater sum as he may from time to time by order specify. Exchequer investment in Corporation otherwise than by way of loan.

(2) In consideration of receiving sums under the foregoing subsection the Corporation shall make to the Secretary of State payments of amounts proposed by the Corporation or determined by the Secretary of State in accordance with the following provisions of this section.

(3) The Corporation shall as respects each accounting year of the Corporation—

- (a) decide whether or not to propose the making of any payment to the Secretary of State under the last foregoing subsection and, if it decides to make such a proposal, the amount it proposes to pay; and
- (b) make a payment to the Secretary of State of any amount so proposed if the proposal is approved by the Secretary of State with the consent of the Treasury or, if the Corporation make no proposal or any proposal made by it is not so approved, of such an amount, if any, as the Secretary of State may, with the consent of the Treasury and after consultation with the Corporation, determine.

(4) The Secretary of State may, with the like consent and after the like consultation, recommend the amount of any payment under subsection (2) of this section which he considers that it is reasonable for the Corporation to seek to make in respect of any future period ; and the Secretary of State may, with the like consent and after the like consultation, vary a recommendation under this subsection in respect of any period by a further recommendation thereunder.

(5) The Corporation shall conduct its affairs between the making of a recommendation under the last foregoing subsection and the end of the period to which the recommendation relates, with a view to putting itself into a position to make in respect of that period a payment of the amount recommended in addition to any amount recommended for any intervening period ; and in deciding whether or not to make a proposal as respects any period under subsection (3) of this section the Corporation shall have regard to any recommendation made as respects that period.

(6) Any sums required by the Secretary of State for making payments under subsection (1) of this section shall be defrayed out of moneys provided by Parliament ; and any sums received by him under subsection (2) of this section shall be paid into the Exchequer.

(7) The power to make any order under this section shall be exercisable by statutory instrument ; but the Secretary of State shall not make any such order unless a draft of the order has been approved by the Commons House of Parliament.

Treasury
guarantees.

6.—(1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums which the Corporation borrows from a person other than the Secretary of State.

(2) Immediately after any guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of any guarantee given under this section, the Corporation shall make to the Treasury, at such time and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sum so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.

(5) Any sums received by the Treasury under the last foregoing subsection shall be paid into the Exchequer.

7. The aggregate of the amounts outstanding in respect of—
- (a) the principal of any loans in respect of which guarantees have been given by the Corporation under section 2 of this Act ;
 - (b) the principal of any money borrowed by the Corporation under section 3 of this Act ;
 - (c) the sums paid to the Corporation under section 5(1) of this Act ; and
 - (d) the sums issued by the Treasury and not repaid to them under section 6 of this Act ;

Limits on guarantees by, and sums advanced to or on behalf of, the Corporation.

taken together shall not exceed £150 million.

8.—(1) The Corporation shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State, with the approval of the Treasury, may direct, being a form which shall conform to the best commercial standards.

Accounts and audits.

(2) The accounts of the Corporation shall be audited by auditors appointed by the Corporation after consultation with the Secretary of State, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified and Corporate Accountants ;

the Institute of Chartered Accountants in Ireland ;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Board of Trade ;

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(3) The Secretary of State 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 section 4 of this Act and of any sums to be paid into the Exchequer under section 4 or 5 of this Act, 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 of the following 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.

General

Reports and
information.

9.—(1) The Corporation shall, within a period of four months after the end of each accounting year and as soon as possible within that period, make to the Secretary of State a report on the performance of its functions during that year.

(2) The report for any accounting year—

- (a) shall set out any request made by the Secretary of State during that year under section 2(1)(b) of this Act ;
- (b) shall set out any directions given to the Corporation under section 2(5) of this Act during that year ;
- (c) shall set out any recommendation made under section 5(4) of this Act as respects a period ending after the beginning of that year ;
- (d) shall specify the securities acquired and disposed of by the Corporation during that year, the securities held by it at the end of that year and the period for which it has held each of the securities so held ; and
- (e) shall include all relevant information relating to the Corporation's projects, past and present activities and financial position and, without prejudice to the foregoing, such information relating to those matters as the Secretary of State may from time to time direct.

(3) There shall be attached to the report for each accounting year a copy of the statement of accounts in respect of that year and a copy of any report made on the statement by the auditors.

(4) The Secretary of State shall lay a copy of each report made to him under the foregoing provisions of this section, and of the statements attached thereto, before each House of Parliament.

Interpretation.

10.—(1) In this Act, except so far as the context otherwise requires, "accounting year", in relation to the Corporation, includes the Corporation's first accounting period, whether shorter or longer than a year, and, if the Corporation changes its accounting year, includes any accounting period (whether shorter or longer than a year) employed to give effect to the change.

(2) In this Act, except so far as the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including this Act.

11. Nothing in this Act shall operate to preclude the Parliament of Northern Ireland from enacting legislation for purposes similar to the purposes of this Act. Powers of Parliament of Northern Ireland.

12. This Act may be cited as the Industrial Reorganisation Corporation Act 1966. Short title.

Section 1.

SCHEDULE**THE CORPORATION***Members*

1.—(1) A member of the Corporation shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold his office, be eligible for re-appointment.

(2) Any member may at any time by notice in writing to the Secretary of State resign his office.

2.—(1) Before appointing a person to be a member of the Corporation the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Corporation, and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Corporation that he has no such interest; and any person who is, or whom the Secretary of State proposes to appoint to be, a member of the Corporation shall, whenever requested by the Secretary of State so to do, furnish to him such information as the Secretary of State considers necessary for the performance by the Secretary of State of his duties under this sub-paragraph.

(2) A member of the Corporation who is in any way directly or indirectly interested in a transaction or project of the Corporation shall disclose the nature of his interest at a meeting of the Corporation; and the disclosure shall be recorded in the minutes of the Corporation, and the member shall not take any part in any deliberation or decision of the Corporation with respect to that transaction or project.

(3) For the purposes of the last foregoing sub-paragraph a general notice given at a meeting of the Corporation by a member of the Corporation to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Corporation concerning the company or firm shall be regarded as a sufficient disclosure of his interest in relation to that transaction or project.

(4) A member of the Corporation need not attend in person at a meeting of the Corporation in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

3.—(1) The Corporation—

(a) shall pay to the members thereof such salaries or fees, and such allowances, as the Secretary of State may, with the approval of the Treasury, determine; and

(b) as regards any members in whose case the Secretary of State may so determine with the approval of the Treasury, shall make provision for, or pay to or in respect of them, such pensions or gratuities as may be so determined;

and if a person ceases to be a member of the Corporation and it appears to the Secretary of State that there are special circumstances

SCH.

which make it right that that person should receive compensation the Secretary of State may, with the approval of the Treasury, require the Corporation to pay to that person a sum of such amount as the Secretary of State may, with the approval of the Treasury, determine.

(2) The Secretary of State shall, as soon as possible after the first appointment of any person as a member of the Corporation, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and if any subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or to payment towards the provision of, a pension or gratuity to or in respect of a member of the Corporation, or to the payment of compensation to such a member, the Secretary of State shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

4.—(1) If the Secretary of State is satisfied that a member of the Corporation—

- (a) has been absent from meetings of the Corporation for a period longer than three consecutive months without the permission of the Corporation, or
- (b) has become bankrupt or made an arrangement with his creditors, or
- (c) is incapacitated by physical or mental illness, or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member of the Corporation and any other office held by him in the Corporation to be vacant and shall notify the fact in such manner as the Secretary of State thinks fit; and thereupon any office so held shall become vacant.

(2) In the application of this paragraph to Scotland, for the references in the foregoing sub-paragraph to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

5. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act) both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, after the entry relating to the Industrial Injuries Advisory Council there shall be inserted the words "The Industrial Reorganisation Corporation". 1957 c. 20.

Incorporation

6.—(1) The Corporation shall be a body corporate having perpetual succession and a common seal.

SCH. (2) The fixing of the seal of the Corporation shall be authenticated by the signature of the chairman of the Corporation or some other member thereof authorised either generally or specially by the Corporation to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Proceedings

7. The validity of any proceedings of the Corporation shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

8. The quorum of the Corporation and the arrangements relating to meetings of the Corporation shall be such as the Corporation may determine.

Staff

9.—(1) The Corporation shall, in the case of such persons employed by it as may be determined by the Corporation with the approval of the Secretary of State and the Treasury, pay to or in respect of them such pensions or gratuities, or make such payment towards the provision of pensions or gratuities, or provide and maintain for them such pension schemes (whether contributory or not) as may be so determined.

(2) Where any person employed by the Corporation, being a participant in any pension scheme applicable to his employment, becomes a member of the Corporation, he may be treated for the purposes of the pension scheme as if his service as a member of the Corporation were service as a person employed by the Corporation, and in that event his rights under the scheme shall not be affected by paragraph 3(1)(b) of this Schedule.

Stamp duty

1930 c. 28. 10. For the purposes of section 42 of the Finance Act 1930 (stamp duty on transfers between associated companies) and section 4 of the Finance Act (Northern Ireland) 1928 (stamp duty on company reconstructions or amalgamations) the Corporation shall be deemed to be a company with limited liability.

1928 c. 9 (N.I.).



Local Government (Scotland) Act 1966

1966 CHAPTER 51

An Act to make further provision, in relation to Scotland, with respect to the payment of grants to local authorities, valuation and rating, local authority expenditure and functions, and the classification and lighting of highways; to repeal or amend certain enactments relating to local licences and registrations; and for purposes connected with the matters aforesaid.

[21st December 1966]

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 GRANTS

Increase of general grant for 1966-67 and discontinuance of general grants and Exchequer Equalisation Grants

1.—(1) Apart from any increase authorised under section 2(2) of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958, the Secretary of State shall increase by the sum of £700,000 the aggregate amount of the general grants payable to local authorities under that Act in respect of the year 1966-67.

Increase of general grant for 1966-67 and discontinuance of general grants and Exchequer Equalisation Grants.

(2) General grants under the said Act of 1958 and Exchequer Equalisation Grants under the Local Government (Financial Provisions) (Scotland) Act 1954 shall not be payable for the year 1967-68 and subsequent years.

1958 c. 64.
1954 c. 13.

Rate support grants for local authorities

2.—(1) Subject to the provisions of this Part of this Act, the Rate support Secretary of State shall, for the year 1967-68 and each subsequent grants.

PART I year, make grants to local authorities in Scotland in accordance with this section; and any grants made in pursuance of this subsection shall be known as “rate support grants”.

(2) For the purpose of fixing the aggregate amount of the rate support grants for any year the Secretary of State shall determine—

- (a) the aggregate amount which is to be available for the payment out of moneys provided by Parliament of grants (other than housing subsidies) to local authorities in respect of their reckonable expenditure for that year; and
- (b) the portion of that amount which the Secretary of State estimates will be allocated to grants in respect of such services as the Secretary of State may determine and grants under the Rating Act 1966;

1966 c. 9.

and the amount remaining after deducting that portion from the aggregate amount aforesaid shall, subject to section 4 of this Act, be the aggregate amount of the rate support grants for that year.

(3) Before determining the amount and the portion mentioned in paragraphs (a) and (b) of subsection (2) of this section the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned and shall take into consideration—

- (a) the current level of prices, costs and remuneration, any future variation in that level which can be foreseen and the latest information available to him as to the rate of reckonable expenditure;
- (b) any probable fluctuation in the demand for services giving rise to reckonable expenditure so far as the fluctuation is attributable to circumstances prevailing in Scotland as a whole which are not under the control of local authorities; and
- (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop those services;

and for the purpose of determining the said amount and portion the Secretary of State may make such adjustments in respect of reckonable expenditure and grants as appear to him to be required to offset the effects on those factors of the constitution or alteration after the passing of this Act of any joint board.

(4) After consultation with such associations of local authorities as appear to the Secretary of State to be concerned, the aggregate amount of the rate support grants for any year shall be divided by the Secretary of State into three parts (to be known respectively as “the needs element”, “the

resources element" and "the domestic element") which shall be of such amounts respectively as may be prescribed; and the provisions of Schedule 1 to this Act shall, subject to sections 4 and 5 of this Act, have effect with respect to the determination of the amounts payable to any local authority in respect of those elements for any year and with respect to the other matters there mentioned.

(5) Payments in respect of elements of rate support grant shall be made to any local authority at such times as the Secretary of State may, with the consent of the Treasury, determine and shall be made in aid of the revenues of the authority generally.

(6) In this section—

"housing subsidies" means such grants to local authorities out of moneys provided by Parliament for the provision of housing accommodation as may be determined by the Secretary of State to be housing subsidies for the purposes of this section;

"reckonable expenditure", in relation to any year, means the amount estimated by the Secretary of State to be the amount of expenditure for that year falling to be defrayed out of the rates of a local authority (excluding sums falling to be paid to another local authority by virtue of a requisition or other instrument), reduced by the amount of any payment falling to be made for that year into the housing revenue account or a trading account of the authority and by the amount of any payments of such descriptions as the Secretary of State may determine which fall to be made for that year;

"trading account" means any account of a kind determined by the Secretary of State to be a trading account for the purposes of this section.

Before making any determination under this subsection the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned.

3.—(1) The aggregate amount of the rate support grants fixed in accordance with subsection (2) of section 2 of this Act for any year and the matters which under that section or Schedule 1 to this Act are to be prescribed shall be fixed and prescribed by an order made by the Secretary of State after consultation with such associations of local authorities as appear to him to be concerned and with the consent of the Treasury (hereafter in this Act referred to as a "rate support grant order").

Rate support
grant orders.

(2) Any rate support grant order shall be laid before the Commons House of Parliament together with a report of the considerations leading to the provisions of the order, including the considerations leading to the determination of the amount

PART I

and the portion mentioned in section 2(2)(a) and (b) of this Act, and shall not have effect until approved by a resolution of that House.

(3) Rate support grant orders shall be made in advance for successive periods of two years ; and a rate support grant order may, as respects any matter to be fixed or prescribed by the order, make different provision for different years.

Variation of orders etc.

4.—(1) If it appears to the Secretary of State that, after the time when the amount mentioned in section 2(2)(a) of this Act was determined for any year, an unforeseen increase has taken place in the level of prices, costs or remuneration and that the effect of the increase on the reckonable expenditure of local authorities for that year is substantial, he may at any time redetermine for that year the amount and portion mentioned in section 2(2)(a) and (b) of this Act and by an order, made in the like manner and subject to the like provisions as a rate support grant order, increase the amount fixed by the relevant rate support grant order as the aggregate amount of the rate support grants and any element of the grants for that year.

(2) The provisions of sections 2 and 3 of this Act relating to consultation and to a report of the considerations leading to a determination under the said section 2 shall apply to a redetermination under this section as they apply to a determination under that section.

(3) In deciding whether to exercise his power under subsection (1) of this section and in redetermining in the exercise of that power the amount and the portion there mentioned, the Secretary of State shall have regard only to the extent by which the said amount and portion are insufficient by reason of the unforeseen increase aforesaid.

(4) An order under subsection (1) of this section with respect to any year may, as respects that year, vary the matters prescribed by the relevant rate support grant order.

(5) In this section “reckonable expenditure” has the same meaning as in section 2 of this Act.

Reduction of rate support grants in case of default.

5.—(1) If the Secretary of State is satisfied—

(a) that a local authority or a joint board have failed to achieve or maintain a reasonable standard in the discharge of any of their functions, regard being had to the standards maintained by other authorities and boards which are, in the opinion of the Secretary of State, of a similar type to the local authority or, as the case may be, joint board concerned ; or

(b) that the expenditure of any local authority or joint board has been excessive and unreasonable, regard

being had to the financial and other relevant circumstances of the area or areas concerned ;

and is of opinion that by reason of the failure or the excessive and unreasonable expenditure a reduction should be made in the amount of any element of rate support grant payable to the local authority or a constituent authority of the joint board, he may, after affording to the local or constituent authority in question an opportunity of making representations, make and cause to be laid before Parliament a report stating the amount of and the reasons for the proposed reduction and setting out any representations made by the authority with respect to the proposed reduction ; and if the report is approved by a resolution of the Commons House of Parliament the Secretary of State may reduce the element of the grant accordingly.

(2) The Secretary of State may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for prescribing standards and general requirements in relation to any function of a local authority ; and in determining for the purposes of subsection (1) of this section whether there has been such a failure as is there mentioned, regard shall be had to any such regulations and any other standards or requirements imposed by or under any enactment.

6.—(1) The Secretary of State may make regulations for carrying the foregoing provisions of this Act into effect and, without prejudice to the generality of this provision,— Supplemental.

- (a) for determining the manner in which any calculation or estimate is to be made for any of the purposes of those provisions and, in particular, for determining—
- (i) the manner in which and the time as at which road mileages, population, the numbers of persons of any specified description and any other relevant elements for any area are to be ascertained,
 - (ii) the descriptions of roads which are to be taken into account in calculating road mileages,
 - (iii) the authority or person by or to whom any information required for the said purposes is to be given and the time at which and the form in which it is to be given,
 - (iv) the adjustments to be made for any abnormal treatment of income or expenditure in accounts ;
- (b) for providing that the calculations or estimates by reference to which any payments are made may be treated as either conclusive or provisional or conclusive for some purposes and provisional for other purposes and, in so far as they are treated as provisional, for the making of further calculations or estimates based on information not previously available

PART I

and for adjusting, in the light thereof, any payment already made ;

- (c) for modifying the operation of the foregoing provisions of this Act in relation to any authority if and in so far as any modification is required in relation to that authority in consequence of any alterations or combinations of authorities or alterations of boundaries ;

and regulations under this subsection may make different provisions for different circumstances.

(2) The Secretary of State may, if he thinks fit, determine that any sea route between two places in a county, being a sea route served by a ferry or by public transport vessels and specified in the determination, shall be treated for the purposes of regulations made under this section as if it were a road in the county ; and any such determination may be varied or revoked by the Secretary of State.

1962 c. 47. (3) In the year 1967-68 and subsequent years education authorities (within the meaning of the Education (Scotland) Act 1962) shall not be required to contribute to the expenses of committees and other bodies for the training of teachers described in section 25(5) of that Act, and accordingly the said section 25(5) shall cease to have effect at the end of the year 1966-67.

(4) In subsection (4)(d) of section 75 of the said Act of 1962 (which relates to grants to education authorities) the words from "not being relevant expenditure" to the end of the paragraph shall cease to have effect at the end of the year 1966-67.

(5) References in this section to the foregoing provisions of this Act include references to Schedule 1 to this Act.

(6) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Reduction of rates on dwellings by reference to the domestic element.

7.—(1) Subject to section 24 of this Act, every local authority shall reduce the amount of the rate levied by the authority for any year on dwelling-houses in their area by the amount in the pound prescribed for that year in pursuance of paragraph 1 of Part III of Schedule 1 to this Act.

(2) Where lands and heritages are a dwelling-house during part only of a year, the reduction to be made in pursuance of the foregoing subsection shall be made for that part of the year only.

(3) In this section "dwelling-house" includes premises entered in the valuation roll as such by virtue of section 16(3) of the

Water (Scotland) Act 1949 and premises which would have been so entered if domestic water rate had been leviable in 1949 c. 31. respect of them. PART I

(4) For the purposes of this section the gross annual value and rateable value attributable to the last mentioned premises shall, in accordance with the provisions of section 6 of the Valuation and Rating (Scotland) Act 1956, be determined by the assessor for the area in which the premises are situated and shall be entered in the valuation roll ; any such determination shall be subject to appeal under the Valuation Acts and shall accordingly be notified to the occupier of the premises and to the rating authority concerned within the times for the issue of notices set out in Schedule 2 to the said Act of 1956. 1956 c. 60.

Specific grants

8.—(1) The Secretary of State may, with the consent of the Treasury, and after consultation with such associations of local authorities as appear to him to be concerned, make regulations providing for the payment to local authorities, for the year 1967-68 and subsequent years, of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities (whether before or after the passing of this Act) in or in connection with the acquisition of land approved for the purposes of the regulations, being land required for or in connection with— Grants for development by planning authorities.

- (a) the development or redevelopment as a whole of any area (whether or not defined in a development plan as an area of comprehensive development) ; or
- (b) the relocation of population or industry, or the replacement of open space, in the course or in consequence of such development or redevelopment,

or in respect of expenditure so incurred in or in connection with the clearing or preliminary development of such land.

(2) For the purposes of regulations under this section land appropriated by a local authority (whether before or after the passing of this Act) for use for purposes described in subsection (1) of this section may be treated as acquired by that authority for those purposes at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

(3) Without prejudice to the generality of the preceding provisions of this section any regulations under this section may provide—

- (a) for the inclusion, in the expenditure incurred by local authorities in the acquisition of land approved for the purposes of the regulations, of any sums or part of sums

PART I

paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);

- (b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray the expenditure in respect of which the grants are made, or by reference to the excess of such annual costs over receipts of those authorities which are attributable to such expenditure, or over the annual value of such receipts, or by reference to such other considerations as may be prescribed by the regulations;
- (c) for the payment of capital sums in substitution for any periodical grants payable under the regulations in respect of such annual costs;

and for the purposes of this section “clearing” and “preliminary development” mean the carrying out of such works as may be prescribed by or determined under the regulations.

(4) Any grants to be paid or approval given under or for the purposes of regulations under this section shall be paid or given by the Secretary of State.

1947 c. 53.

(5) References in this section to the relocation of population or industry and the replacement of open space shall be construed in accordance with section 113(1) of the Town and Country Planning (Scotland) Act 1947, but as if for references in the definitions of those expressions to an area of extensive war damage or an area of bad lay-out or obsolete development there were substituted references to any area.

(6) In this section “enactment” has the meaning assigned to it by section 113(1) of the said Act of 1947 and “local authority” means a local planning authority within the meaning of section 2 of that Act.

(7) Subsections (1) to (3) of section 89 of the said Act of 1947 shall cease to have effect, but without prejudice to the operation of regulations made thereunder with respect to the payment of grants for any period before the commencement of this section; and subsections (4) and (6) of the said section 89 and section 91 of that Act (maximum amount of grants and supplementary provisions as to grants) shall apply to this section, and regulations thereunder, as they applied to subsections (1) to (3) of the said section 89 and regulations thereunder.

(8) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament. PART I

9.—(1) Subject to the provisions of this section the Secretary of State may, with the consent of the Treasury, pay to local authorities for the year 1967-68 and subsequent years grants of such amounts and payable at such times and subject to such conditions as he may from time to time determine, either generally or in the case of any particular authority, in respect of expenditure incurred by those authorities on and after 16th May 1967 in or in connection with the acquisition for use as a public open space of land approved by the Secretary of State for the purposes of this section. Grants for public open spaces.

(2) Grants under this section may be made either as periodical grants in respect of the costs from time to time incurred or treated as incurred by a local authority in respect of the borrowing of money to defray expenditure qualifying for such grants, or as capital grants in respect of such expenditure or in substitution for such periodical grants.

(3) The amount of the grant which may be paid to a local authority under this section in respect of any expenditure shall not exceed one-half of the amount of that expenditure, or of the costs incurred or treated as incurred as aforesaid on account of that expenditure, as approved by the Secretary of State for the purposes of this section.

(4) For the purposes of this section any land appropriated by a local authority for use as a public open space may be treated as acquired by that authority for that purpose at a cost of such amount, and defrayed in such manner, as the Secretary of State may determine.

(5) In this section “local authority” means a local authority within the meaning of the Town and Country Planning (Scotland) Act 1947. 1947 c. 53.

10.—(1) Subject to the provisions of this section the Secretary of State may, with the consent of the Treasury, pay to local authorities for the year 1967-68 and subsequent years grants of such amounts and payable at such times and subject to such conditions as he may from time to time determine either generally or in the case of any particular authority in respect of expenditure incurred by those authorities in or in connection with the acquisition at any time of land approved by the Secretary of State for the purposes of this section, being— Grants for reclamation of derelict land.

(a) derelict, neglected or unsightly land requiring reclamation or improvement ; or

PART I

(b) land required for purposes connected with the reclamation or improvement of such land as aforesaid, or in or in connection with the carrying out on or after 16th May 1967 of works approved as aforesaid for the reclamation or improvement of any such land.

(2) Grants under this section may be made either as periodical grants in respect of the costs from time to time incurred or treated as incurred by a local authority in respect of the borrowing of money to defray expenditure qualifying for such grants, or as capital grants in respect of such expenditure or in substitution for such periodical grants.

(3) The amount of the grant which may be paid to a local authority under this section in respect of any land shall not exceed one-half of the expenditure incurred in acquiring the land and in carrying out any works for its reclamation or improvement, as approved by the Secretary of State for the purposes of this section, reduced, unless the Secretary of State otherwise determines, by the value of the land after carrying out those works, or one-half of the costs incurred or treated as incurred as aforesaid on account of that expenditure as so reduced.

1947 c. 53. (4) In this section "local authority" means a local authority within the meaning of the Town and Country Planning (Scotland) Act 1947.

Grants for certain expenditure due to immigrant population.

11.—(1) Subject to the provisions of this section, the Secretary of State may pay to local authorities who in his opinion are required to make special provision in the exercise of any of their functions in consequence of the presence within their areas of substantial numbers of immigrants from the Commonwealth whose language or customs differ from those of the community, grants of such amounts as he may, with the consent of the Treasury, determine on account of expenditure of such descriptions (being expenditure in respect of the employment of staff) as he may so determine.

(2) No grant shall be paid under this section in respect of expenditure incurred before 16th May 1967.

1947 c. 43. (3) In this section "local authority" means a county council or the town council of a large burgh within the meaning of the Local Government (Scotland) Act 1947.

PART II

RATES

Local authority apportionments etc.

Apportionments, allocations etc. relating to local authorities.

12.—(1) The Secretary of State may as respects the year 1966-67 or any subsequent year make such estimates for any area of the product of a rate of one penny in the pound and the standard penny rate product as he considers necessary, and those products so estimated shall then apply for the purpose of making

the calculations, apportionments and allocations referred to in section 7(1) of the Act of 1963, or as the case may be, any adjustments required thereto.

(2) In the year 1966-67 and in each subsequent year of revaluation, the calculations, apportionments and allocations referred to in section 7(1) of the Act of 1963 shall be made and adjusted by reference to the product of a rate of one penny in the pound and to the standard penny rate product estimated in relation to that year.

13. As respects the year 1967-68 and subsequent years the Act of 1963 shall have effect as follows— Amendment of the Act of 1963.

- (a) Section 9(4) of the Act of 1963 (which relates to the determination of the governing factor) shall be amended by omitting the words "apart from section 3 of this Act" and by substituting for the words from "that part" to the end of the subsection the words "the whole of the resources element (within the meaning of the Local Government (Scotland) Act 1966) for that year."
- (b) Section 9(5) of the Act of 1963 (which relates to the determination of weighted population) shall be amended by substituting for the words "in accordance with the provisions of Schedule 2 to this Act" the words "in such manner as may be prescribed by a rate support grant order made under section 3 of the Local Government (Scotland) Act 1966."
- (c) Schedule 2 to the Act of 1963 (which relates to weighting of population) shall cease to have effect.

14.—(1) Where an alteration in the boundaries of the area of a local authority has occurred, and effect has been given or is being given to that alteration in the valuation roll for any year, then for the purpose of making for that year any such calculation, apportionment or allocation as is referred to in section 7(1) of the Act of 1963, the calculation for that area of the product of a rate of one penny in the pound and of the standard penny rate product for the year preceding that year shall be revised to take account of the effect of that alteration. Effect of alteration of boundaries on apportionments etc.

(2) In section 218(1) of the Local Government (Scotland) Act 1947 c. 43. 1947 the words from "with such adjustments" to the word "current" and the words from "For the purposes of this subsection" to the end of the subsection shall cease to have effect.

Valuation and Rating

15.—(1) For the purposes of any new or altered entry to be made in a valuation roll after the passing of this Act for a year other than a year of revaluation, the value or altered value Valuation according to tone of roll.

PART II

to be ascribed to lands and heritages shall not exceed the value which would have been ascribed thereto in that roll if the lands and heritages to which the entry relates had for valuation purposes been subsisting throughout the year before the last year of revaluation, on the assumptions that at the time by reference to which that value would have been ascertained—

- (a) the lands and heritages were in the same state as at the time of valuation and any relevant factors (as defined by subsection (2) of this section) were those subsisting at the last-mentioned time; and
- (b) the locality in which the lands and heritages are situated was in the same state, so far as concerns the other premises situated in that locality and the occupation and use of those premises, the transport services and other facilities available in the locality, and other matters affecting the amenities of the locality, as at the time of valuation.

(2) In this section “relevant factors” means any of the following, so far as material to the valuation of lands and heritages, namely—

- (a) the mode or category of occupation of the lands and heritages;
- (b) the quantity of minerals or other substances in or extracted from the lands and heritages;
- (c) the volume of trade or business carried on on the lands and heritages.

(3) References in this section to the time of valuation are references to the time by reference to which the valuation of lands and heritages would have fallen to be ascertained if this section had not been enacted.

(4) This section does not apply to lands and heritages which are occupied by a public utility undertaking and of which the value falls to be ascertained by reference to the profits of the undertaking carried on therein.

Determination of cumulo rateable value and rateable value pertaining to water undertakings.

16. For the purposes of the levying of rates in respect of the year 1967-68 and of any subsequent year the cumulo rateable value and the rateable value of lands and heritages occupied for the purposes of a water undertaking shall be taken to be the values respectively determined in accordance with the provisions of Schedule 2 to this Act.

Payments in lieu of rates by Electricity Boards.

17.—(1) For the purpose of calculating the payments which are, under the provisions of Part V of the Local Government Act 1948, to be made year by year by the South of Scotland Electricity Board and the North of Scotland Hydro-Electric

Board respectively for the benefit of local authorities in Scotland for the year 1967-68 and subsequent years, the standard amount referred to in sections 96 to 98 of that Act (which relate to payments by the South of Scotland Board) and the standard amount referred to in section 99 of that Act (which relates to payments by the Hydro-Electric Board) shall be such sums as may be respectively prescribed by order made by the Secretary of State.

(2) The power to make an order under the foregoing subsection shall be exercisable by statutory instrument and any statutory instrument containing such an order shall not have effect unless approved by a resolution of the Commons House of Parliament.

(3) As respects the year 1967-68 and subsequent years the said Act of 1948 shall have effect as follows—

- (a) section 96(2) shall be omitted ;
- (b) proviso (b) to section 97(2) shall be amended by substituting for the words “as defined by the last preceding section” the words “as prescribed by order made under section 17 of the Local Government (Scotland) Act 1966” ;
- (c) in proviso (d) to section 97(2) and in section 99(2)(c) for the reference to the year 1947-48 there shall be substituted a reference to the year 1966-67, and in sections 98(2) and 99(3)(a) for the reference to the calendar year 1947 there shall be substituted a reference to the calendar year 1966 ;
- (d) in section 98(6)(b), after the words “North of Scotland District” there shall be inserted the words “or by the United Kingdom Atomic Energy Authority” ;
- (e) in section 99(1), for the words from “calculated” to the end of the subsection there shall be substituted the words “prescribed by order made under section 17 of the Local Government (Scotland) Act 1966” ;
- (f) in section 99(4)(c), after the words “North of Scotland District” there shall be inserted the words “or from the United Kingdom Atomic Energy Authority” ; and
- (g) in section 145(2), in the definition of “rate”, the reference to Part V of the said Act of 1948 shall not include a reference to sections 96 to 99 of that Act.

(4) As respects the year 1967-68 and subsequent years, local water authorities shall have power to make charges by way of meter or otherwise in respect of water supplied to any such premises occupied by the South of Scotland Electricity Board or the North of Scotland Hydro-Electric Board as are described in section 17(2) of the Water (Scotland) Act 1949, and accordingly the said section 17(2) shall cease to apply to those premises. 1949 c. 31.

PART II
Rating of certain office premises of nationalised boards &c.
 1948 c. 26.
 1956 c. 60.
 1965 c. 36.

18.—(1) For the year 1967-68 and subsequent years, an authority to which this section applies shall, notwithstanding anything in Part V of the Local Government Act 1948, section 24(2) of the Valuation and Rating (Scotland) Act 1956 or section 3(1) of the Gas Act 1965, be liable to be rated in respect of any office premises occupied by the authority which are not situated on operational land of the authority; and accordingly any such premises shall be included in the valuation roll for the area in which they are situated.

(2) In determining the value of any office premises which are to be rated by virtue of subsection (1) of this section, any part of the premises which is not used as an office or for office purposes, or for purposes ancillary to the use of the premises as an office or for office purposes, shall be disregarded.

(3) The assessor for the area in which office premises occupied by an authority to which this section applies are situated or the occupier of those premises may apply to the appropriate Minister for a determination of the question whether the premises are situated on operational land of the authority, and if the Minister determines that the premises are not so situated the occupier thereof shall be liable to be rated in respect of the premises from the date of that determination.

(4) For the purposes of the last foregoing subsection the appropriate Minister in relation to premises occupied by—

(a) the British Railways Board or the British Waterways Board, is the Minister of Transport;

(b) the Gas Council or any area board constituted for an area in Scotland under the Gas Act 1948, is the Minister of Power; and

(c) any other board, is the Secretary of State.

(5) This section applies to the following authorities, that is to say, the British Railways Board, the British Waterways Board, the Gas Council, any area board constituted for an area in Scotland under the Gas Act 1948, the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board.

(6) In this section—

“office premises” means lands and heritages which are used wholly or mainly as an office or for office purposes; and

“operational land”, in relation to an authority to which this section applies, means land which is used for the purpose of the carrying on of the authority’s undertaking, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purpose of the carrying on of statutory undertakings;

1948 c. 67.

and for the purposes of this subsection "office purposes" includes the purposes of administration, clerical work and handling money, "clerical work" includes writing, bookkeeping, sorting papers, filing, typing, duplicating, punching cards or tapes, machine calculating, drawing and the editorial preparation of matter for publication, and "statutory undertakings" has the same meaning as in the Town and Country Planning (Scotland) Act 1947.

PART II

19.—(1) For the year 1967-68 and subsequent years, an authority to which this section applies shall, notwithstanding anything in Part V of the Local Government Act 1948, section 24(2) of the Valuation and Rating (Scotland) Act 1956 or section 3(1) of the Gas Act 1965, be liable to be rated in respect of any shop, room or other place occupied and used by the authority wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of gas or, as the case may be, electricity; and accordingly any such shop, room or other place shall be included in the valuation roll for the area in which it is situated.

Gas and Electricity Boards: rating of showrooms.
1948 c. 26.
1956 c. 60.
1965 c. 36.

(2) In determining whether any such shop, room or other place is wholly or mainly occupied and used as aforesaid, use for the receipt of payments for gas or electricity consumed shall be disregarded.

(3) This section applies to the following authorities, that is to say, any area board constituted for an area in Scotland under the Gas Act 1948, the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board.

1948 c. 67.

20. For the purposes of the valuation roll for the year 1967-68 or any subsequent year, the definition of "lands and heritages" in section 42 of the Lands Valuation (Scotland) Act 1854 shall not include electrical appliances for space heating which are situated in a building other than one occupied for any trade, business or manufacturing process and which are only so fixed that they can be removed from their place without necessitating the removal of any part of the building.

Amendment of section 42 of the Lands Valuation (Scotland) Act 1854.
1854 c. 91.

21. In section 22(1) of the Valuation and Rating (Scotland) Act 1956 (which relates to the exemption of churches, etc. from rates) for paragraphs (a) and (b) there shall be substituted the words "any premises to which this subsection applies, which belong to or are held by a religious body, so long as the use of the premises is wholly or mainly for purposes connected with that body and no profit is derived by that body from the use of the premises for any other purpose."

Amendment of section 22 of the Valuation and Rating (Scotland) Act 1956.

This subsection applies to any church, chapel, meeting place, church hall, chapel hall or other similar building; and accordingly subsection (4)(b) of the said section 22 shall cease to have effect.

PART II
 Complaints
 regarding
 omissions
 from the
 valuation roll.
 1956 c. 60.
 1854 c. 91.

22.—(1) Any person interested may complain to the Valuation Appeal Committee for a valuation area (which terms in this section have the same meaning as in the Valuation and Rating (Scotland) Act 1956) to the effect that particular lands and heritages are not included in the valuation roll for that area and that they ought to be so included, and the procedure set out in Schedule 2 to the said Act of 1956 and in section 13 of the Lands Valuation (Scotland) Act 1854 shall be followed in relation to complaints under this section.

(2) After hearing a complaint under this section the Valuation Appeal Committee may dismiss it or may direct that such entry be made in the valuation roll as respects the lands and heritages concerned as may be specified in the direction.

(3) A decision made under the last foregoing subsection shall be subject to appeal by way of stated case in the manner provided by section 7 of the Valuation of Lands (Scotland) Amendment Act 1879.

1879 c. 42.

Amendment of
 section 7 of
 the Valuation
 of Lands
 (Scotland)
 Amendment
 Act 1879.

23.—(1) Any application for a stated case under section 7 of the Valuation of Lands (Scotland) Amendment Act 1879 may be made in writing within the prescribed period from the date of the decision of the Valuation Appeal Committee, or if the decision was made in the absence of any party intending to make such an application, within the prescribed period from the date of receipt by him of the notification of the decision, and accordingly in the said section 7 the words “and shall then declare himself dissatisfied with such determination” shall cease to have effect.

1952 c. 47.

(2) In this section “the prescribed period” means the period for the time being prescribed by virtue of section 6 of the Rating and Valuation (Scotland) Act 1952 within which grounds of appeal relating to a stated case under the said section 7 may be lodged.

Rating of unoccupied property

Liability to be
 rated in
 respect of
 certain
 unoccupied
 property.
 1947 c. 43.

24.—(1) Subject to the following provisions of this Part of this Act, and notwithstanding the provisions of section 243 of the Local Government (Scotland) Act 1947, where any relevant lands and heritages in the area of a rating authority are unoccupied for a continuous period exceeding three months, the person entitled to possession of the lands and heritages (hereafter in this Part of this Act referred to as the “owner”) may, if the rating authority think fit, be rated in respect of the lands and heritages for any relevant period of vacancy; and the enactments relating to rating shall apply with any necessary modifications as if the lands and heritages were occupied during that period by the owner.

(2) Subject to section 25 and section 27(2) of this Act the amount of any rates payable by an owner in respect of a dwelling-house by virtue of this section shall be three-quarters

of the amount which would be payable if he were in occupation of the dwelling-house, and the amount of any rates payable by an owner in respect of other lands and heritages by virtue of this section shall be one-half of the amount which would be payable if he were in occupation of the lands and heritages; and no reduction shall be made under section 7 of this Act in respect of any rates so payable.

(3) Section 17 of the Valuation and Rating (Scotland) Act 1956 c. 60. (which relates to charges on owners of unoccupied lands and heritages) shall cease to have effect.

(4) In this section—

“relevant lands and heritages” means any lands and heritages consisting of, or of part of, a house, shop, office, factory, mill or other building whatsoever, together with any garden, yard, court or other land ordinarily used or intended for use for the purposes of the building or part; and

“relevant period of vacancy” means, in relation to any relevant lands and heritages, any period beginning with the day following the end of a period of three months during which the lands and heritages have been continuously unoccupied and ending with the day preceding that on which the lands and heritages become or next become occupied.

(5) Where lands and heritages which are unoccupied become occupied on any day and become unoccupied again on the expiration of a period of less than three weeks beginning with that day, then, for the purpose of ascertaining any period of three months during which the lands and heritages have been continuously unoccupied and any relevant period of vacancy in respect of the lands and heritages, they shall be deemed to have remained unoccupied on that day and during that period.

25.—(1) The provisions of Schedule 3 to this Act shall have effect, for the purposes of section 24 of this Act, with respect to the determination of rateable values, the treatment of newly erected and altered buildings and the other matters there mentioned. Provisions supplementary to section 24.

(2) In relation to relevant lands and heritages consisting of a newly erected dwelling-house, the said section 24 shall have effect as if for references to a period of or exceeding three months there were substituted references to a period of or exceeding six months.

(3) No rates shall be payable under the said section 24 in respect of lands and heritages, for, or for any part of the three months beginning with the day following the end of, any period during which—

(a) the owner is prohibited by law from occupying the lands and heritages or allowing them to be occupied;

PART II

- (b) the lands and heritages are kept vacant by reason of action taken by or on behalf of the Crown or any local or public authority with a view to prohibiting the occupation of the lands and heritages or to acquiring them ;
- 1947 c. 53. (c) the lands and heritages are the subject of a building preservation order under section 27 of the Town and Country Planning (Scotland) Act 1947, or are included in a list compiled or approved under section 28 of that Act or are notified to the rating authority by the Secretary of State as being of architectural or historic interest ;
- (d) the lands and heritages are the subject of a preservation order or an interim preservation notice under the Ancient Monuments Acts 1913 to 1953, or are included in a list published by the Minister of Public Building and Works under those Acts ; or
- (e) the lands and heritages are being held available to provide a residence from which a full-time clergyman or minister of any religious denomination may perform the duties of his office.

In paragraph (a) of this subsection the reference to a legal prohibition does not include a prohibition which arises from the failure of the owner to apply for a certificate under section 9 of the Building (Scotland) Act 1959.

1959 c. 24.

(4) The Secretary of State may by regulations provide that rates shall not be payable under section 24 of this Act in respect of lands and heritages of such descriptions as may be prescribed by the regulations or in such circumstances as may be so prescribed ; and the regulations may make different provision for lands and heritages of different descriptions and for different circumstances.

Any statutory instrument containing regulations made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

1962 c. 9. (5) Section 4 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 (reduction and remission of rates payable by charitable and other organisations) shall apply in relation to any relevant lands and heritages to which that section applied when they were last occupied as if they were used for the purpose for which they were then used.

Application of section 27. **26.—**(1) The provisions of section 27 of this Act shall come into operation or cease to be in operation in the area of a rating authority if the authority resolves that those provisions shall apply or cease to apply to their area, and shall come into operation or cease to be in operation in that area on such a day as may be specified in the resolution.

(2) The day to be specified by a resolution under subsection (1) above shall be—

- (a) in the case of a resolution providing that the said provisions shall apply to the area in question, a day not being earlier, if those provisions have previously applied to the area, than the expiration of the period of seven years beginning with the day when those provisions ceased or last ceased to apply to the area or of such shorter period as the Secretary of State authorises in any particular case ;
- (b) in the case of a resolution providing that the said provisions shall cease to apply to the area in question, a day not being earlier than the expiration of the period of seven years beginning with the day when those provisions came or last came into operation in the area or of such shorter period as the Secretary of State authorises in any particular case.

(3) As soon as may be after a resolution under subsection (1) above is passed by a rating authority the authority shall cause a copy of the resolution to be published in two successive weeks in one or more newspapers circulating in their area, and while a resolution providing that the said provisions shall apply to their area is in operation shall cause a copy thereof—

- (a) to be published annually in one or more such newspapers ; and
- (b) to be kept prominently exhibited at their offices in a place to which the public have access.

(4) A document purporting to be a copy of the minutes of a resolution passed by a rating authority under this section and to be certified under the hand of the clerk of the authority as a true copy of the minutes of the resolution shall be sufficient evidence that the resolution was passed by the authority.

27.—(1) Subject to subsection (3) below, the owner of every dwelling-house which has remained unoccupied for a period of two months shall, within 14 days thereafter, give to the rating authority for the area in which the house is situated notice in writing of the date when the house became unoccupied, or in the case of a newly erected dwelling-house (including a dwelling-house produced by the structural alteration of a building), notice in writing of the date when it became available for occupation.

Notification of unoccupied dwelling-houses.

(2) Any person who fails to give a notice which is required to be given under the foregoing subsection shall, subject to the next following subsection, be liable to be rated under section 24 above in respect of the dwelling-house as if he were in occupation of the dwelling-house ; and no reduction shall be made under section 7 above in respect of rates payable by virtue of this subsection.

PART II

(3) A rating authority may, if in all the circumstances it seems to them fair and reasonable so to do, reduce the amount of rates payable in respect of any dwelling-house for any period by virtue of subsection (2) above to the amount payable by virtue of section 24(2) above.

(4) This section does not apply to a dwelling-house owned by a rating authority or to a dwelling-house which was last occupied by the owner thereof or to a dwelling-house which falls within any of the categories of lands and heritages described in section 25(3) above or which is for the time being exempted from rates under section 24 above by virtue of regulations made under section 25(4) above.

PART III

ROADS

Grants towards construction and improvement of roads

Road grants and classifications. 1909 c. 47.

28.—(1) It is hereby declared that the purposes for which advances may be made by the Secretary of State under section 8 of the Development and Road Improvement Funds Act 1909 include the carrying out of surveys with a view to ascertaining the need for the construction or improvement of roads (whether or not any such construction or improvement is carried out) and other purposes incidental or conducive to the purposes described in subsection (1) of that section.

(2) The Secretary of State may, for all or any of the following purposes, that is to say, the purposes of the said section 8, so far as it relates to the making of advances to local highway authorities, and the purposes of any enactment or instrument (whether passed or made before or after the passing of this Act) which refers to roads or highways classified by the Secretary of State, classify roads and proposed roads in such manner as he may from time to time determine after consultation with the highway authorities concerned.

1919 c. 50.

(3) Section 17 of the Ministry of Transport Act 1919 shall cease to have effect so far as it relates to the construction, improvement and maintenance of roads, bridges and ferries; and in any enactment (including an enactment in any local Act) or any instrument in force at the commencement of this Part of this Act any reference to a road classified, or classified in any class, under the said section 17 shall be construed as a reference to a road which for the time being is classified under subsection (2) of this section—

- (a) as a principal road for the purposes of advances under the said section 8; or
- (b) as a classified road for the purposes of that enactment or instrument.

(4) For the purposes of subsection (3) of this section any road which, immediately before the commencement of this

Part of this Act, was classified under the said section 17 in Class I, II, or III shall, until the Secretary of State otherwise directs, be treated as classified under subsection (2) of this section as a classified road for the purpose of every such enactment or instrument as is mentioned in the said subsection (3).

(5) A road in a small burgh which is vested in a county council by reason only of its being a classified road shall cease to be so vested when it ceases to be a classified road.

In this subsection "small burgh" has the same meaning as in the Local Government (Scotland) Act 1947.

1947 c. 43.

Lighting of roads

29.—(1) The Secretary of State and every local highway authority shall have power to provide lighting for the purposes of any road or proposed road for which they are or will be the highway authority, and may for that purpose—

Provision of lighting by highway authorities.

- (a) contract with any persons for the supply of gas, electricity or other means of lighting; and
- (b) construct and maintain such lamps, posts and other works as they consider necessary.

(2) A highway authority may alter or remove any works constructed by them under this section or vested in them under the following provisions of this Part of this Act.

(3) A highway authority shall pay compensation to any person who sustains damage by reason of the execution of works authorised by this section.

(4) Subject to the last preceding subsection, the provisions of section 99 of the Burgh Police (Scotland) Act 1892 relating to the fixing of lamp irons, lamp posts and lamps shall apply to a highway authority, not being a body to which the said provisions would otherwise apply, as they apply to such a body.

1892 c. 55.

(5) For the purposes of section 8 of the Development and Road Improvement Funds Act 1909 the expression "improvement of roads" shall include the lighting of roads under the power conferred by this section.

1909 c. 47.

30.—(1) Subject to subsection (2) of this section, the powers of a lighting authority shall not be exercised, after the commencement of this Part of this Act, for purposes of the lighting of any road for which they are not the highway authority except with the consent of the highway authority (which consent may be given either generally or in respect of any particular road or length of road, and either without conditions or subject to such conditions as the highway authority think fit).

Power of existing lighting authorities.

(2) Subsection (1) of this section does not apply to the exercise of powers for the purpose only of the operation or maintenance of a lighting system which is not transferred to the

PART III highway authority under the following provisions of this Part of this Act.

(3) If a lighting authority are aggrieved by the refusal of a local highway authority to give their consent for the purposes of this section, or by any conditions subject to which such consent is given, they may appeal to the Secretary of State, who may give such directions in the matter as he thinks fit.

1892 c. 55.
1947 c. 43.
1934 c. 50.

(4) In this Part of this Act "lighting authority" means a council or other body authorised to provide lighting under section 99 of the Burgh Police (Scotland) Act 1892, section 149 of the Local Government (Scotland) Act 1947 or section 23 of the Road Traffic Act 1934 (as applied to Scotland by section 41(8) of that Act) or any corresponding local enactments; and references to the powers of a lighting authority are references to their powers under the said enactments.

Delegation
of lighting
functions of
highway
authority.

31.—(1) A highway authority may agree with the lighting authority for the delegation to the lighting authority of any of the functions of the highway authority with respect to the lighting of any road or part of a road within the area of the lighting authority.

(2) A lighting authority shall, for the discharge of any functions delegated to them under subsection (1) of this section, act as agents for the highway authority; and it shall be a condition of the delegation—

- (a) that any works to be executed or expenditure to be incurred by the lighting authority in the discharge of the delegated functions shall be subject to the approval of the highway authority;
- (b) that the lighting authority shall comply with any requirements of the highway authority as to the manner in which any such works are to be carried out, and with any directions of the highway authority as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions; and
- (c) that any such works shall be completed to the satisfaction of the highway authority.

(3) If at any time the highway authority are satisfied that a lighting system in respect of which the functions of that authority are delegated under this section is not in proper repair or condition, they may give notice to the lighting authority requiring them to place it in proper repair or condition, and if the notice is not complied with within a reasonable time may themselves do anything which seems to them necessary to place the system in proper repair or condition.

(4) A highway authority may agree with a lighting authority for the carrying out by the lighting authority of any works

PART III

in connection with a lighting system provided or to be provided by the highway authority within the area of the lighting authority; and subsections (2) and (3) of this section shall apply to the conditions to be included in and to the discharge of functions pursuant to any such agreement, as they apply to the conditions to be attached to a delegation of functions under subsection (1) of this section and the discharge of functions so delegated.

(5) A delegation to a lighting authority under this section may be determined by notice given to that authority by the highway authority, and functions delegated to a lighting authority under this section may be relinquished by notice given by that authority to the highway authority; but a notice under this subsection shall not take effect until 16th May in the calendar year following that in which it is given, and shall not be given during the last three months of a calendar year.

32.—(1) On the date of the commencement of this Part of this Act there shall be transferred to the highway authority for any road for which a road lighting system was then provided by a lighting authority other than the highway authority—

Transfer of road lighting systems.

- (a) all lamps, lamp-posts and other apparatus which, immediately before that date, were vested in the lighting authority as part of that system;
- (b) except as provided by subsection (2) of this section, all other property or rights which, immediately before that date, were vested in the lighting authority for the purposes of that system, and all liabilities incurred by that authority for those purposes and not discharged before that date.

(2) There shall not be transferred to a highway authority by virtue of this section any right or liability of a lighting authority in respect of work done, services rendered, goods (including gas and electricity) supplied or money due for payment before the said date, and there shall not be transferred to the Secretary of State by virtue of this section any liability of a lighting authority in respect of loans or loan charges.

(3) A highway authority and a lighting authority, or any two or more highway authorities, may make agreements with respect to the transfer of property, rights and liabilities under this section, including agreements for defining the property, rights and liabilities thereby transferred to the highway authority or any of those authorities, and for the transfer or retention of property, rights or liabilities held or incurred for the purposes of two or more road lighting systems, or partly for the purposes of such a lighting system and partly for other purposes; and any dispute between the authorities concerned as to the property,

PART III rights or liabilities transferred by this section shall be determined—

- (a) where the Secretary of State is one of those authorities, by arbitration ;
- (b) in any other case, by the Secretary of State.

(4) If at any time after the commencement of this Part of this Act a road lighting system is provided by a lighting authority for the purposes of a road for which they are not the highway authority, the foregoing provisions of this section shall apply as if for references to the date of the commencement of this Part of this Act there were substituted a reference to such date as may be determined by agreement between the lighting authority and the highway authority or, in default of such agreement, as the Secretary of State may direct.

(5) In this Part of this Act “road lighting system” means a lighting system which is not a footway lighting system.

Special provisions as to footway lighting systems.

33.—(1) In this part of this Act “footway lighting system” means a system of lighting, provided for a road, which satisfies the following conditions, that is to say that either—

- (a) no lamp is mounted more than thirteen feet above ground level ; or
- (b) no lamp is mounted more than twenty feet above ground level and there is at least one interval of more than fifty yards between adjacent lamps in the system, or such other conditions as may be prescribed by order of the Secretary of State in substitution for the said conditions.

Any statutory instrument containing an order made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Where a footway lighting system maintained by a lighting authority other than the highway authority becomes a road lighting system—

- (a) in consequence of any order made by the Secretary of State under subsection (1) of this section ; or
- (b) in consequence of any alterations effected by the lighting authority,

section 32 of this Act shall apply in relation to that system as if for references in subsections (1) and (2) to the date of the commencement of this Part of this Act there were substituted references to such date as may be agreed upon between the lighting authority and the highway authority or, in default of such agreement, as the Secretary of State may direct.

(3) If in the case of a road or part of a road in which a footway lighting system is maintained by a lighting authority other than the highway authority the highway authority propose to provide a road lighting system (either as a separate system or

by means of alterations of the footway lighting system), they may give notice to that effect to the lighting authority ; and where such notice is given section 32 of this Act shall apply in relation to the footway lighting system as if for references in subsections (1) and (2) to the date of the commencement of this Part of this Act there were substituted references to such date as may be specified for the purpose in the notice.

PART III

Supplemental

34. This Part of this Act shall come into force on 16th May 1967. Commencement of Part III.

PART IV

Miscellaneous and General

35.—(1) A local authority may enter into an agreement with the Secretary of State or another local authority for the placing at his or their disposal, for the purposes of any function of a party to the agreement under any enactment (including an enactment in any local Act) or any instrument whether passed or made before or after the passing of this Act, on such terms as may be provided by the agreement, of the services of persons employed by the local authority and of any premises, equipment and other facilities under their control. Placing of staff etc. of local authority at disposal of Secretary of State or of another local authority.

(2) For the avoidance of doubt it is hereby declared that for superannuation purposes, in the absence of agreement to the contrary, service rendered by a person whose services are placed by a local authority at the disposal of the Secretary of State or another local authority in pursuance of this section is service rendered to the first-mentioned local authority.

(3) In this section "local authority" has the meaning assigned to it by section 113(1) of the Town and Country Planning (Scotland) Act 1947, and "premises" includes land and buildings. 1947 c. 53.

36.—(1) Section 119(1) of the Local Government Act 1948 (which relates to expenses of councillors in attending conferences etc.) shall be amended by substituting for the words "limitation with respect to numbers as may be prescribed" the words "conditions as may be specified" and by substituting for the words "other body or association for the time being recognised by the Secretary of State for the purposes of this section" the words "association of such councils". Amendment of section 119 of the Local Government Act 1948. 1948 c. 26.

(2) The said section 119(1) shall have effect as if the reference to a conference or meeting included a reference to—

- (a) a conference or meeting convened by any person or body (other than a person or body convening it in the course of his or their trade or business or a body of which the objects are wholly or partly political) for the purpose of discussing matters relating to the discharge of the functions of the local authority

PART IV

or to the development of trade, industry or commerce in the area of the local authority ;

- (b) a conference or meeting convened by any government department or local authority, or by any other body exercising functions conferred by or under any enactment or Royal Charter, being a conference or meeting convened for the purpose of discussing any matter affecting the area of the local authority or its inhabitants.

(3) In the last foregoing subsection "the local authority" means the county, town or district council whose powers under the said section 119(1) are in question, and in relation to the discharge of functions includes any committee or sub-committee of the council concerned.

(4) In the said section 119, after subsection (2), there shall be inserted the following subsection :—

"(2A) Allowances may be paid by county, town or district councils in respect of expenses reasonably incurred by their members in connection with the installation or use of telephones for the purpose of the performance of their official duties".

Limitation on expenditure of local authorities under section 132 of the Local Government Act 1948.
1948 c. 26.

37. The limitation applicable to the expenditure of a local authority in Scotland under section 132 of the Local Government Act 1948 (which relates to the provision of entertainments) shall be the same as that applicable to the expenditure of a local authority in England under that section, and accordingly subsection (10)(d) of that section shall cease to have effect.

Amendment of section 187 of the Local Government (Scotland) Act 1947.
1947 c. 43.
1959 c. 51.

38. The fee payable to clerks of the peace when justices of the peace qualify as such shall henceforth be paid by the county council or town council concerned, and accordingly there shall be inserted at the end of section 187 of the Local Government (Scotland) Act 1947 the following words :—

"In this section 'fees' includes the fee for the time being prescribed by virtue of section 29 of the Licensing (Scotland) Act 1959 which is payable to clerks of the peace when justices of the peace qualify as such."

Amendment of section 339 of the Local Government (Scotland) Act 1947.

39. Section 339 of the Local Government (Scotland) Act 1947 (which relates to expenditure by county and town councils on special purposes) shall have effect as if in subsection (1A) thereof for the word "Scotland" in each place, except the last, where it occurs there were substituted the words "the United Kingdom".

Interpretation of "public utility undertaking" in section 379(1) of Local Government (Scotland) Act 1947.

40. For the avoidance of doubt it is hereby declared that the definition of "public utility undertaking" in section 379(1) of the Local Government (Scotland) Act 1947 does not include an aerodrome undertaking or any business ancillary thereto.

41. A local authority within the meaning of the Town and Country Planning (Scotland) Act 1947 may make to any person such payments as the authority consider appropriate for the purpose of offsetting, either wholly or in part, payments by way of the selective employment tax made by that person in respect of persons employed for the purposes of any contract entered into by the authority before 4th May 1966.

PART IV
Payments by local authorities to offset effect of selective employment tax. 1947 c. 53.

42.—(1) The enactments mentioned in Part I of Schedule 4 to this Act (which among other things provide for the licensing of guns, hawkers, passage brokers, emigrant runners and porters, and for regulating activities to which the licences relate) shall cease to have effect.

Amendment of certain enactments relating to licences.

(2) The enactments mentioned in the first column of Part II of Schedule 4 to this Act (which specify fees or maximum fees for licences, certificates or permits to which those enactments relate or for registration under those enactments) may be amended, by an order made by the Minister or department specified in relation to the enactment in question in the second column of the said Part II, so as to vary any sum specified by that enactment or so as to provide that any sum payable under that enactment shall cease to be so payable; and an order under this subsection may be limited to such cases as may be specified by the order and may make different provision for different cases specified by the order.

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

43.—(1) (a) Licences issued in Scotland under the Dog Licences Act 1959 shall cease to be excise licences and the duties chargeable under that Act shall be levied by local authorities.

Dog licences. 1959 c. 55.

(b) Accordingly sections 7, 10 and 13 of that Act shall apply to Scotland so however that for the references to England and Wales, to county boroughs and to the Minister of Housing and Local Government there shall be substituted respectively references to Scotland, to large burghs (within the meaning of the Local Government (Scotland) Act 1947) and to the Secretary of State.

1947 c. 43.

(2) The Postmaster General shall, before paying to the council of a county or burgh the amount of the duties received by him in respect of licences for dogs issued in the county or burgh, deduct from that amount such sum as he considers is equal to the expenses incurred by him on work done in connection with the issue of the licences.

PART IV

(3) The Secretary of State may by order amend the provisions of the said Act of 1959 with respect to the time for payment of duty under that Act, the age of any dog or hound in respect of which the duty is chargeable and the period for which a licence under that Act is to be in force; and an order under this subsection may be limited to such cases as may be specified by the order and may make different provision for different circumstances specified by the order.

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

(4) It shall cease to be a condition for exemption from duty under section 4 of the said Act of 1959 (which relates to dogs kept for tending sheep and cattle) that the owner of the dog in question obtains a certificate of exemption under that section.

(5) In section 11 of the said Act of 1959, for the references to the Treasury and to England or Wales there shall be substituted respectively references to the Secretary of State and to Scotland.

(6) In sections 12(1) and 13 of the said Act of 1959 (under which a person is liable to a penalty of five pounds for an offence) for the words "five pounds" there shall be substituted the words "ten pounds".

(7) This section (other than subsection (4)) shall come into force on 16th May 1967 and subsection (4) shall come into force on the passing of this Act.

Game
Licences.
1860 c. 90.
1883 c. 10.

44.—(1) The duties chargeable in Scotland under the Game Licences Act 1860 and section 5 of the Customs and Inland Revenue Act 1883 shall be levied by local authorities and accordingly those duties shall cease to be Excise duties.

(2) The Secretary of State may by order make such provision as it seems necessary or expedient to make for giving effect to the foregoing subsection, and without prejudice to that generality may make provision for—

- (a) transferring to local authorities the powers of the Commissioners of Customs and Excise in relation to duties and licences under the said Act of 1860;
- (b) the issue of licences under that Act by officers of the Post Office and the expenses of the Postmaster General in that connection;
- (c) the appointment of officers of local authorities as officers of the Post Office for the purpose of the issue of such licences; and
- (d) the form of, and the keeping of registers of, such licences.

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

(4) This section shall come into force on 16th May 1967.

45.—(1) Any power conferred on the Secretary of State by Orders and this Act to make an order or regulations shall be exercisable by statutory instrument.

(2) Any power conferred by this Act to make an order includes the power to vary or revoke the order by a subsequent order made in the like manner and subject to the like conditions.

- 46.—(1) In this Act, unless the context otherwise requires—
- “the Act of 1963” means the Local Government (Financial Provisions) (Scotland) Act 1963; General interpretation.
1963 c. 12.
 - “highway authority” has the meaning assigned to it in relation to Scotland by section 257(1) of the Road Traffic Act 1960, and “local highway authority” means a highway authority other than the Secretary of State; 1960 c. 16.
 - “housing revenue account” has the same meaning as in section 137 of the Housing (Scotland) Act 1950; 1950 c. 34.
 - “joint board” includes a combination or joint committee of local authorities;
 - “land” includes land covered by water and any interest in or right over land;
 - “local authority” means a county council or the town council of a burgh;
 - “local water authority” has the meaning assigned to it by section 5(4) of the Water (Scotland) Act 1946; 1946 c. 42.
 - “product of a rate of one penny in the pound” and “standard penny rate product” have the meanings assigned to them by section 9 of the Act of 1963;
 - “rate” does not include any domestic water rate;
 - “rating authority” has the meaning assigned to it by section 209 of the Local Government (Scotland) Act 1947; 1947 c. 43.
 - “road” has the meaning assigned to it by section 257(1) of the Road Traffic Act 1960;
 - “Valuation Acts” means the Lands Valuation (Scotland) Act 1854, and the Acts amending that Act; 1854 c. 91.
 - “valuation roll” includes a supplementary valuation roll made up under section 11 of the Valuation and Rating (Scotland) Act 1956, except in relation to section 14 of this Act; 1956 c. 60.

PART IV

“water undertaking” means an undertaking for the supply of water carried on by a local water authority;

“year” has the meaning assigned to it by section 26(2) of the Act of 1963; and

1956 c. 60.

“year of revaluation” has the meaning assigned to it by section 9 of the Valuation and Rating (Scotland) Act 1956.

(2) References in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment including this Act.

Expenses.

47. There shall be defrayed out of moneys provided by Parliament—

(a) any sums required for the payment of grants under this Act or of other expenses of the Secretary of State under this Act; and

(b) any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other Act.

Amendments and repeals.

48.—(1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.

(2) The enactments described in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule, and so much of that Schedule as relates to the Game Licences Act 1860, the Ministry of Transport Act 1919, the Trunk Roads Act 1936, the Town and Country Planning (Scotland) Act 1947, sections 1, 8 and 10 of the Dog Licences Act 1959 and Schedule 2 to the Act of 1963 shall come into force on 16th May 1967.

1860 c. 90.
1919 c. 50.
1936 c. 5
(1 Edw. 8 &
1 Geo. 6.).
1947 c. 53.
1959 c. 55.

Short title and extent.

49.—(1) This Act may be cited as the Local Government (Scotland) Act 1966.

(2) This Act shall extend to Scotland only.

SCHEDULES

SCHEDULE 1

Section 2.

RATE SUPPORT GRANTS

PART I

THE NEEDS ELEMENT

Apportionment

1. The amount of the needs element of rate support grants payable for any year, or such part thereof as may be determined by the Secretary of State, shall first be apportioned to all counties and those burghs which are counties of cities on such basis as may be prescribed.

2. The amount apportioned in accordance with the foregoing paragraph of this Schedule to any county shall be further apportioned among the landward area, or in the case of a combined county the landward areas of the county, and the burghs in the county in proportion to their products of a rate of one penny in the pound or their standard penny rate products, whichever is the higher, for the immediately preceding year, or in the case of a year of revaluation, in proportion to their said products, whichever is the higher, estimated in relation to that year under section 12 of this Act.

3. Notwithstanding the provisions of the foregoing paragraphs the Secretary of State may, as respects any year, make provision for the apportionment of the needs element or any part thereof among such classes of local authorities and on such basis as may be prescribed.

Adjustment of the needs element payable to local authorities

4. The needs element for any year shall be reduced by the expenditure incurred in that year by the Secretary of State in making any payments to the universities of Scotland under section 75(2) of the Education (Scotland) Act 1962.

1962 c. 47.

5.—(1) The needs element for any year shall be subject to adjustment, in accordance with regulations made under this paragraph, in respect of expenditure to which this paragraph applies.

(2) The Secretary of State may after consultation with such associations of local authorities as appear to him to be concerned by regulations subject to annulment in pursuance of a resolution of either House of Parliament, provide for ascertaining the aggregate of such expenditure for the year in question of all local authorities and joint county councils of which local authorities are constituent councils, for apportioning the aggregate among the local authorities, and for giving effect to the apportionment by means of increases or decreases in the needs element payable to each authority of such amounts as may be ascertained in accordance with the regulations.

(3) This paragraph applies to such expenditure incurred as may be specified in regulations made under this paragraph.

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PART II

THE RESOURCES ELEMENT

1. The resources element shall be payable to a county council in respect of the landward area of the county and to a town council in respect of the area of the burgh, but shall not be payable to any local authority for any year unless the product of a rate of one penny in the pound for the area of the authority for that year is less than the standard penny rate product for the area.

2. The amount of the resources element payable to a local authority for any year shall be the amount which bears to the relevant local expenditure of the authority for that year the same proportion as the difference between the rate products mentioned in paragraph 1 above bears to the standard penny rate product for the area of the authority for that year.

3.—(1) A county council shall, out of any resources element paid to them for any year, pay to the council of any district in the county an amount which bears to the amount of the resources element which was so paid (or would have been so paid if no reduction under paragraph 4 below had been made) the same proportion as the expenditure of the district council for that year bears to the relevant local expenditure for the landward area of the county for that year.

(2) In this paragraph—

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

“expenditure” in relation to a district council for any year means so much of that council’s expenditure for that year as is reckoned in calculating the relevant local expenditure for that year for the landward area of the county in which the district is situated.

4.—(1) Where for any year the actual rent income of a county council or town council is less than the council’s notional rent income, the relevant local expenditure of the council shall be calculated for the purposes of this Part of this Schedule as if the council’s notional rent income were substituted for the council’s actual rent income.

(2) In this paragraph “actual rent income” has the same meaning as in section 3(3)(a) of the Act of 1963, and the notional rent income of a council shall be calculated on such basis as may be prescribed.

5. For the purposes of this Part of this Schedule the relevant local expenditure in relation to any area for any year is so much of the total expenditure for the year as would fall to be met out of moneys raised by rates levied in the area if no resources element were payable to the local authority concerned.

PART III

THE DOMESTIC ELEMENT

1. There shall for each year be prescribed, for the purposes of section 7 of this Act, an amount in the pound which in the opinion of the Secretary of State corresponds to the amount of the domestic element prescribed for that year in pursuance of section 2(4) of this Act.

1947 c. 43.

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2. The amount of the domestic element payable to a local authority for any year shall be determined in the manner provided by regulations made by the Secretary of State after consultation with such associations of local authorities as appear to him to be concerned.

Any statutory instrument containing regulations made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3. Any amounts payable to a local authority in respect of the domestic element shall be taken into account for the purposes of this and any other Act as if they were payable on account of rates and in computing the product of a penny rate; and any reduction made in pursuance of section 7 of this Act shall be disregarded in computing the product of a penny rate for those purposes.

SCHEDULE 2

Section 16.

VALUATION OF WATER UNDERTAKINGS

PART I

DETERMINATION OF CUMULO RATEABLE VALUE

1. The Assessor of Public Undertakings (Scotland) (hereinafter referred to as "the Assessor") shall for the year 1967-68 and each subsequent year determine in accordance with the following provisions of this and the next succeeding Part of this Schedule the cumulo rateable value of lands and heritages occupied for the purposes of a water undertaking, other than excepted premises, and shall enter such value in the valuation roll.

In this paragraph "excepted premises" means dwelling-houses, or lands and heritages held by a local water authority under a lease for a period not exceeding twenty-one years.

2. The Secretary of State may by order make provision for determining the national average rateable value per unit per day calculated on the basis of the aggregate potential output of water, for a year specified in the order, of all the water undertakings whose values are for the year 1967-68 to be entered in the valuation roll referred to in paragraph 1 above, and such value so determined, or as modified under paragraph 3 below, is in this Schedule known as "the norm".

3. Having regard to the changes in the rateable values of other lands and heritages, the Secretary of State shall keep the norm under review and may, in the year 1971-72 and each year of revaluation thereafter, by order make such adjustments in the provisions for determining the norm as appear to him to be appropriate.

Any such order shall commence to have effect in the year in which it is made.

4. Not later than 31st December in any calendar year, commencing with the year 1966, each local water authority shall as respects the previous year ascertain and certify to the Assessor, to the nearest ten units, the average number of units per day of the various categories of water described in sub-paragraphs (a) to (f) of paragraph 5 below.

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5. For the year 1967-68 the cumulo rateable value of the lands and heritages occupied for the purposes of a water undertaking shall be the aggregate of the following—

- (a) the average number of units per day of potable water produced by the undertaking and supplied for use within the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied by the norm ;
- (b) one half of the average number of units per day of potable water supplied by them in bulk for distribution or use outwith the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied by the norm ;
- (c) one half of the average number of units per day of potable water supplied to them in bulk in the year 1965-66, multiplied by the norm ;
- (d) the average number of units per day of non-potable water supplied by them in bulk for distribution or use outwith the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied by such fraction of the norm as may be prescribed by order made by the Secretary of State ;
- (e) the average number of units per day of non-potable water produced by them and supplied for use within the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied (subject to paragraph 6 below) by such fraction of the norm as may be prescribed by order made by the Secretary of State ; and
- (f) the average number of units per day of non-potable water supplied to them in bulk in the year 1965-66 multiplied by such fraction of the norm as may be prescribed by order made by the Secretary of State.

6. The fraction prescribed by order made under paragraph 5(e) above may, for the purpose of the application of that sub-paragraph to a particular water undertaking, be varied by the Assessor within such limits as may be specified in the order, if in the opinion of the Assessor exceptional circumstances exist in relation to that undertaking.

7.—(1) The Assessor shall, in respect of each year of revaluation, determine anew the cumulo rateable value pertaining to each water undertaking and for that purpose shall apply the provisions of paragraph 5 above, so however that for the reference in that paragraph to the year 1967-68 there shall be substituted a reference to the year of revaluation, and for any reference in that paragraph to the year 1965-66 there shall be substituted a reference to the year last but one before the year of revaluation.

(2) Where as respects any year (in this paragraph referred to as "the relevant year") the average number of units per day supplied by a water undertaking, as certified under paragraph 4 above, exceeds or falls short of the average number of units so supplied

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and certified for the purposes of valuation for the base year by more than such percentage as may be prescribed by order made by the Secretary of State, the Assessor shall determine anew the cumulo rateable value pertaining to that undertaking and for that purpose shall apply the provisions of paragraph 5 above, so however that for the reference in that paragraph to the year 1967-68 there shall be substituted a reference to the year second succeeding the relevant year, and for any reference in that paragraph to the year 1965-66 there shall be substituted a reference to the relevant year.

(3) In this paragraph "base year" means the year for which the valuation pertaining to a water undertaking was last determined by the Assessor.

PART II

DETERMINATION OF CUMULO RATEABLE VALUE IN RESPECT OF AMALGAMATED UNDERTAKINGS AND OF NEW UNDERTAKINGS

8. Where an amalgamation of water undertakings takes place, the provisions of paragraphs 9 to 14 below shall apply for the purposes of determining the cumulo rateable value pertaining to the amalgamated undertaking.

9. For the year in which the amalgamation takes place the amalgamated water undertaking shall be treated as consisting of the separate water undertakings which comprise it, and accordingly the cumulo rateable values relating to the separate undertakings shall continue to apply.

10. For the first year succeeding that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as "the valuation year") the cumulo rateable value pertaining to the amalgamated water undertaking shall be determined under paragraph 5 above on the basis of an aggregation of the various figures for the separate undertakings comprising the amalgamated undertaking certified to the Assessor under paragraph 4 above in respect of the year prior to that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as "the base year").

11. Where the amalgamated water undertaking has been in existence for less than two complete years then for the second year succeeding that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as "the valuation year") the cumulo rateable value pertaining to the water undertaking shall be determined under paragraph 5 above on the basis of an aggregation of the various figures for the separate undertakings comprising the amalgamated undertaking and the various figures for the amalgamated undertaking certified to the Assessor under paragraph 4 above in respect of the year in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as "the base year").

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12. Where an amalgamation takes place which involves the division of an existing water undertaking into separate parts the cumulo rateable value pertaining to each part shall, for the years referred to in paragraphs 9 to 11 above, be determined in such manner as may be directed by the Secretary of State, and in those paragraphs any reference to a separate undertaking shall be construed as including a reference to the part comprised in the amalgamated undertaking.

13. Where the amalgamated water undertaking has been in existence for two complete years then for the second year succeeding that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as "the valuation year") the cumulo rateable value pertaining to the water undertaking shall be determined under paragraph 5 above on the basis of the figures for that undertaking certified to the Assessor under paragraph 4 above in respect of the year in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as "the base year").

14. For the purposes of paragraphs 10, 11 and 13 above paragraph 5 above shall apply as if for the reference to the year 1967-68 there were substituted a reference to the valuation year and for the references to the year 1965-66 there were substituted references to the base year.

15.—(1) No rateable value shall be attributable to any new water undertaking until the year (in this paragraph referred to as "the valuation year") second succeeding that in which it commences to supply water to consumers, and accordingly for the purposes of this paragraph paragraph 5 above shall apply as if for the reference to the year 1967-68 there were substituted a reference to the valuation year and for the references to the year 1965-66 there were substituted references to the year in which the undertaking so commences to supply water.

(2) This paragraph applies only to new water undertakings and accordingly does not apply to a part of an undertaking which consists in an addition to an existing water undertaking.

PART III

DETERMINATION OF RATEABLE VALUE

16. In the case of a water undertaking wholly situated within a rating area the cumulo rateable value for the year 1967-68 or any subsequent year, as ascertained under the foregoing provisions of this Schedule, shall be taken to be the rateable value of that undertaking for that year and the Assessor shall enter that value in the valuation roll.

17. In the case of a water undertaking situated within more than one rating area the Assessor shall for the year 1967-68

and each subsequent year determine in accordance with the following provisions of this Part of this Schedule the rateable value attributable to a water undertaking in respect of such parts of the undertaking as are situated within such an area, and shall enter that value in the valuation roll.

18. For the purposes of this Part of this Schedule the capital works of each water undertaking shall be divided into productive and distributive parts in such manner as may be prescribed by order made by the Secretary of State.

19. Not later than 31st December in any calendar year, commencing with the year 1966, each water authority shall ascertain and certify to the Assessor—

- (a) the capital expenditure in respect of the productive part of the undertaking in each of the rating areas and, where appropriate, the separately rated areas in which the undertaking is situated ; and
- (b) the income for the previous year from public water rate, domestic water rate and water charges derived from each rating area in which any portion of the distributive part of the undertaking is situated.

20. The cumulo rateable value of each water undertaking, as ascertained under the foregoing provisions of this Schedule, shall then be apportioned between the productive and distributive parts of the undertaking in such proportion as the Secretary of State may, in such manner as he thinks fit, by order determine.

21.—(1) The amount of the cumulo rateable value apportioned to the productive part of the undertaking shall be apportioned among the rating areas in which any portion of that part is situated in such proportion as the capital cost of that portion bears to the capital cost of that part.

(2) The amount of the cumulo rateable value apportioned to the distributive part of the undertaking shall be apportioned among the rating areas in which any portion of that part is situated in such proportion as the aggregate income from the public water rate, domestic water rate and water charges derived from a rating area bears to such income derived from the whole of the area in which the distributive part of the undertaking is situated.

(3) The aggregate of the amounts duly apportioned as aforesaid in respect of each water undertaking shall then be taken to be the rateable value attributable to that undertaking in the rating area concerned.

22. Where a rating area has within it separately rated areas the rateable value of a water undertaking as ascertained under the foregoing provisions of this Part of this Schedule shall be apportioned between those areas on such basis as may be determined by the Assessor who shall enter the resultant apportioned values in the valuation roll.

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1854 c. 91.

23. The Assessor shall no longer be required under section 23 of the Lands Valuation (Scotland) Act 1854 to apportion the cumulo rateable value of a water undertaking as between the various parishes in which the undertaking is situated or to enter such apportioned value in the valuation roll.

PART IV

MISCELLANEOUS

Transitional Provisions

24. The Secretary of State may, as respects any year from 1967-68 to 1971-72, by order provide for the modification of the cumulo rateable values pertaining to all or any water undertakings.

Orders

25. Before making an order under this Schedule the Secretary of State shall consult with such associations of local authorities or other bodies or associations as appear to him to be concerned.

26. Any statutory instrument containing an order made under paragraph 2 or 3 of this Schedule shall not have effect unless approved by a resolution of the Commons House of Parliament, and any statutory instrument containing an order made under any other provision of this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

27. For the purposes of this Schedule—

- 1947 c. 43. "burgh" has the like meaning as in the Local Government (Scotland) Act 1947 ;
- 1946 c. 42. "limits of supply" has the meaning assigned to it by section 5(3) of the Water (Scotland) Act 1946 ;
- 1949 c. 31. "public water rate" and "domestic water rate" have the meanings assigned to them by section 1 of the Water (Scotland) Act 1949 ;
- "rating area" means the area of a rating authority within the meaning of Part XI of the Local Government (Scotland) Act 1947 ;
- "separately rated area" means 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 ;
- "unit" means a thousand gallons of water ;
- "valuation roll" means the roll made up by the Assessor under the Valuation Acts ;
- references to the supply of water in bulk are references to a supply taken by a local water authority for augmenting or constituting the supply to be given by them.

SCHEDULE 3

Section 25.

RATING OF UNOCCUPIED PROPERTY

Determination of rateable values

1.—(1) Subject to the provisions of this Schedule, the rateable value of lands and heritages for the purposes of section 24 of this Act shall be the rateable value ascribed to them in the valuation roll in force for the area in which the lands and heritages are situated or, if the lands and heritages are not included in that roll, the rateable value subsequently ascribed to the lands and heritages in a valuation roll in force for that area.

(2) If the relevant period of vacancy in respect of lands and heritages begins before the time when the valuation roll relating to a year of revaluation comes into force for the area of a rating authority and the lands and heritages were not included in the valuation roll for the preceding year, then—

- (a) if within 28 days of the receipt by him of a notice under section 9(4) of the Valuation and Rating (Scotland) Act 1956 c. 60. 1956 or of a completion notice in respect of the lands and heritages concerned the owner so requests the assessor, the assessor shall certify to him and to the rating authority the gross annual value and the rateable value which in his opinion would (in accordance with section 15 of this Act) have been ascribed to the lands and heritages if they had been included in the valuation roll for the said preceding year, and the owner and the rating authority shall be entitled to appeal or complain with respect to the value so certified as in manner provided by or under the Valuation Acts,
- (b) the assessor shall, when he issues a certificate under head (a) above, send to the owner of the lands and heritages a notice of his right of appeal by virtue of the said head (a), and
- (c) the owner of the lands and heritages shall, in accordance with the rateable value so certified or determined as the result of an appeal or complaint, be liable to be rated under section 24 of this Act in respect of so much of the relevant period of vacancy as fell within the said preceding year.

Completion of newly erected or constructed buildings

2. For the purposes of section 24 of this Act, a newly erected building which is not occupied on the date determined under the following provisions of this Schedule as the date on which the erection of the building is completed shall be deemed to become unoccupied on that date.

3.—(1) Where a rating authority is of opinion—

- (a) that the erection of a building within their area has been completed ; or
- (b) that the work remaining to be done on a building within their area is such that the erection of the building can reasonably be expected to be completed within three months,

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and that the building is, or when completed will be, comprised in relevant lands and heritages, the authority may serve on the owner of the building a notice (in this Schedule referred to as "a completion notice") stating that the erection of the building is to be treated for the purposes of this Schedule as completed on the date of service of the notice or on such later date as may be specified by the notice; and the authority shall along with the completion notice send to the owner a notice of his right of appeal by virtue of sub-paragraph (4) below.

(2) If a person on whom a completion notice is served agrees in writing with the authority by whom the notice was served that the erection of the building to which the notice relates shall be treated for the purposes of this Schedule as completed on a date specified by the agreement, it shall be treated for those purposes as completed on that day and the notice shall be deemed to be withdrawn.

(3) Where a rating authority has served a completion notice on any person, the authority may withdraw the notice by a subsequent notice served on that person; and a notice under this sub-paragraph may be served—

- (a) at any time before an appeal in pursuance of sub-paragraph (4) of this paragraph is brought against the completion notice; and
- (b) with the agreement of the person aforesaid, at any time thereafter and before the appeal is determined.

(4) A person on whom a completion notice is served may, during the period of twenty-one days beginning with the date of service of the notice, appeal to the sheriff against the notice on the ground that the erection of the building to which the notice relates has not been, or, as the case may be, cannot reasonably be expected to be, completed by the date specified by the notice.

(5) If a completion notice served in respect of a building is not withdrawn and no appeal is brought in pursuance of sub-paragraph (4) of this paragraph against the notice or such an appeal is abandoned or dismissed, the erection of the building shall be treated for the purposes of this Schedule as completed on the date specified by the notice; and if such an appeal is brought and is not abandoned or dismissed and the completion notice in question is not withdrawn, the erection of the building shall be treated for those purposes as completed on such date as the sheriff shall determine.

1947 c. 43.

(6) In the application of section 349 of the Local Government (Scotland) Act 1947 to the service of notices under this paragraph, any reference to sending a notice by post shall be construed as a reference to sending it by registered post or by the recorded delivery service.

4. In the case of a building to which work remains to be done of a kind which is customarily done to a building of the type in question after the erection of the building has been substantially completed, it shall be assumed for the purposes of paragraph 3 of this Schedule that the erection of the building has been or can reasonably be expected to be completed at the expiration of such

period, beginning with the date of its completion apart from the work, as is reasonably required for carrying out the work.

SCH. 3

5. Where by reason of the structural alteration of any building relevant lands and heritages become or become part of different lands and heritages, the relevant lands and heritages shall be deemed for the purposes of this Schedule to have ceased to exist on the date (as determined in pursuance of the foregoing provisions of this Schedule) of the completion of the structural alteration and, in particular, to have been omitted on that date from any valuation roll in which they were then included ; but nothing in this paragraph shall be construed as affecting any liability for rates under section 24 of this Act in respect of the lands and heritages for any period before that date.

Supplemental

6. No rate shall be payable under the said section 24 in respect of lands and heritages for any period during which they are deemed by virtue of subsection (5) of that section to have been unoccupied and any such rate paid in respect of such a period shall be recoverable by the person by whom it was paid.

7. No rate under the said section 24 shall be payable in respect of lands and heritages for any period as respects which the rating authority receive full rates for the lands and heritages concerned.

In this paragraph "full rates" means rates levied according to the rateable value of lands and heritages without deduction or remission of any kind.

8. In this Schedule—

"building" includes part of a building ;

"owner", in relation to a building, means the person entitled to possession of the building ; and

"relevant lands and heritages" and "relevant period of vacancy" have the same meanings as in section 24 of this Act,

and references to a newly erected building include references to a building produced by the structural alteration of a building included in relevant lands and heritages which by virtue of paragraph 5 of this Schedule have ceased or will cease to exist on the completion of the structural alteration and, in relation to a building so produced, references to erection of a building shall be construed as references to the structural alteration producing it.

9. The provisions of this Schedule relating to newly erected buildings shall apply to buildings which are being improved by the owner and are thereby rendered temporarily unsuitable for occupation, and references to erection of a building shall be construed as references to improvements ; and those provisions shall so apply with any other necessary modifications.

In this paragraph "improvements" includes alterations other than such alterations as are described in paragraph 5 above, and "improved" shall be construed accordingly.

Section 42.

SCHEDULE 4

LICENCES ETC.

PART I

ENACTMENTS CEASING TO HAVE EFFECT

- 1870 c. 57. 1. The Gun Licence Act 1870.
- 1888 c. 33. 2. The Hawkers Act 1888.
- 1892 c. 55. 3. In Section 275 of the Burgh Police (Scotland) Act 1892, the word "porters".
- 1894 c. 60. 4. Sections 341 to 352 of the Merchant Shipping Act 1894, in section 365(1) of that Act paragraph (d) and the words '(e) emigrant runners', and section 23 of the Merchant Shipping Act 1906.
- 1906 c. 48.

PART II

VARIATION OF FEES FOR LICENCES, REGISTRATION, ETC.

	<i>Enactments Specifying Fees</i>	<i>Relevant Minister or Department</i>
1860 c. 90.	1. Sections 2, 7 and 13 of the Game Licences Act 1860.	} The Treasury.
1872 c. 93.	2. Section 37 of the Pawnbrokers Act 1872.	
1883 c. 10.	3. Section 5 of the Customs and Inland Revenue Act 1883.	
1927 c. 21.	4. Section 1(1) of the Moneylenders Act 1927, excluding the proviso.	
1843 c. 68.	5. Section 6 of the Theatres Act 1843.	} The Secretary of State
1875 c. 17.	6. Sections 15, 18 and 21 of the Explosives Act 1875.	
	7. Section 275 of the Burgh Police (Scotland) Act 1892 in relation to vendors of small wares.	
	8. Section 396 of the Burgh Police (Scotland) Act 1892.	
	9. Paragraph 2(d) of Schedule 5 to the Burgh Police (Scotland) Act 1892.	
1909 c. 30.	10. Section 2(5) of the Cinematograph Act 1909.	
1920 c. 75.	11. Section 5(1) of the Official Secrets Act 1920.	
1925 c. 38.	12. Section 5(3) of the Performing Animals (Regulation) Act 1925.	
1925 c. 50.	13. Section 3 of the Theatrical Employers Registration Act 1925.	
1928 c. 29.	14. Section 2(5) of the Slaughter of Animals (Scotland) Act 1928.	
1928 c. 32.	15. Schedule 1 to the Petroleum (Consolidation) Act 1928.	
1936 c. 27.	16. Section 1(4) of the Petroleum (Transfer of Licences) Act 1936.	

<i>Enactments Specifying Fees</i>	<i>Relevant Minister or Department</i>	SCH. 4
17. Sections 3, 8(2) and 9(2) of the Firearms Act 1937.		1937 c. 12.
18. Section 1(2) of the Nursing Homes Registration (Scotland) Act 1938.		1938 c. 73.
19. Section 4(1)(b) of the War Charities Act 1940 (including paragraph (b) as applied by Section 41 of the National Assistance Act 1948).		1940 c. 31. 1948 c. 29.
20. Section 37(2) of the National Assistance Act 1948 (including subsection (2) as applied by Section 19 of the Mental Health (Scotland) Act 1960).		1960 c. 61.
21. Section 1(2) of the Pet Animals Act 1951.		1951 c. 35.
22. Sections 2(1), 6(1) and 7(1) of the Rag Flock and Other Filling Materials Act 1951.		1951 c. 63.
23. Section 30(1) of the Adoption Act 1958.	The Secretary of State.	1958 c. 5. (7 & 8 Eliz. 2).
24. Section 1(1) of the Dog Licences Act 1959.		1959 c. 55.
25. Section 15(4) of the Mental Health (Scotland) Act 1960.		
26. Paragraph 11 of Schedule 2, paragraph 12 of Schedule 3, paragraph 4 of Schedule 6 and paragraphs 3 and 9 of Schedule 7 to the Betting, Gaming and Lotteries Act 1963.		1963 c. 2.
27. Section 1(2) of the Animal Boarding Establishments Act 1963.		1963 c. 43.
28. Section 1(2) of the Riding Establishments Act 1964.		1964 c. 70
29. Any provision of a local Act specifying a fee or maximum fee in respect of a licence relating to any matter to which the enactments mentioned in this Part of this Schedule relate.		

SCHEDULE 5

Section 48.

CONSEQUENTIAL AMENDMENTS

The Local Government Act 1948

1948 c. 26.

1. Section 24(1) shall have effect in relation to the year 1967-68 and subsequent years as if any reference therein (as substituted by paragraph 11(2) of Schedule 4 to the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958) to a general grant payable under that Act were a reference to the needs element of the rate support grant payable under the Local Government (Scotland) Act 1966.

2. After section 94(2) there shall be inserted the following subsection—

“(2AA) In ascertaining the gross charge aforesaid for Scotland for any year the Secretary of State shall treat the aggregate amount

SCH. 5 of the domestic element of rate support grants for that year as an amount required to be paid by virtue of the rates levied for that year by authorities in Scotland."

1947 c. 43. *The Local Government (Scotland) Act 1947*

3. In section 243(1), after the words "local Act" there shall be inserted the words "or in Part II of the Local Government (Scotland) Act 1966".

1950 c. 34. *The Housing (Scotland) Act 1950*

4. In paragraph 8 of Schedule 7, after the words "previous year" there shall be inserted the words "and by way of sums paid in respect of the domestic element of rate support grant for the district concerned", and at the end of the paragraph there shall be inserted the words "(disregarding any reduction in the amount of the rate made in pursuance of section 7 of the Local Government (Scotland) Act 1966)."

1959 c. 70. *The Town and Country Planning (Scotland) Act 1959*

5. In section 54(1), in the definition of "grant-aided function", for the words "Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958" there shall be substituted (in relation to the year 1967-68 and subsequent years) the words "section 2 of the Local Government (Scotland) Act 1966".

Section 48.

SCHEDULE 6

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
23 & 24 Vict. c. 90.	The Game Licences Act 1860.	Section 3.
31 & 32 Vict. c. 110.	The Telegraph Act 1868.	Section 22.
33 & 34 Vict. c. 57.	The Gun Licence Act 1870.	The whole Act.
42 & 43 Vict. c. 42.	The Valuation of Lands (Scotland) Amendment Act 1879.	In section 7, the words "and shall then declare himself dissatisfied with such determination".
43 & 44 Vict. c. 47.	The Ground Game Act 1880.	In section 4, the proviso.
45 & 46 Vict. c. 72.	The Revenue, Friendly Societies, and National Debt Act 1882.	Section 6.
46 & 47 Vict. c. 10.	The Customs and Inland Revenue Act 1883.	Section 6.
51 & 52 Vict. c. 33.	The Hawkers Act 1888.	The whole Act.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act 1892.	In section 275, the word "porters".
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	Sections 341 to 352. In section 365(1), paragraph (d) and the words '(e) migrant runners'.
6 Edw. 7. c. 48.	The Merchant Shipping Act 1906.	Section 23.
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act 1919.	In section 17, paragraph (b) of subsection (1) and subsection (2).

SCH. 6.

Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act 1929.	In Schedule 5, paragraph 3.
1 Edw. 8 & 1 Geo. 6. c. 5.	The Trunk Roads Act 1936.	Section 6(4).
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act 1937.	In section 15(1) the words " a licence to use or carry a gun under the Gun Licence Act 1870 or ".
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act 1947.	In section 218(1), the words from " with such adjustments " to the word " current " and the words from " For the purposes of this subsection " to the end of the subsection.
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act 1947.	In section 89, subsections (1) to (3).
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	In section 132, subsection (10)(d).
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act 1948.	In section 53, the words from " but nothing " onwards.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	In section 27, in subsection (3), the words from " (in the order " to " declare) ".
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act 1956.	Section 17. In section 22, subsection (4)(b).
7 & 8 Eliz. 2. c. 55.	The Dog Licences Act 1959.	Section 1(2). In section 4, the words from " if the owner " in subsection (1) to the end of the section.
		Sections 6, 8 and 9(2). In section 10(1) the words " This subsection shall not apply to Scotland."
		Section 10(2). In section 11, the words " declaration and certificate of exemption ", " declaration and certificate ", " declaration or certificate of exemption " and " declaration or certificate ".
		In section 13, paragraph (b), the word " or " immediately preceding that paragraph, the words " or certificate, as the case may be ", the words " an authorised officer or ", the words " officer or ", and the words from " In this section " to the end of the section.
1963 c. 12.	The Local Government (Financial Provisions) (Scotland) Act 1963.	Section 14. Section 7(3). Schedule 2.



Police (Scotland) Act 1966

1966 CHAPTER 52

An Act to amend section 18(2) of the Police (Scotland) Act 1956. [21st December 1966]

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

Amendment
of section 18(2)
of the Police
(Scotland) Act
1956.
1956 c. 26.

1.—(1) For subsection (2) of section 18 of the Police (Scotland) Act 1956 (procedure regarding amalgamation schemes) there shall be substituted the following subsection—

“(2)(a) Before making a scheme under this section the Secretary of State shall send a copy of the proposed scheme to the police authorities concerned and shall specify in an accompanying notice the period within which objection may be made to the proposed scheme.

(b) If, within the period specified in the notice, a police authority to whom notice has been given gives notice to the Secretary of State of an objection to the proposed scheme or any feature of that scheme, the Secretary of State shall, before making the scheme, cause a local inquiry to be held in respect of that objection by a person appointed by him (who shall not be an officer of police or of any Government department).

(c) Where such an inquiry has been held, the Secretary of State shall consider the report of the person holding that inquiry before determining whether the scheme should be made and if so subject to what modifications, if any.”

Short title.

2. This Act may be cited as the Police (Scotland) Act 1966.

PUBLIC GENERAL ACTS AND MEASURES OF 1966

Table IV—Effect of Legislation

CORRIGENDA

- Page
- xviii Rating and Valuation Act 1925 (c. 90)
Strike out the entries which read:—
Sch. 2 Pt. III para. 7 am. (prosp.) 42, s. 38, sch. 4 para. 12(3)
Sch. 2 Pt. III rep. (prosp.) ... 42, s. 38(3), sch. 4 para. 12(2)
- xx Road Traffic Act 1934 (c. 50)
In third column, for S. 23 substitute S. 41(8)
- xxxi Housing (Scotland) Act 1950 (c. 34)
Insert the following in the third and fourth columns:—
Ss. 2–4, 6–22, 24–73 rep., 74 rep. in pt. ... 49, s. 212(1), sch. 10
Ss. 79–82 rep., 83 rep. in pt., 121 (1)(2), 131 rep., 132 rep. in pt., 133, 134, 136 rep. ... 49, s. 212(1), sch. 10 Pt. I
Ss. 137–138 am. ... 49, s. 212(1), sch. 10 Pt. I
Ss. 143, 144, 146–166, 169–172, 177, 181, 185, 186(3)(5) rep., 187(1) rep. in pt., schs. 1–3, 4 paras. 1, 2, 4–6, schs. 5, 11, 12, 13 Pt. II rep. ... 49, s. 212(1), sch. 10 Pt. I
- xxxii Income Tax Act 1952 (c. 10)
Immediately above S. 250(4) appl. (mod.) insert:—
S. 227(2) ext. ... 18, s. 21
S. 238 restr. ... 18, s. 24
S. 249(1) rep. in pt. ... 18, s. 53, sch. 13 Pt. IV
In fourth column (opposite Pt. X (ss. 265–334) ext. in third column) for 18, s. 36(6) substitute 18, s. 35(6)
- xxxviii Army Act 1955 (c. 18)
In third column below S. 78(4) am. ... 45, s. 15(7) insert S. 79 am. ... 45, s. 21(2)
- xxxix Army Act 1955 (c. 18)
In first entry on page (fourth column), for 45, s. 28(1)(4) substitute 45, s. 28
In third column, for Sch. 7 Pt. I para. 7 substitute Sch. 7 Pt. I para. 1 and transfer above to appear immediately below “Sch. 6 para. 1(3) rep. in pt.”
- xliii Naval Discipline Act 1957 (c. 53)
In third and fourth columns, below “S. 46 excl.” (etc.) insert:—
S. 47(2) mod. ... 45, s. 33
- lii Vehicles (Excise) Act 1962 (c. 13)
In third column for Sch. am. substitute Sch. 6 am.

TABLE IV

Effect of Legislation

Acts and Measures (in chronological order)
repealed, amended or otherwise affected
by those Acts and Statutory Instruments
which received the Royal Assent or were made during 1966.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
43 Eliz. 1: c. 2	Poor Relief Act 1601 ...	S. 1 rep. in pt. (<i>prosp.</i>)... S. 9 rep. (<i>prosp.</i>) ...	42, ss. 38(1)(2), 43(2)(c), sch. 6 Pt. III. 42, s. 38(3), sch. 4 para. 29(a).
22 & 23 Car. 2: c. 11	Piracy Act 1670 ...	Rep.	5, S.L.R.
31 Car. 2: c. 1	Billeting Act 1679 ...	Rep.	5, S.L.R.
5 & 6 Will. & Mar.: c. 20	Bank of England Act 1694.	Ss. 16 and 18 rep. ...	5, S.L.R.
12 & 13 Will. 3: c. 2	Act of Settlement 1700...	Excl.	45, s. 16(1).
11 Geo. 1: c. 9	National Debt Reduction Act 1724.	Rep.	5, S.L.R.
1 Geo. 2. Stat. 2: c. 8	Bank of England Act 1727.	Rep.	5, S.L.R.
2 Geo. 2: c. 3	Bank of England Act 1728.	Rep.	5, S.L.R.
17 Geo. 2: c. 37	Land Drainage (Rating) Act 1743.	Rep. (<i>prosp.</i>)	42, ss. 38(3), 43 (2), schs. 4 para. 29(b), 6 Pt. III.
c. 38	Poor Relief Act 1743 ...	S. 4 rep. in pt. (E.) (<i>prosp.</i>) expld. (E.) (<i>prosp.</i>) S. 14 rep. (<i>prosp.</i>) ...	42, ss. 38(3), 43 (2), schs. 4 para. 2(b), 6 Pt. III. 42, s. 38(3), sch. 4 paras. 1(a), 2. 42, ss. 38(3), 43 (2), schs. 4 para. 29(c), 6 Pt. III.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
19 Geo. 2: c. 6	Bank of England Act 1745.	Rep.	5, S.L.R.
c. 21	Profane Oaths Act 1745	S. 7 rep.	5, S.L.R.
25 Geo. 2: c. 36	Disorderly Houses Act 1751.	Ss. 13, 14 rep.	5, S.L.R.
21 Geo. 3: c. 49	Sunday Observance Act 1780.	Ss. 4, 5, 8 rep.	5, S.L.R.
31 Geo. 3: c. 31	Clergy Endowments (Canada) Act 1791.	Rep.	5, S.L.R.
33 Geo. 3: c. 55	Parish Officers Act 1793	Rep.	5, S.L.R.
41 Geo. 3: c. 23	Poor Rate Act 1801 ...	Expld. (E.) (<i>prosp.</i>) ... Ss. 4, 5 rep. (<i>prosp.</i>) ... S. 8 rep. in pt. (<i>prosp.</i>)...	42, s. 38(3), sch. 4 paras. 1(a), 2. 42, s. 43(2), sch. 6 Pt. III. 42, ss. 38, 43(2), schs. 4 para. 29(d), 6 Pt. III.
51 Geo. 3: c. 36	Cinque Ports Act 1811...	Ss. 7, 10 rep.	5, S.L.R.
52 Geo. 3: c. 143	Land Tax Certificates Forgery Act 1812.	Rep.	5, S.L.R.
55 Geo. 3: c. 147	Glebe Exchange Act 1815	S. 12 rep. in pt.	5, S.L.R.
3 Geo. 4: c. 119	British North America (Trade and Lands) Act 1822.	Rep.	5, S.L.R.
5 Geo. 4: c. 83	Vagrancy Act 1824 ...	Ss. 6 rep. in pt. 11, 12 rep.	5, S.L.R.
7 Geo. 4: c. 66	Clergy Residence Act 1826.	S. 3 rep. in pt.	5, S.L.R.
10 Geo. 4: c. 44	Metropolitan Police Act 1829.	S. 17 rep.	5, S.L.R.
3 & 4 Will. 4: c. 41	Judicial Committee Act 1833.	Appl. (mod.) (Guyana) (Botswana) (Lesotho) (Singapore) Appl. (<i>prosp.</i>)	14, s. 7(2). 23, ss. 5(3), 6(5). 24, ss. 5(3), 6(5). 29, s. 3(3). 36, s. 17(1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
4 & 5 Will. 4: c. 76	Poor Law Amendment Act 1834.	Rep.	5, S.L.R.
5 & 6 Will. 4: c. 24	Naval Enlistment Act 1835.	S. 1 rep. and superseded Ss. 8, 9 rep.	45, ss. 3, 37(2), sch. 5. 45, ss. 11, 37(2), schs. 2, 5.
6 & 7 Will. 4: c. 28	Government Offices Security Act 1836.	Ss. 1-3, 5 all rep. in pt. 6 rep., 8, 10-12, 14, sch. all rep. in pt.	5, S.L.R.
c. 71	Tithe Act 1836	S. 69 rep. (<i>prosp.</i>)	42, ss. 38(1)(2), 43(2), sch. 6 Pt. III.
7 Will. 4 & 1 Vict.: c. 41	Small Debt (Scotland) Act 1837.	Appl.	49, s. 190(1).
1 & 2 Vict.: c. 61	Government Offices Security Act 1838.	Ss. 1-3 rep. in pt.	5, S.L.R.
2 & 3 Vict.: c. 84	Poor Rate Act 1839	Rep. (<i>prosp.</i>)	42, s. 43(2), sch. 6 Pt. III.
3 & 4 Vict.: c. 89	Poor Rate Exemption Act 1840.	Rep. (<i>prosp.</i>)	42, s. 43(2), sch. 6 Pt. III.
c. 113	Ecclesiastical Commissioners Act 1840.	S. 65 rep.	5, S.L.R.
5 & 6 Vict.: c. 26	Ecclesiastical Houses of Residence Act 1842.	S. 12 rep. in pt.	5, S.L.R.
6 & 7 Vict.: c. 68	Theatres Act 1843	S. 6. Power to am (E.) (S.)	42, s. 35(2), sch. 3. 51, s. 42(2), sch. 4.
c. 86	London Hackney Carriages Act 1843.	S. 31 rep.	5, S.L.R.
8 & 9 Vict. : c. 19	Lands Clauses Consolidation (Scotland) Act 1845.	Power to incorp. (mod.) Ss. 83-88 excl.	49, s. 43(2), sch. 3. 49, ss. 50, 144.
c. 20	Railways Clauses Consolidation Act 1845.	Saved in pt.	4, s. 12(1).
c. 33	Railways Clauses Consolidation (Scotland) Act 1845.	Saved in pt.	4, s. 12(1)(3).
c. 39	Wages Arrestment (Scotland) Act 1845.	Rep.	19, s. 11(2), sch. Pt. II.
10 & 11 Vict.: c. 27	Harbours, Docks and Piers Clauses Act 1847.	S. 24 saved (E.) (S.)	28, s. 36(5).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
10 & 11 Vict.— <i>cont.</i>			
c. 67	Transportation Act 1847	Rep.	5, S.L.R.
c. 89	Town Police Clauses Act 1847.	S. 46. Power to am. ...	42, s. 35(2), sch. 3 Pt. II.
11 & 12 Vict.:			
c. 78	Crown Cases Act 1848...	Rep. (saving)	31, ss. 1(8), 10(2), sch. 3.
c. 91	Poor Law Audit Act 1848	Rep.	5, S.L.R.
12 & 13 Vict.:			
c. 45	Quarter Sessions Act 1849	Saved (<i>prosp.</i>)	42, s. 38(3), sch. 4 para. 2(b).
13 & 14 Vict.:			
c. 20	Parish Constables Act 1850.	Rep.	5, S.L.R.
c. 105	Liberties Act 1850 ...	Ss. 5 rep., 9 rep. in pt. ...	5, S.L.R.
14 & 15 Vict.:			
c. 50	Tithe Rating Act 1851 ...	Rep. (<i>prosp.</i>)	42, s. 43(2), sch. 6 Pt. III.
16 & 17 Vict.:			
c. 69	Naval Enlistment Act 1853.	Ss. 4, 7, 8 rep. S. 9 rep. and superseded Ss. 10, 12 rep. S. 16 rep. and superseded	45, ss. 11, 37(2), schs. 2, 5. 45, ss. 3, 37(2), sch. 5. 45, ss. 11, 37(2), schs. 2, 5. 45, ss. 3, 37(2), sch. 5.
c. 73	Naval Volunteers Act 1853.	S. 16 ext. rep. in pt.	30, s. 9(1)(7)(g). 30, s. 23(7), sch. 2.
17 & 18 Vict.:			
c. 34	Attendance of Witnesses Act 1854.	Appl. (<i>prosp.</i>)	36, s. 15(3), sch. 2 Pt. II para. 4
c. 91	Lands Valuation (Scotland) Act 1854.	S. 13 appl. S. 23 am S. 42 am. (16.5.1967) ...	51, s. 22(1). 51, s. 16, sch. 2 Pt. III para. 23. 51, s. 20.
19 & 20 Vict.:			
c. 113	Foreign Tribunals Evidence Act 1856.	Power to appl. (mod.) (E.) Power to appl. (mod.) (S.)	41, s. 3(1). 41, s. 7.
21 & 22 Vict.:			
c. 83	Universities (Scotland) Act 1858.	Excl. Power to excl. and am. S. 6 ext. excl. (<i>prosp.</i>) rep. in pt. S. 12 para. 4 rep. ...	13, s. 1(1). 13, s. 1(4). 13, s. 9. 13, s. 10(2), sch. 4. 13, s. 14, sch. 7 Pt. I. 13, s. 14, sch. 7 Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
22 & 23 Vict.: c. 16	Probate and other Courts and Registries Site Act 1859.	Rep.	5, S.L.R.
c. 40	Royal Naval Reserve (Volunteer) Act 1859.	S. 4 rep. S. 5 expld. am. rep. in pt.	30, s. 23(7), sch. 2. 30, s. 23(6), sch. 1 para. 2. 30, s. 23(6), sch. 1 para. 2. 30, s. 23(7), sch. 2.
23 & 24 Vict.: c. 88	Admiralty Jurisdiction (India) Act 1860.	Rep.	5, S.L.R.
c. 90	Game Licences Act 1860	Ss. 2, 7, 13. Power to am. (E.) am. (S.) S. 3 rep. (S.) (16.5.1967)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4 Pt. II. 51, ss. 44(1), 48 (2), sch. 6.
c. 112	Defence Act 1860 ...	S. 33 rep. (E.) (<i>prosp.</i>) ...	42, ss. 38(3), 43 (2), schs. 4 para. 29(f), 6 Pt. III.
24 & 25 Vict.: c. 3	Bank of England Act 1861.	S. 9 rep.	5, S.L.R.
c. 47	Harbours and Passing Tolls, &c. Act 1861.	S. 66 ext.	34, s. 18(3).
c. 86	Conjugal Rights (Scotland) (Amendment) Act 1861.	S. 9 ext.	19, s. 8(1).
c. 91	Revenue (No. 2) Act 1861	S. 9. Power to am. (E.)	42, s. 35(2), sch. 3 Pt. II.
c. 105	Ecclesiastical Leases Act 1861.	S. 3 rep. in pt.	5, S.L.R.
26 & 27 Vict.: c. 65	Volunteer Act 1863 ...	Rep.	5, S.L.R.
c. 92	Railways Clauses Act 1863.	S. 31 and Pt. V (ss. 36-55) rep.	5, S.L.R.
27 & 28 Vict.: c. 24	Naval Agency and Distribution Act 1864.	S. 24 rep.	5, S.L.R.
28 & 29 Vict.: c. 27	Parliamentary Costs Act 1865.	S. 8 rep.	5, S.L.R.
c. 63	Colonial Laws Validity Act 1865.	Excl. (Guyana) (Barbados)	14, s. 1(2), sch. 1 para. 1. 37, s. 1(2), sch. 1 para. 1.
c. 87	Post Office Extension Act 1865.	S. 12 rep. (<i>prosp.</i>) ...	42, ss. 38, 43(2), sch. 6 Pt. III.
c. 111	Navy and Marines (Property of Deceased) Act 1865.	S. 2. Definition of "seaman or marine" rep. in pt.	5, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
29 & 30 Vict.:			
c. 25 ...	Exchequer Bills and Bonds Act 1866.	Rep.	5, S.L.R.
c. 111 ...	Ecclesiastical Commissioners Act 1866.	Ss. 6, 14, 15 rep. ...	5, S.L.R.
c. 113 ...	Poor Law Amendment Act 1866.	Rep.	5, S.L.R.
30 & 31 Vict.:			
c. 29 ...	Banking Companies' (Shares) Act 1867.	Rep.	5, S.L.R.
c. 130 ...	Agricultural Gangs Act 1867.	Rep.	42, ss. 35(1), 43(2), schs. 3 Pt. I, 6 Pt. I.
31 & 32 Vict.:			
c. 22 ...	Petty Sessions and Lock-up House Act 1868.	Rep.	5, S.L.R.
c. 48 ...	Representation of the People (Scotland) Act 1868.	S. 28 excl. S. 28. Power to excl. and am. S. 28 excl. (<i>prosp.</i>) ...	13, s. 1(1). 13, s. 1(4). 13, s. 10(2), sch. 4.
		S. 29 excl. (<i>prosp.</i>) ...	13, s. 10(2), sch. 4.
		S. 31 rep.	13, s. 14, sch. 7 Pt. I.
		Ss. 32—35, schs. E, F excl. (<i>prosp.</i>).	13, s. 10(2), sch. 4.
c. 72 ...	Promissory Oaths Act 1868.	S. 8 rep. in pt.	5, S.L.R.
		S. 14 para. 6 rep. in pt. ...	5, S.L.R.
c. 110 ...	Telegraph Act 1868 ...	S. 22 rep. (E.) (<i>prosp.</i>) ...	42, ss. 38, 43(2), schs. 4 para. 29 (<i>h</i>), 6 Pt. III.
		(S.)	51, s. 48, sch. 6.
c. 122 ...	Poor Law Amendment Act 1868.	Rep. (<i>prosp.</i>)	42, ss. 38, 43(2), schs. 4 para. 29 (<i>f</i>), 6 Pt. III.
32 & 33 Vict.:			
c. 41 ...	Poor Rate Assessment and Collection Act 1869.	S. 7 rep. (<i>prosp.</i>) ...	42, ss. 38, 43, schs. 4 para. 29(<i>j</i>), 6 Pt. III.
		S. 15 rep. in pt. ...	9, s. 1(9).
		S. 19 rep. (<i>prosp.</i>) ...	42, ss. 38, 43, schs. 4, para. 29(<i>k</i>), 6 Pt. III.
c. 81 ...	Volunteer Act 1869 ...	Rep.	5, S.L.R.
c. 115 ...	Metropolitan Public Carriage Act 1869.	S. 9 rep. in pt.	5, S.L.R.
33 & 34 Vict.:			
c. 57 ...	Gun Licence Act 1870 ...	Rep. (E.)	42, ss. 35(1), 43(2), schs. 3 Pt. I, 6 Pt. I.
		(S.)	51, s. 42, sch. 4.
		Ss. 7 and 9 rep. in pt. ...	5, S.L.R.
c. 63 ...	Wages Arrestment Limitation (Scotland) Act 1870.	Ext. S. 2 Power to am. ...	19, s. 2(6). 19, s. 3.
c. 71 ...	National Debt Act 1870	Ss. 18, 68 rep., 73 rep. in pt.	5, S.L.R.
c. 96 ...	Appropriation Act 1870	Rep.	5, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
34 & 35 Vict.:			
c. 50	Bankruptcy Disqualification Act 1871.	S. 9 rep. in pt.	5, S.L.R.
c. 63	College Charter Act 1871	Ext. (S.)	13, s. 1(3).
c. 86	Regulation of the Forces Act 1871.	Ss. 6 rep. in pt., 16, 19 rep.	5, S.L.R.
c. 96	Pedlars Act 1871 ...	S. 5. Power to am. (E.)	42, s. 35(2), sch. 3 Pt. II.
35 & 36 Vict.:			
c. 36	Baptismal Fees Abolition Act 1872.	S. 1 proviso rep. ...	5, S.L.R.
c. 68	Military Forces Localization Act 1872.	S. 11 rep. (<i>prosp.</i>) ...	42, ss. 38, 43(2), schs. 4 para. 29 (1), 6 Pt. III.
c. 93	Pawnbrokers Act 1872...	S. 37. Power to am. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4.
36 & 37 Vict.:			
c. 17	East India Stock Dividend Redemption Act 1873.	Rep.	5, S.L.R.
c. 57	Consolidated Fund (Permanent Charges Redemption) Act 1873.	Ss. 2-4 rep. in pt., 9(1) rep.	5, S.L.R.
c. 76	Railway Regulation Act (Returns of Signal Arrangements, Workings, &c.) 1873.	S. 6 rep.	5, S.L.R.
37 & 38 Vict.:			
c. 45	County of Hertford and Liberty of St. Alban Act 1874.	Ss. 10, 29 rep.	5, S.L.R.
c. 54	Rating Act 1874 ...	Ss. 4(c), 5, 6 para. (1) am. (<i>prosp.</i>). S. 7 am. (<i>prosp.</i>) ext. (<i>prosp.</i>) rep. in pt. (<i>prosp.</i>)...	42, s. 38(3), sch. 4 para. 3. 42, s. 38(3), sch. 4 paras. 4, 5, 9. 42, s. 38(3), sch. 4 para. 5. 42, s. 43(2), sch. 6 Pt. III.
38 & 39 Vict.:			
c. 17	Explosives Act 1875 ...	Ss. 15, 18, 21. Power to am. (E.) am. (S.) S. 97 paras. (3) and (4) rep. in pt.	42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4. 5, S.L.R.
c. 45	Sinking Fund Act 1875	S. 5 rep. in pt.	5, S.L.R.
c. 55	Public Health Act 1875...	S. 164 appl. S. 172 am. rep. in pt.	S.I. No. 1305, art. 5. 42, s. 43(1), sch. 5 para. 1. 42, ss. 35(1), 43 (2), schs. 3 Pt. I, 6 Pt. I.
c. 80	Remission of Penalties Act 1875.	Rep.	5, S.L.R.
c. 83	Local Loans Act 1875 ...	Power to appl. (mod.) (S.)	49, s. 165, sch. 7 para. 6.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
39 & 40 Vict.: c. 42	Convict Prisons Returns Act 1876.	Rep.	5, S.L.R.
c. 73	Pensions Commutation Act 1876.	Rep.	5, S.L.R.
c. 77	Cruelty to Animals Act 1876.	S. 3 saved (<i>prosp.</i>) ...	36, s. 19(4).
40 & 41 Vict.: c. 2	Treasury Bills Act 1877...	Ss. 1 and 3 rep. in pt. ... S. 6 excl. ... rep. in pt. ... S. 12 rep.	5, S.L.R. 1, s. 2(2). 3, s. 3(2). 26, s. 2(2). 5, S.L.R. 5, S.L.R.
41 & 42 Vict.: c. 26	Parliamentary and Municipal Registration Act 1878.	Rep. (<i>prosp.</i>)	42, s. 43(2), sch. 6 Pt. III.
42 & 43 Vict.: c. 10	Assessed Rates Act 1879	Rep. (<i>prosp.</i>)	42, ss. 38(3), 43(2), schs. 4 para. 29(m), 6 Pt. III.
c. 42	Valuation of Lands (Scotland) Amendment Act 1879.	S. 7 rep. in pt.	51, ss. 23, 48(2), sch. 6.
c. 54	Poor Law Act 1879 ...	Rep. (<i>prosp.</i>)	42, ss. 38, 43(2), schs. 4 para. 29(n), 6 Pt. III.
43 & 44 Vict.: c. 47	Ground Game Act 1880	S. 4 rep. in pt. (E.) ... (S.)	42, s. 43(2), sch. 6 Pt. I. 51, s. 48(2), sch. 6.
44 & 45 Vict.: c. 57	Regulation of the Forces Act 1881.	Rep.	5, S.L.R.
c. 62	Veterinary Surgeons Act 1881.	Rep. (<i>prosp.</i>)	36, s. 28(1), sch. 4.
45 & 46 Vict.: c. 42	Civil Imprisonment (Scotland) Act 1882.	Appl.	20, s. 24(10)(c).
c. 49	Militia Act 1882 ...	S. 30(1) rep. in pt. ... S. 30(2) rep. S. 30(3) am. S. 30(4) rep. in pt. ...	30, s. 23(7), sch. 2. 30, s. 23(6)(7), schs. 1 para. 3, 2. 30, s. 20(3). 30, s. 23(6)(7), schs. 1 para. 3, 2. 30, s. 23(7), sch. 2.
		Ss. 33, 34(1) rep., 34(2) rep. in pt., 34(3), 35 rep., 53 paras. (3)(4) rep. in pt.	30, s. 23(7), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
45 & 46 Vict.— c. 50 <i>cont.</i>	Municipal Corporations Act 1882.	Ss. 246 rep., sch. 1 rep. so far as relating to the Acts 7 Jas. 1 (c. 5) and 21 Jas. 1 (c. 12) and to the Corporate Property (Elections) Act 1832, the Municipal Corporation Act 1852, the Municipal Corporation (Mortgages, &c.) Act 1860, the Local Taxation Returns Act 1860 and the Local Taxation Returns Act 1877, sch. 9 Pt. I rep. exc. so far as relating to the Liberties Act 1850, the Burial Act 1854, the Burial Act 1857, the Royal Naval Reserve (Volunteer) Act 1859, the Town Gardens Protection Act 1863, the Tramways Act 1870, the Dogs Act 1871, the Explosives Act 1875, the Local Loans Act 1875, the Public Health Act 1875, and the Commons Act 1876.	5, S.L.R.
c. 72	Revenue, Friendly Societies, and National Debt Act 1882.	S. 6 rep. (E.) (S.)	42, s. 43(2), sch. 6 Pt. I. 51, s. 48(2), sch. 6.
46 & 47 Vict.: c. 10	Customs and Inland Revenue Act 1883.	Ss. 23 rep., 24 rep. in pt., 26 rep. S. 5. Power to am. (E.) (S.)	5, S.L.R.
c. 22	Sea Fisheries Act 1883...	S. 6 rep. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4. 42, s. 43(1), sch. 6 Pt. I.
c. 22	Sea Fisheries Act 1883...	S. 11(1) saved (E.)	51, s. 48(2), sch. 6. 38, s. 13(5).
47 & 48 Vict.: c. 17	Metropolitan Police Act 1884.	S. 3(1) rep.	5, S.L.R.
c. 32	Royal Military Asylum Chelsea (Transfer) Act 1884.	Rep.	5, S.L.R.
c. 46	Naval Enlistment Act 1884.	S. 2 rep. S. 4, as incorporating s. 16 of the Naval Volunteers Act 1853, ext. (<i>prosp.</i>) am. (<i>prosp.</i>)	45, ss. 11, 37(2), schs. 2, 5. 30, s. 9(1)(7)(h). 30, s. 23(6), sch. 1 para. 1.

Effect of Legislation

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
48 & 49 Vict.: c. 45	Post Office (Sites) Act 1885.	S. 10 rep. (<i>prosp.</i>) ...	42, ss. 38(3), 43 (2), schs. 4 para. 29(o), 6 Pt. III.
49 & 50 Vict.: c. 29	Crofters Holdings (Scotland) Act 1886.	Sch. para. 1A subst. ...	49, s. 80(3).
50 & 51 Vict.: c. 16	National Debt and Local Loans Act 1887.	Appl.	16, s. 1(2).
c. 48	Allotments Act 1887 ...	Rep.	5, S.L.R.
c. 55	Sheriffs Act 1887 ...	S. 39 para. (3) rep. ...	5, S.L.R.
51 & 52 Vict.: c. 31	National Defence Act 1888.	Rep.	5, S.L.R.
c. 33	Hawkers Act 1888 ...	Rep. (E.)... ..	42, ss. 35(1), 43 (2), schs. 3 Pt. I, 6 Pt. I.
		(S.)	51, ss. 42(1), 48 (2), schs. 4 Pt. I, 6.
c. 41	Local Government Act 1888.	S. 59(2)(c) rep. in pt. ...	5, S.L.R.
c. 54	Sea Fisheries Regulation Act 1888.	Rep.	38, s. 21, sch. Pt. I.
52 & 53 Vict.: c. 6	National Debt Act 1889	S. 5 rep. in pt.	5, S.L.R.
c. 50	Local Government (Scotland) Act 1889.	S. 86 rep.	5, S.L.R.
c. 55	Universities (Scotland) Act 1889.	Excl.	13, s. 1(1).
		Power to excl. and am.	13, s. 1(4).
		S. 5(1)(i) rep. (<i>prosp.</i>) ...	13, s. 14, sch. 7 Pt. II.
		S. 5(1)(ii)-(iv) rep. ...	13, s. 14, sch. 7 Pt. I.
		S. 5(1) proviso rep. ...	13, s. 14, sch. 7 Pt. I.
		S. 5(2) saved	13, ss. 2(2), 17(2)(a).
		rep. in pt.	13, s. 14, sch. 7 Pt. I.
		S. 5(4) rep.	13, s. 14, sch. 7 Pt. I.
		S. 6 paras. (1) rep. in pt., (10) rep.	13, s. 14, sch. Pt. I.
		S. 7 saved	13, s. 8(2).
		S. 7 para. (1) am. ...	13, s. 8(1).
		S. 8 rep.	13, s. 14, sch. 7 Pt. I.
		S. 14 paras. (2) rep. in pt., (3) rep., (5)-(11), (13)(14)(16) rep.	13, s. 14, sch. 7 Pt. I.
		S. 21 rep.	13, ss. 4(1), 14, sch. Pt. I.
		Ss. 25, 26, 28-30 rep. ...	13, s. 14, sch. 7 Pt. I.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
52 & 53 Vict.— <i>cont.</i> c. 63	Interpretation Act 1889	S. 18 para. (3) restr. { S. 26 expld. (E.) (S.) ... S. 37 saved ... S. 38 saved (E.) (S.) ... saved (E.) ... saved (S.) ... S. 38(1) saved ... S. 38(2) appl. ...	14, s. 5(1). 37, s. 4(1). 28, s. 55(3). 33, ss. 6(4), 25(2). 4, s. 15(6). 38, s. 21(6). 49, s. 210 (4). 30, s. 23(1). 11, s. 4(4).
53 & 54 Vict.: c. 21	Inland Revenue Regulation Act 1890.	S. 5 rep. in pt.	5, S.L.R.
c. 27	Colonial Courts of Admiralty Act 1890.	S. 4 excl.	14, s. 1(2), sch. 1 para. 4. 37, s. 1(2), sch. 1 para. 4.
c. 59	Public Health Acts Amendment Act 1890.	S. 7 restr.	14, s. 1(2), sch. 1 para. 4. 37, s. 1(2), sch. 1 para. 4.
54 & 55 Vict.: c. 24	Public Accounts and Charges Act 1891.	S. 51 para. 1. Power to am.	42, s. 35(2), sch. 3 Pt. II.
c. 37	Fisheries Act 1891 ...	S. 2 ext.	3, s. 4. 18, s. 44(4). 26, s. 3.
c. 38	Stamp Duties Management Act 1891.	Pt. II (ss. 7-11) rep., s. 13 rep. in pt. (E.) ...	38, s. 21, sch. Pt. I.
c. 39	Stamp Act 1891 ...	Power to apply (mod.) ...	18, s. 15(5), sch. 3 Pt. I para. 1(2). 18, s. 48(1). 18, s. 46(4). 18, s. 48(1)(b). 18, s. 48(1)(c). 49, s. 165, sch. 7 para. 3.
55 & 56 Vict.: c. 48	Bank Act 1892	Ss. 3 and 4 rep. in pt. ...	5, S.L.R.
c. 55	Burgh Police (Scotland) Act 1892.	S. 99 ext. restr.	51, s. 29(4) 51, s. 30.
56 & 57 Vict.: c. 5	Regimental Debts Act 1893.	S. 275 rep. in pt.	51, ss. 42, 48, schs. 4, 6 Pt. I. 51, s. 42, sch. 4.
57 & 58 Vict.: c. 12	Indian Railways Act 1894	Ss. 275, 396, sch. 5 para. 2(d). Power to am.	5, S.L.R.
c. 26	Sea Fisheries (Shell Fish) Regulation Act 1894.	Ss. 25-27 rep.	5, S.L.R.
c. 30	Finance Act 1894 ...	Rep. Rep. (E.)... ..	38, s. 21, sch. Pt. I.
c. 45	Uniforms Act 1894 ...	S. 2(1)(b) ext. S. 8(4) mod. S. 4 rep. in pt.	18, s. 40(1). 18, s. 41(10). 5, S.L.R.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
57 & 58 Vict.— <i>cont.</i> c. 60	Merchant Shipping Act 1894.	Transfer of functions ... S. 163 saved (S.) ... S. 184(1)(2) am. (E.) (S.) Ss. 341–352 rep. (E.) 365(1) rep. in pt. (E.) Ss. 341–352 rep. (S.), 365(1) rep. in pt. (S.) S. 427(2) am. ... Ss. 735, 736 excl.	S.I. No. 1410. 19, s. 2(7). 20, s. 39(1), sch. 6 para. 1. 42, ss. 35(1), sch. 3, 6 Pt. 1. 51, ss. 42, 48, schs. 4, 6 Pt. I. 14, s. 5, sch. 2 para. 7. 29, s. 1, sch. para. 10. 37, s. 4(5), sch. 2 para. 7. 14, s. 1(2), sch. 1 para. 4. 37, s. 1(2), sch. 1 para. 4.
59 & 60 Vict.: c. 25	Friendly Societies Act 1896.	Ss. 8(1) and 41(1) rep. and superseded.	18, ss. 29, 53, sch. 8 Pt. II paras. 5(6), 7, sch. 13 Pt. III.
c. 45	Stannaries Court (Abolition) Act 1896.	S. 77(6) appl. S. 2 rep.	18, s. 29(6)(b). 5, S.L.R.
c. 48	Light Railways Act 1896	S. 19 rep. in pt. ...	5, S.L.R.
60 & 61 Vict.: c. 38	Public Health (Scotland) Act 1897.	S. 72 ext.	49, s. 169(1).
c. 47	Volunteer Act 1897 ...	Rep.	5, S.L.R.
62 & 63 Vict.: c. 9	Finance Act 1899 ...	S. 8 excl. (S.)	49, s. 165, sch. 7.
63 & 64 Vict.: c. 17	Naval Reserve (Mobilisation) Act 1900.	Rep.	30, s. 23(7), sch. 2.
c. 39	Volunteer Act 1900 ...	Rep.	5, S.L.R.
c. 52	Naval Reserve Act 1900	S. 1(4) expld.	30, s. 23(2).
1 Edw. 7: c. 16	National Gallery (Purchase of Adjacent Land) Act 1901.	S. 5 am.	S.I. No. 1305.
3 Edw. 7: c. 6	Naval Forces Act 1903 ...	S. 1(1) rep. S. 1(2) am. S. 1(2)(ii) rep. in pt. ... S. 4 rep. Sch. 1 para. 1(g) am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	30, s. 23, sch. 2. 30, s. 23(6), sch. 1 para. 4. 5, S.L.R. 45, s. 37, sch. 5. 20, s. 2(3).
c. 20	Patriotic Fund Reorganisation Act 1903.		

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
3 Edw. 7 — <i>cont.</i> c. 31	Board of Agriculture and Fisheries Act 1903.	Sch. Pt. 3 rep.	38, s. 21, sch. Pt. I.
c. 33	Burgh Police (Scotland) Act 1903.	Ss. 67, 68 rep. (<i>prosp.</i>) ...	49, s. 212(1), sch. 10 Pt. II.
4 Edw. 7: c. 21	Capital Expenditure (Money) Act 1904.	Rep.	5, S.L.R.
6 Edw. 7: c. 5	Seamen's and Soldiers' False Characters Act 1906.	S. 3 subst.	45, s. 37, sch. 4.
c. 25	Open Spaces Act 1906 ...	Appl., exc. s. 14 (London)	S.I. No. 1305, art. 5.
c. 14	Alkali, &c. Works Regulation Act 1906.	S. 27, sch. 1 am.	S.I. No. 1143.
c. 47	Trade Disputes Act 1906	S. 5(3) am.	33, s. 17.
c. 48	Merchant Shipping Act 1906.	S. 23 rep. (E.) (S.) S. 28(8) am. (E.) (S.) ...	42, s. 35(1), schs. 3, 6 Pt. I. 51, ss. 42, 48, schs. 4, 6 Pt. I. 20, s. 39(1), sch. 6 para. 2.
7 Edw. 7: c. 9	Territorial and Reserve Forces Act 1907.	Rep.	5, S.L.R.
c. 23	Criminal Appeal Act 1907.	Ss. 1, 2 rep. S. 3 ext. S. 4(1) proviso rep. in pt. S. 4(3) restr. S. 5(1) restr. S. 7(1) am. S. 9 saved S. 9(b) am. Ss. 14(4) rep., 16 rep. (<i>prosp.</i>). S. 17 am. rep. in pt. S. 19(a) ext. S. 20(4) rep. (saving) ...	31, s. 10, sch. 3. 31, s. 6(1)(3). 31, ss. 4(1)(c), 10(2) sch. 31, s. 4(2). 31, s. 4(3). 31, s. 10(1), sch. 2 para. 1. 31, s. 5. 31, s. 10(1), sch. 2 para. 2. 31, s. 10(2), sch. 3. 31, s. 10(1), sch. 2 para. 3. 31, s. 10(2), sch. 3. 31, s. 6(1)(3). 31, ss. 1(8), 10(2), sch. 3.
c. 53	Public Health Acts Amendment Act 1907.	S. 84 rep. S. 94(1). Power to am.	42, ss. 35(1), 36(2), schs. 3 Pt. I, 6 Pt. I. 42, s. 35(2), sch. Pt. II.
8 Edw. 7: c. 16	Finance Act 1908 ...	S. 6(4) rep. in pt. ...	42, s. 43(2), sch. 6 Pt. I.
c. 46	Criminal Appeal (Amendment) Act 1908.	Rep.	31, s. 10(2), sch. 3.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
9 Edw. 7: c. 30	Cinematograph Act 1909	S. 2(5). Power to am. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II 51, s. 42(2), sch. 4.
c. 47	Development and Road Improvement Funds Act 1909.	S. 8 ext. (16.5.1967) ...	51, ss. 28(1), 29 (5).
10 Edw. 7 & 1 Geo. 5: c. 8	Finance (1909-10) Act 1910.	S. 78(2) mod. S. 78(3) expld. S. 78(4) excl.	18, s. 46(2). 18, s. 46(2). 18, s. 46(1).
3 & 4 Geo. 5: c. 17	Fabrics (Misdescription) Act 1913.	S. 5(2) proviso rep., 5(3) rep. in pt.	S.I. No. 1305, art. 2, sch. 1.
c. 20	Bankruptcy (Scotland) Act 1913.	S. 118 am.	18, s. 15(5), sch. 3 Pt. III para. 25.
c. 27	Forgery Act 1913 ...	S. 18(1) rep. so far as defining "Treasury bill".	5, S.L.R.
4 & 5 Geo. 5: c. 31	Housing Act 1914 ...	S. 2(4) rep.	5, S.L.R.
c. 59	Bankruptcy Act 1914 ...	S. 33 am.	18, s. 15(5), sch. 3 Pt. III para. 25.
5 & 6 Geo. 5: c. 48	Fishery Harbours Act 1915.	S. 3(3) rep.	38, s. 21, sch. Pt. I.
c. 83	Naval and Military War Pensions, &c. Act 1915.	Transfer of functions ...	20, s. 2(3).
6 & 7 Geo. 5: c. 43	War Charities Act 1916...	S. 2(8) rep.	S.I. No. 1305, art. 2, sch. 1.
c. 65	Ministry of Pensions Act 1916.	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
7 & 8 Geo. 5: c. 37	Naval and Military War Pensions, &c. (Trans- fer of Powers) Act 1917.	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
c. 64	Representation of the People Act 1918.	S. 19 excl. (S.) (<i>prosp.</i>) ... rep. in pt. (S.) ...	13, s. 10(2), sch. 4. 13, s. 14, sch. 7 Pt. I.
		S. 43 excl. (<i>prosp.</i>) ...	13, s. 10(2), sch. 4.
8 & 9 Geo. 5: c. 15	Finance Act 1918 ...	S. 38 rep.	5, S.L.R.
c. 19	Deputy Lieutenants Act 1918.	Rep.	30, s. 23(7), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
8 & 9 Geo. 5— c. 57 <i>cont.</i>	War Pensions (Administrative Provisions) Act 1918.	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
9 & 10 Geo. 5: c. 20	Scottish Board of Health Act 1919.	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
c. 37	War Loan Act 1919 ...	S. 5 rep.	5, S.L.R.
c. 50	Ministry of Transport Act 1919.	S. 7 rep. S. 17(1)(b) rep. (E.) ...	5, S.L.R. 42, ss. 27(3), 43(2), sch. 6 Pt. II.
		(S.) ...	51, s. 48, sch. 6.
		S. 17(2) rep. (E.) ...	42, s. 43(2), sch. 6 Pt. II.
		(S.) ...	51, s. 48, sch. 6.
c. 53	War Pensions (Administrative Provisions) Act 1919.	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
c. 92	Aliens Restriction (Amendment) Act 1919.	S. 1 cont. until end of December 1967.	40, s. 1(1), sch.
c. 99	Housing (Additional Powers) Act 1919.	S. 8 rep. (London) ...	S.I. No. 1305, art. 2, sch. 1.
10 & 11 Geo. 5: c. 6	Treaty of Peace (Austria and Bulgaria) Act 1920.	Rep.	5, S.L.R.
c. 16	Imperial War Museum Act 1920.	Sch. para. (1) am. ...	S.I. No. 950.
c. 17	Increase of Rent and Mortgage Interest (Restrictions) Act 1920.	Excl. (S.) S. 2(1)(a) am.	49, s. 95(1)(2). 49, s. 79.
c. 21	Harbours, Docks and Piers (Temporary Increase of Charges) Act 1920.	Rep.	5, S.L.R.
c. 23	War Pensions Act 1920...	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
c. 67	Government of Ireland Act 1920.	Ext. S. 6 mod. S. 6 mod. (<i>prosp.</i>) ...	34, s. 14. 50, s. 11. 5, s. 2. 12, s. 7(2), sch. para. 5(3). 18, s. 44(8). 23, s. 2, sch. Pt. I para. 8(3). 24, s. 2, sch. Pt. I para. 8(3). 30, s. 18(9). 31, s. 11(4). 36, s. 29(2).

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10 & 11 Geo. 5 — <i>cont.</i> c. 75	Official Secrets Act 1920	S. 5(1). Power to am. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4.
11 & 12 Geo. 5: c. 11	Treaty of Peace (Hungary) Act 1921.	Rep.	5, S.L.R.
c. 49	War Pensions Act 1921	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
c. 55	Railways Act 1921 ...	Ss. 7, 79, 84 rep. ... S. 70(1) rep. (E.) (<i>prosp.</i>)	5, S.L.R. 42, ss. 38, 43(2), schs. 4 para. 29, 6 Pt. III.
c. 67	Local Authorities (Financial Provisions) Act 1921.	Ss. 3, 4 rep. (London) ...	S.I. No. 1305, art. 2, sch. 1.
12 & 13 Geo. 5: c. 23	Harbours, Docks and Piers (Temporary Increase of Charges) Act 1922.	Rep.	5, S.L.R.
c. 27	Canals (Continuance of Charging Powers) Act 1922.	Rep.	5, S.L.R.
c. 31	Universities (Scotland) Act 1922.	Excl. Power to excl. and am. S. 1 rep.	13, s. 1(1). 13, s. 1(4). 13, s. 14, sch. 7 Pt. I.
c. 50	Expiring Laws Act 1922	Sch. 1 rep. in pt. (<i>prosp.</i>)	42, ss. 38(1)(2), 43(2), sch. 6 Pt. III.
13 & 14 Geo. 5: c. 20	Mines (Working Facilities and Support) Act 1923.	Pt. I (ss. 1–14) rep. ...	4, s. 15(1), sch. 1.
14 & 15 Geo. 5: c. 7	Treaty of Peace (Turkey) Act 1924.	Rep.	5, S.L.R.
15 & 16 Geo. 5: c. 21	Land Registration Act 1925.	Ss. 4, 8 restr. S. 83(5)(a) ext. S. 83(8) am. S. 100(5) am. (London) Ss. 120(2)(3), 121, 122 rep.	39, s. 1(2). 39, s. 1(4). 39, s. 1(3). S.I. No. 1305. 39, ss. 1(1), 2, sch.
c. 23	Administration of Estates Act 1925.	S. 46(1) am. S. 46(4) am. S. 47(5) rep.	35, s. 1(1), (2)(a). 35, s. 1(2)(b). 35, ss. 9, 10(2), sch. 2.
c. 33	Church of Scotland (Property and Endowments) Act 1925.	Ss. 48(2)(a), 49(1)(aa) am. S. 19 rep., sch. 7 paras. (3)–(6) rep.	35, s. 1(2)(b). 5, S.L.R.

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15 & 16 Geo. 5 — <i>cont.</i> c. 38	Performing Animals (Regulation) Act 1925.	S. 5(3) rep. in pt. ... S. 5(3). Power to am. (E.) (S.)	S.I. No. 1305, art. 2, sch. 1. 42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4.
c. 49	Supreme Court of Judicature (Consolidation) Act 1925.	S. 7 saved S. 25(1) rep. in pt. ... S. 49 appl. (<i>prosp.</i>) ... S. 54 saved S. 68(1) ext. S. 68(3) rep. S. 99 am. S. 104(1) am. S. 104(2) am.	31, s. 1(3). 31, s. 10(2), sch. 3. 36, s. 15(3), sch. 2 Pt. II para. 4 (2). 31, s. 2(5). 31, s. 2(2). 31, s. 10(2), sch. 3. 41, ss. 1(6), 2(2). 31, s. 10(1), sch. 2 para. 4. 31, s. 10(1), sch. 2 para. 5.
c. 50	Theatrical Employers Registration Act 1925.	S. 107 am. (London) ... S. 110 saved Sch. 3 Pt. I am. ... S. 3. Power to am. (E.) (S.)	S.I. No. 1305. 31, s. 3(4). 31, s. 3(3). 42, s. 35(2), sch. 3 Pt. II.
c. 86	Criminal Justice Act 1925	S. 33 appl.	51, s. 42, sch. 4. 33, s. 22(3).
c. 90	Rating and Valuation Act 1925.	S. 2(1) rep. in pt. (<i>prosp.</i>), 2(2)(8) rep. (<i>prosp.</i>). S. 4(4)(a) am. S. 4(6) am. (<i>prosp.</i>) ... S. 8 excl. saved and excl. S. 9(3) am. (<i>prosp.</i>) ... S. 9(4)(a) expld. S. 11(4) expld. S. 11(7) rep. in pt. (<i>prosp.</i>) S. 13(2) am. (<i>prosp.</i>) ... S. 22(1)(b) rep. in pt. (<i>prosp.</i>). S. 22(4) am. (<i>prosp.</i>) ... S. 58 ext. S. 59 appl. appl. (<i>prosp.</i>) appl. (<i>prosp.</i>) S. 64(1) restr. (<i>prosp.</i>) ...	42, ss. 38(3), 43(2), schs. 4 para. 6, 6 Pt. III. 42, ss. 21, 22, sch. 2. 42, s. 38(3), sch. 4 para. 7. 9, s. 1(8). 9, s. 4(5). 42, s. 38(3), sch. 4 para. 8. 9, s. 4(6). 9, s. 1(8). 42, ss. 38, 43(2), schs. 4 para. 29(k), 6 Pt. III. 42, s. 38(3), sch. 4 para. 9. 42, s. 43(2), sch. 6 Pt. III. 42, s. 38(3), sch. 4 para. 10. 42, s. 38(3), sch. 4 para. 11. 9, s. 11(3). 42, s. 28(4). 42, s. 38(3), sch. 4 para. 2. 42, s. 38(3), sch. 4 para. 12(1).

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15 & 16 Geo. 5 c. 90— <i>cont.</i>	Rating and Valuation Act 1925— <i>cont.</i>	<p>S. 64(2) restr. (<i>prosp.</i>) ... saved (<i>prosp.</i>) ...</p> <p>S. 66 rep. (saving) (<i>prosp.</i>)</p> <p>S. 68(1) rep. in pt. (<i>prosp.</i>)</p> <p>Sch. 2 Pt. III para. 7 am. (<i>prosp.</i>)</p> <p>S. 68(2) rep. (<i>prosp.</i>) ...</p> <p>S. 70(2) rep. (<i>prosp.</i>) ...</p> <p>Sch. 2 Pt. III rep. (<i>prosp.</i>)</p> <p>Sch. 2 Pt. III para. 7 am. (<i>prosp.</i>)</p>	<p>42, s. 38(3), sch. 4 para. 12(1).</p> <p>42, s. 38(3), sch. 4 para. 12(2).</p> <p>42, ss. 38, 43(2), schs. 4 para. 13, 6 Pt. III.</p> <p>42, s. 43(2), sch. 6 Pt. III.</p> <p>42, s. 38, sch. 4 para. 12(3).</p> <p>42, s. 43(2), sch. 6 Pt. III.</p> <p>42, s. 38, sch. 4 para. 28.</p> <p>42, s. 38(3), sch. 4 para. 12(2).</p> <p>42, s. 38(3), sch. 4 para. 12(3).</p>
c. 91	Mines (Working Facilities and Support) Act 1925.	Rep.	4, s. 15(1), sch. 1.
16 & 17 Geo. 5:	Mining Industry Act 1926	Ss. 13, 24(3) rep. ...	4, s. 15(1), sch. 1.
c. 28	Home Counties (Music and Dancing) Licensing Act 1926.	S. 3(5). Power to am...	42, s. 35(2), sch. 3 Pt. II.
c. 31	Indian and Colonial Jurisdiction Act 1926.	Restr.	29, s. 2(1)(4).
c. 40	Small Holdings and Allotments Act 1926.	S. 1(4) am. and rep. in pt.	29, s. 2(3).
c. 52	Housing (Rural Workers) Act 1926.	S. 11 rep.	39, s. 2, sch.
c. 56	S. 3 excl. (S.)	S. 3 excl. (S.)	49, s. 151(7).
17 & 18 Geo. 5:	Moneylenders Act 1927	S. 1(1). Power to am. (E.) (S.)	42, s. 35, sch. 3.
c. 21	British Guiana Act 1928	Rep.	14, s. 8(3).
18 & 19 Geo. 5:	Slaughter of Animals (Scotland) Act 1928.	S. 2(5). Power to am. ...	51, s. 42(2), sch. 4 Pt. II.
c. 5	Petroleum (Consolidation) Act 1928.	Sch. 1. Power to am. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II.
c. 29	Rating and Valuation (Apportionment) Act 1928.	S. 2(2) am. (<i>prosp.</i>) ...	51, s. 42, sch. 4.
c. 32	Local Government Act 1929.	S. 72 am. (<i>prosp.</i>) ...	42, s. 38(3), sch. 4 para. 10.
c. 44	Local Government (Scotland) Act 1929.	S. 138(3) rep. in pt. (<i>prosp.</i>)	42, s. 38(3), sch. 4 para. 28(3)(b).
19 & 20 Geo. 5:	Local Government Act 1929.	Sch. 3 rep. (<i>prosp.</i>) ...	42, s. 43(2), sch. 6 Pt. III.
c. 17	Local Government (Scotland) Act 1929.	Sch. 5 para. 3 rep. ...	51, s. 48(2), sch. 6.
c. 25			

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20 & 21 Geo. 5: c. 28	Finance Act 1930 ...	S. 42 expld.	50, s. 1(7), sch. para. 10.
c. 40	Housing (Scotland) Act 1930.	S. 7(1)(iv), (3) rep. (<i>prosp.</i>)	49, s. 212(1), sch. 10 Pt. II.
c. 41	Sea Fisheries Regulation (Expenses) Act 1930	Rep.	38, s. 21, sch. Pt. I.
c. 43	Road Traffic Act 1930 ...	S. 121(1) am. (London)	S.I. No. 1305, art. 2(4).
c. 45	Criminal Appeal (Northern Ireland) Act 1930.	S. 2 ext. S. 3(1) am. S. 3(1) proviso rep. in pt. S. 9 saved S. 15 rep. (<i>prosp.</i>) S. 17(1)(a) ext.	31, ss. 6(1)(3), 11(3)(d). 31, s. 11(1)(a)(b). 31, ss. 11(1)(c), 10(2), sch. 3. 31, ss. 5, 11(3)(c). 31, s. 10, sch. 3. 31, ss. 6(1)(3), 11(3)(d).
21 & 22 Geo. 5: c. 49	Finance (No. 2) Act 1931	Pt. III (ss. 11-19) rep. ... S. 22 restr.	5, S.L.R. 18, s. 41.
22 & 23 Geo. 5: c. 9	Merchant Shipping (Safety and Load Line Conventions) Act 1932.	Transfer of functions to Min. of Technology.	S.I. No. 1410.
c. 10	Veterinary Surgeons (Irish Free State Agreement) Act 1932.	Rep. (<i>prosp.</i>)	36, s. 28(1), sch. 4.
c. 25	Finance Act 1932 ...	S. 25(1) rep.	5, S.L.R.
c. 26	Universities (Scotland) Act 1932.	Excl. Power to excl. and am. ... Saved S. 2(1) rep. in pt., 2(3) rep.	13, s. 1(1). 13, s. 1(4). 13, s. 3, sch. 2 Pt. II paras. 5, 7. 13, s. 14, sch. 7 Pt. I.
23 & 24 Geo. 5: c. 6	Visiting Forces (British Commonwealth) Act 1933.	S. 4 appl. (Guyana) ... appl. (Botswana) ... appl. (Lesotho) ... appl. (Singapore) ... appl. (Barbados) ...	14, s. 5, sch. 2 para. 5. 23, s. 2, sch. Pt. I para. 6. 24, s. 2, sch. Pt. I para. 6. 29, s. 1, sch. para. 3. 37, s. 4(5), sch. 2 para. 5. 20, s. 2(3).
c. 12	Children and Young Persons Act 1933.	S. 76(2) am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	
c. 25	Pharmacy and Poisons Act 1933.	S. 27 rep. in pt. ...	S.I. No. 1305, art. 2, sch. 1.
c. 32	Rent and Mortgage Interest Restrictions (Amendment) Act 1933.	S. 16(4) rep. in pt. ...	S.I. No. 1305 art. 2(5).
c. 41	Administration of Justice (Scotland) Act 1933.	Ss. 16, 34 am.	19, s. 8(4).

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23 & 24 Geo. 5 —cont. c. 51	Local Government Act 1933.	S. 96 appl. (mod.) ... S. 193(7) rep. in pt. (prosp.). S. 197 appl. S. 197(2) ext. S. 207 appl. (mod.) ... S. 250(2)–(9) appl. (London).	38, s. 2(6). 42, ss. 38, 43(2), schs. 4 para. 29(e), 6 Pt. III. 12, s. 7(2), sch. para. 1. 12, s. 7(2), sch. para. 3(1). 12, s. 7(2), sch. para. 3(2). S.I. No. 1305, art. 4.
24 & 25 Geo. 5: c. 27	Mines (Working Facilities) Act 1934.	Rep.	4, s. 15(1), sch. 1.
c. 36	Petroleum (Production) Act 1934.	S. 3 am.	4, s. 15(5), sch. 2 para. 1.
c. 49	Whaling Industry (Regulation) Act 1934.	S. 17(1) am. (definition of "British ship").	14, s. 5, sch. 2 para. 10. 37, s. 4(5), sch. 2 para. 10.
c. 50	Road Traffic Act 1934 ...	S. 23 restr. (S.) (16.5.1967)	51, s. 30(1)(4).
26 Geo. 5 & 1 Edw. 8: c. 26	Land Registration Act 1936.	S. 1 rep.	39, s. 2, sch.
c. 27	Petroleum (Transfer of Licences) Act 1936.	S. 1(4). Power to am. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4
c. 31	Old Age Pensions Act 1936.	Rep. (E.) (S.)	20, s. 39(3), sch. 8.
c. 47	Crown Lands Act 1936	Sch. 1 Pt. II rep. ...	S.I. No. 1305, art. 2, sch. 1.
c. 49	Public Health Act 1936	Transfer of functions ... S. 3(3) rep. in pt. ... S. 187(2). Power to am. S. 249(1) rep. S. 249(2) rep. in pt. ... S. 250 rep. Ss. 251(1)(a)(b), 252 rep. Ss. 253, 255(2) am. ... Ss. 255(3), 256 rep. in pt. Ss. 278, 331, 334 appl. ... Sch. 1 paras. 2(1), 3 rep. Sch. 1 para. 4(1)(2) rep. in pt.	S.I. No. 1305, art. 2, sch. 1. S.I. No. 692, art. 2. 42, s. 43(2), sch. 6 Pt. I. 42, s. 35(2), sch. 3 Pt. II. 42, s. 35(1), sch. 3 42, s. 43(2), sch. 6 Pt. I. 42, s. 35(1), sch. 3 Pt. I. 42, ss. 35(1), 43(2), schs. 3 Pt. I, 6 Pt. I. 42, s. 43(1), sch. 5 para. 2. 42, s. 43(2), sch. 6 Pt. I. S.I. No. 1305. 42, ss. 10(4), 43(2), sch. 6 Pt. II. 42, s. 43(2), sch. 6 Pt. II.

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26 Geo. 5 & 1 Edw. 8— <i>cont.</i>			
c. 50	Public Health (London) Act 1936.	Transfer of functions ...	S.I. No. 692, art. 2.
c. 52	Private Legislation Procedure (Scotland) Act 1936.	Power to appl.	49, s. 44(4).
1 Edw. 8 & 1 Geo. 6:			
c. 5	Trunk Roads Act 1936 ...	S. 6(4) rep.	51, s. 48(2), sch. 6.
c. 12	Firearms Act 1937 ...	Ss. 3, 8, 9. Power to am. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4.
		S. 15(1) rep. in pt. (E.) ... (S.) ...	42, s. 43(2), sch. 6 Pt. I. 51, s. 48, sch. 6.
c. 33	Diseases of Fish Act 1937	S. 10(1) am.	S.I. No. 944.
c. 37	Children and Young Persons (Scotland) Act 1937.	S. 80(2) am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 2(3).
c. 43	Public Records (Scotland) Act 1937.	Pt. I (ss. 1-3) excl. ...	19, s. 8(4).
1 & 2 Geo. 6:			
c. 11	Blind Persons Act 1938...	Rep.	20, s. 39, sch. 8.
c. 30	Sea Fish Industry Act 1938.	Pt. V (ss. 51-59), exc. ss. 54(5), 58 and 59, rep., s. 60 rep.	38, s. 21, sch. Pt. I.
c. 45	Inheritance (Family Provision) Act 1938.	S. 1(1) proviso rep. (saving). S. 1(3) rep. S. 1(4) rep. in pt. (saving) and am. S. 2(1) subst. (saving) ... S. 2(1A) rep. (saving) ... S. 2(1B) am. S. 3(1A) subst. S. 3(3) am. (<i>prosp.</i>) ... S. 4(1) rep. in pt. S. 4A added S. 5(1) rep. so far as defining "annual income." am. (<i>prosp.</i>) so far as defining "the court." am. so far as defining "son" and "daughter."	35, ss. 2, 10(2), sch. 2. 35, ss. 3(1), 10(2), sch. 2. 35, s. 4. 35, s. 5. 35, ss. 5, 10(2), sch. 2. 35, s. 5. 35, s. 3(2). 35, s. 7. 35, s. 10(2), sch. 2. 35, s. 6(1), sch. 1. 35, s. 10(2), sch. 2. 35, s. 7. 35, s. 8(1).
c. 50	Divorce (Scotland) Act 1938.	S. 2 ext. S. 2(2) am.	19, s. 8(1). 19, s. 8(5).
c. 52	Coal Act 1938	S. 22 rep. (saving) S. 51 rep. Sch. 2 Pt. II para. 6(4)(5) am.	4, s. 15(1)(3), sch. 1. 4, s. 15(1), sch. 1. 4, s. 15(5), sch. 2 para. 2.

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1 & 2 Geo. 6— <i>cont.</i> c. 69 c. 73	Young Persons (Employment) Act 1938. Nursing Homes Registration (Scotland) Act 1938.	S. 6(2) rep. S. 1(2). Power to am. ...	S.I. No. 1305, art. 2, sch. 1. 51, s. 42(2), sch. 4 Pt. II.
2 & 3 Geo. 6: c. 41 c. 70 c. 117	Finance Act 1939 Ships and Aircraft (Transfer Restriction) Act 1939. National Loans Act 1939.	S. 32 rep. Restr. Appl. Sch. 1 rep. in pt. ...	5, S.L.R. 14, s. 5, sch. 2 para. 9. 37, s. 4(5), sch. 2 para. 9. 11, s. 1(4), sch. 1 para. 2. 15, s. 1(3). 21, s. 2(2). 50, s. 4(4). 5, S.L.R.
3 & 4 Geo. 6: c. 29 c. 31	Finance Act 1940 War Charities Act 1940	S. 43 am. expld. S. 4(1)(b). Power to am. (E.) (S.)	18, s. 40(4). 18, s. 40(5). 42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4.
5 & 6 Geo. 6: c. 8 c. 21	War Orphans Act 1942... .. Finance Act 1942	Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance). Sch. 11 Pt. II rep. so far as relating to the Finance Act 1918.	20, s. 2(3). 5, S.L.R.
6 & 7 Geo. 6: c. 27 c. 38 c. 39	Pensions and Determination of Needs Act 1943. Coal Act 1943 Pensions Appeal Tribunals Act 1943.	Rep. S. 7 rep. Sch. 2 para. 5 am. Am. (refs. to Min. of Social Security subst. for refs. to Min. of Pensions and National Insurance).	20, s. 39(3), sch. 8. 4, s. 15(1), sch. 1. 4, s. 15(5), sch. 2 para. 2. 20, s. 2(3).
7 & 8 Geo. 6: c. 31 c. 46	Education Act 1944 Ministry of National Insurance Act 1944.	S. 99(1) ext. S. 100(1)(a)(i)(ii) am. Rep. (E.) (S.)	42, s. 4(4). 42, s. 14. 20, s. 39(3), sch. 8.
8 & 9 Geo. 6: c. 19 c. 33	Ministry of Fuel and Power Act 1945. Town and Country Planning (Scotland) Act 1945.	S. 1(3) rep. Sch. 4 excl. Sch. 6. Power to appl. (mod.). Sch. 6 para. 1 expld. ...	5, S.L.R. 34, s. 24(4)(9)(c). 49, s. 176(1)(3). 49, s. 176(5).

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9 & 10 Geo. 6:			
c. 18	Statutory Orders (Special Procedure) Act 1945.	S. 10, as read with s. 2, appl.	49, s. 44 (4).
c. 22	Dock Workers (Regulation of Employment) Act 1946.	S. 1(5) in pt. rep. and superseded. ext.	28, s. 53 28, s. 54.
c. 34	Furnished Houses (Rent Control) Act 1946.	S. 6(1) rep. in pt., 6(4) rep.	S.I. No. 1305, art. 2, sch. 1.
c. 35	Building Restrictions (War-time Contraventions) Act 1946.	S. 7(1) rep. in pt. ...	S.I. No. 1305, art. 2, sch. 1.
c. 36	Statutory Instruments Act 1946.	Excl. (S.) Appl. (S.)	13, s. 15. 19, s. 10.
c. 49	Acquisition of Land (Authorisation Procedure) Act 1946.	Sch. 1 Pt. V para. 19 appl. (mod.). Sch. 4 rep. so far as relating to the Public Health (London) Act 1936 (c. 50), and the London Government Act 1939 (c. 40).	25, s. 3(10). S.I. No. 1305, art. 2, sch. 1.
c. 58	Borrowing (Control and Guarantees) Act 1946.	S. 1 saved	8, s. 6(7).
c. 59	Coal Industry Nationalisation Act 1946.	S. 1(2)(f) ext. S. 3(4) ext. S. 43 rep. S. 74 rep.	47, s. 1(2). 47, s. 1(3). 4, s. 15(1), sch. 1. 20, s. 39(3), sch. 8.
c. 67	National Insurance Act 1946.	S. 74 rep.	20, s. 39(3), sch. 8.
c. 68	New Towns Act 1946 ...	S. 13(5) rep. in pt. ...	44, s. 3.
c. 75	Public Works Loans (No. 2) Act 1946.	S. 2(1) appl.	16, s. 1(3).
c. 81	National Health Service Act 1946.	S. 67 ext.	8, s. 9(1).
10 & 11 Geo. 6:			
c. 14	Exchange Control Act 1947.	Sch. 1 am.	S.I. Nos. 809, 1236, 1309.
c. 19	Polish Resettlement Act 1947.	S. 3(1)–(6) am., 3(7) subst., 3(8) am., 3(9) subst., 3(10) am., 3(10A) added. S. 3(11) rep. Ss. 4(1), 6(1), 7(1), 12(3) am. Sch. Pt. II para. 4 am. ...	20, s. 39(1), sch. 6 para. 3. 20, s. 39(3), sch. 8. 20, s. 39(1), sch. 6 para. 4. 20, s. 39(1), sch. 6 para. 5.
c. 27	National Health Service (Scotland) Act 1947.	S. 66(1) ext.	8, s. 9(1)(3)
c. 42	Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.	Appl. Sch. 2 paras. 2, 3 appl. Sch. 2 paras. 3, 4 excl. ...	49, ss. 14(2), 20(3), 23(2), 143(2), 175(3). 49, s. 81(3). 49, s. 176(4).
c. 43	Local Government (Scotland) Act 1947.	S. 73 am. S. 102 am. S. 102(4) am. S. 149 restr. S. 158 appl. S. 163 appl. S. 168 appl. S. 173 excl.	7, s. 1. 7, s. 2(1). 7, s. 2(2). 51, s. 30. 49, s. 143(1). 49, s. 39(1). 49, s. 145(7). 49, s. 143(1).

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10 & 11 Geo. 6: c. 43— <i>cont.</i>	Local Government (Scotland) Act, 1947— <i>cont.</i>	S. 187 am. ... S. 218(1) rep. in pt. ... S. 232 excl. ... S. 243 excl. ... S. 243(1) am. ... Pt. XII (ss. 258–296). Power to appl (mod.). Pt. XII excl. ... S. 261 appl. ... S. 268 appl. (mod.) ... S. 301(3) ext. ... S. 339(1A) am. ... S. 349 appl. ... expld. ... S. 356 am. ... S. 372 ext. ... S. 379(1) expld. so far as defining “public utility undertaking”.	51, s. 38. 51, s. 48(2), sch. 6. 9, s. 2(11). 51, s. 24(1). 51, s. 48(1), sch. 5 para. 3. 49, s. 165(2), sch. 7 para. 6. 49, s. 165(5). 12, s. 7(2), sch. para. 1. 12, s. 7(2), sch. para. 4. 49, s. 172. 51, s. 39. 9, s. 11(3). 49, s. 192(1). 51, s. 25, sch. 3 para. 3(6). 49, s. 195. 49, s. 195(7). 51, s. 48(2), sch. 6.
c. 44 ...	Crown Proceedings Act 1947.	S. 46 proviso (a) subst...	19, s. 2(1).
c. 45 ...	Public Offices (Site) Act 1947.	S. 7(1)(3)(4) rep. in pt. ...	S.I. No. 1305, art. 2(8).
c. 48 ...	Agriculture Act 1947 ...	S. 100(4) rep. in pt. ... Sch. 8 Pt. I rep. so far as relating to s. 11 of the Small Holdings and Allotments Act 1926 (c. 52).	42, s. 43(2), sch. 6 Pt. I. 39, s. 2, sch.
c. 49 ...	Transport Act 1947 ...	Pt. II expld. (E.) (S.) ...	4, s. 12(2).
c. 53 ...	Town and Country Planning (Scotland) Act 1947.	Appl. (mod.) ... S. 12(4) ext. ... am. ... S. 14 mod. ... S. 16(1) ext. ... S. 17(1)(b) excl. ... S. 21 mod. ... S. 38(2). Transfer of functions. S. 38(3) proviso rep. ... S. 78(4) am. ... S. 89(1)–(3) rep. (saving) (16.5.1967). S. 113(1) am. so far as defining “industrial building”	34, s. 23(4). 34, ss. 22(1)(6)(d), 23(1). 34, s. 25(4)(5)(b). 34, s. 24(2)(9)(a). 34, s. 22(1)(6)(c). 34, s. 24(5)(9)(d). 34, s. 24(2)(9)(b). S.I. No. 692, art. 4(3). 5, S.L.R. 4, s. 15(5), sch. 2 para. 3. 51, ss. 8(7), 48(2), sch. 6. 34, ss. 25(1)(5)(a), 31(4), sch. 3 Pt. III.
C.A.M. No. 2 ...	Church Commissioners Measure 1947.	Ss. 15(3), 16 rep. ...	5, S.L.R.
11 & 12 Geo. 6: c. 25 ...	Royal Marines Act 1948	S. 1(2) rep. ...	30, s. 23(7), sch. 2.

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11 & 12 Geo. 6 —cont. c. 26	Local Government Act 1948.	<p>Certain functions retained by Min. of Housing and Local Government (under ss. 41, 44, 94(2), 100, 102). S. 24(1) am. (S.) (16.5.1967). Pt. III (ss. 33–73) appl. (mod.). ext.</p> <p>S. 34(2) am. S. 43 am.</p> <p>S. 47(3) am. (<i>prosp.</i>)</p> <p>S. 48(2)(a) am. (<i>prosp.</i>)</p> <p>S. 49(1) am. (<i>prosp.</i>)</p> <p>S. 52 expld. (<i>prosp.</i>)</p> <p>S. 57(1) am. (<i>prosp.</i>) rep. in pt. (<i>prosp.</i>)</p> <p>S. 59(2) am.</p> <p>Ss. 70(3) rep. (saving), 71 (a)–(c), rep. (saving) (<i>prosp.</i>). Pt. V (ss. 85–110) excl. (E.) excl. (S.)</p> <p>Ss. 86(1), 91 am. (<i>prosp.</i>)</p> <p>S. 94(2A) added (E.)</p> <p>S. 94(2AA) added (S.)</p> <p>S. 96(2) rep. (16.5.1967) S. 97(2) proviso (b) am. (S.) (16.5.1967). S. 97(2) proviso (d) am. (S.) (16.5.1967). S. 98(2) am. (S.) (16.5.1967) S. 98(6)(b) am. (S.) (16.5.1967) S. 99(1) am. (16.5.1967)... S. 99(2)(c) am. (16.5.1967) S. 99(3)(a) am. (16.5.1967) S. 99(4)(c) am. (16.5.1967) S. 100(1) am. (E.) (<i>prosp.</i>)</p> <p>S. 100(2) am. (E.) (<i>prosp.</i>)</p>	<p>42, s. 38, sch. 4 para. 27.</p> <p>51, s. 48(1), sch. 5 para. 1.</p> <p>42, s. 22, sch. 2 para. 1(2)(b).</p> <p>42, ss. 22, 23(3), sch. 2 para. 1 (2)(b).</p> <p>42, s. 16.</p> <p>42, s. 38(3), sch. 4 para. 14.</p> <p>42, s. 38(3), sch. 4 para. 15.</p> <p>42, s. 38(3), sch. 4 para. 16.</p> <p>42, s. 38(3), sch. 4 para. 17.</p> <p>42, s. 38(3), sch. 4 para. 1.</p> <p>42, s. 38(3), sch. 4 para. 10.</p> <p>42, ss. 38(3), 43 (2), schs. 4 para. 10, 6 Pt. III.</p> <p>S.I. No. 1305, art. 2(9).</p> <p>42, ss. 38(3), 43 (2), schs. 4 para. 13, 6 Pt. III.</p> <p>42, ss. 23(1), 28 (1).</p> <p>51, ss. 18(1), 19 (1).</p> <p>42, s. 38(3), sch. 4 para. 10.</p> <p>42, s. 43(1), sch. 5 para. 3.</p> <p>51, s. 48(1), sch. 5 para. 2.</p> <p>51, s. 17(3)(a)</p> <p>51, s. 17(3)(b).</p> <p>51, s. 17(3)(c).</p> <p>51, s. 17(3)(c).</p> <p>51, s. 17(3)(d).</p> <p>51, s. 17(3)(d).</p> <p>51, s. 17(3)(e).</p> <p>51, s. 17(3)(c).</p> <p>51, s. 17(3)(c).</p> <p>51, s. 17(3)(f).</p> <p>42, s. 38(3), sch. 4 para. 18.</p> <p>42, ss. 24(1)(a), 38(3), sch. 4 para. 19.</p>

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11 & 12 Geo. 6: c. 26— <i>cont.</i>	Local Government Act 1948— <i>cont.</i>	S. 102(2) am. (E.) (<i>prosp.</i>) S. 110 para. (b) am. (E.) (<i>prosp.</i>) S. 110 para. (b) am. (E.) (<i>prosp.</i>) S. 119(1) am. S. 119(2A) added S. 132(10)(d) rep. S. 144(1) expld. (<i>prosp.</i>) S. 145(2) (definition of "rate") restr. (16.5.1967) S. 146 rep. in pt. (<i>prosp.</i>)	42, s. 38(3), sch. 4 para. 18. 42, s. 38(3), sch. 4 para. 18. 42, s. 38(3), sch. 4 para. 18. 51, s. 36(1)(2). 51, s. 36(4). 51, ss. 37, 48(2), sch. 6. 42, s. 38(3), sch. 4 para. 28. 51, s. 17(3)(g).
c. 29	National Assistance Act 1948.	S.1 rep. in pt. Pt. II (ss. 2-20) rep. S. 22(3)(5) am., 22(9) subst. S. 25 am. S. 27 am. S. 37(2). Power to am. (E.) (S.) S. 43 ext. Ss. 43(1)(4)(5) rep. in pt., 43(6) rep., 44(1)(a) rep., 44(2)-(7) rep. in pt., 44(8) rep., 45(1) rep. in pt., 45(2)-(4), 46 rep., 51(1)(3)(a), 52(1)(a), (2)(3) all rep. in pt. S. 53 am. S. 56(1) restr. rep. in pt. S. 56(4) rep. Ss. 57, 61(1)(a)(b) rep., 61(1)(d), (2) rep. in pt., 63(1) rep., 63(2)(3), 64(1), 65 para. (e) all rep. in pt., schs. 1, 2, 4 rep. Sch. 5 rep. and superseded Sch. 6 paras. 2, 3 rep. Sch. 6 para. 4 am. Sch. 6 para. 8(3) am. Sch. 6 para. 19(2) rep. in pt.	42, s. 38(3), sch. 4 para. 28. 20, s. 39(3), sch. 8. 20, ss. 34(2), 39(3), sch. 8. 20, s. 39(1), sch. 6 para. 6. 20, s. 39(1), sch. 6 para. 7. 20, s. 39(1), sch. 6 para. 8. 42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4 20, s. 25(1). 20, s. 39(3), sch. 8. 20, s. 39(1), sch. 6 para. 9. 20, s. 25(1). 20, s. 39(3), sch. 8. 20, s. 39(3), sch. 8. 20, s. 39(3), sch. 8. 20, ss. 28, 39(3), schs. 3, 8. 20, s. 39(3), sch. 8. 20, s. 39(1), sch. 6 para. 10. 20, s. 39(1), sch. 6 para. 11. 20, s. 39(3), sch. 8.

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11 & 12 Geo. 6 —cont. c. 38	Companies Act 1948 ...	S. 65(1)(g) rep. ... S. 94 am. ... S. 119 am. ... S. 319 am. ... S. 319(1)(a) ext. ... S. 365(5)(b) rep. (S.) ...	5, S.L.R. 18, s. 15(5), sch. 3 Pt. III para. 25. 29, s. 1, sch. para. 14. 18, s. 15(5), sch. 3 Pt. III para. 25. 18, s. 27, sch. 6 para. 14. 19, ss. 10, 11(2), sch. Pt. I
c. 39	Industrial and Friendly Societies Act 1948.	S. 5 rep. ...	18, s. 53(7), sch. 13 Pt. III.
c. 44	Merchant Shipping Act 1948.	S. 6(2) proviso am.	14, s. 5, sch. 2 para. 8. 29, s. 1, sch. para. 11. 37, s. 4(5), sch. 2 para. 8.
c. 45	Agriculture (Scotland) Act 1948.	S. 53 rep. in pt. ...	51, s. 48(2), sch. 6.
c. 47	Agricultural Wages Act 1948.	Ss. 3, 6, 7 restr. ...	33, s. 32(1)–(3).
c. 52	Veterinary Surgeons Act 1948	Rep. (saving) (exc. ss. 23, 30, 31(1) and sch. 2) (<i>prosp.</i>).	36, ss. 28(1), (4) (c), sch. 4.
c. 56	British Nationality Act 1948.	S. 1(3) am. ... S. 6(2) excl. ... S. 10 ext. ... Pt. III (ss. 23–34) am.	14, s. 2(1). 23, s. 3(1). 24, s. 3(1). 29, s. 1, sch. para. 1. 37, s. 2(1). 14, s. 2(3). 23, s. 3(4). 24, s. 3(3). 37, s. 2(3). 14, s. 4(2). 14, s. 3(6). 23, s. 4(6). 24, s. 4(6). 37, s. 3(6).
c. 58	Criminal Justice Act 1948	S. 38(2) rep. (saving), sch. 9 rep. in pt. so far as amending s. 17 of the Criminal Appeal Act 1907 (c. 23).	31, s. 10(2), sch. 3.
c. 64	National Service Act 1948	S. 26(2) expld. ...	30, s. 23(2).
c. 67	Gas Act 1948	Sch. 3 para. 43 rep. ...	S.I. No. 1305, art. 2, sch. 1.
12, 13 & 14 Geo. 6:			
c. 8	Recall of Army and Air Force Pensioners Act 1948.	S. 2(1) rep. in pt. ... S. 2(3) expld. ...	30, s. 23(7), sch. 2. 45, s. 37(1), sch. 4.
c. 20	Cinematograph Film Production (Special Loans) Act 1949.	Ss. 1(1)(b), 4(1) am. ... Sch. para. 8(1)(2) am. ...	48, s. 1. 48, s. 2(2).

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12, 13 & 14 Geo. 6— <i>cont.</i>			
c. 30	Agricultural Wages (Scotland) Act 1949.	Ss. 3, 6, 7 restr. ...	33, s. 32(1)–(4).
c. 31	Water (Scotland) Act 1949.	S. 17(2) excl. (16.5.1967)	51, s. 17(4).
c. 43	Merchant Shipping (Safety Convention) Act 1949.	Transfer of functions ...	S.I. No. 1410.
c. 51	Legal Aid and Advice Act 1949.	S. 4(5) subst., 4(6) am. ... S. 4(7) rep. Sch. 2 rep.	20, s. 39(1), sch. 6 para. 12. 20, s. 39(3), sch. 8. 20, s. 39(3), sch. 8.
c. 53	Coal Industry Act 1949	S. 2(1) proviso excl. ...	47, s. 1(3).
c. 63	Legal Aid and Solicitors (Scotland) Act 1949.	S. 4(5) subst., 4(6) am. ... S. 4(7) rep. S. 13(6) rep. Sch. 2 rep.	20, s. 39(1), sch. 6 para. 13. 20, s. 39(3), sch. 8. 19, ss. 10, 11(2), sch. Pt. I. 20, s. 39(3), sch. 8.
c. 67	Civil Aviation Act 1949	Transfer of functions ...	S.I. No. 741.
c. 68	Representation of the People Act 1949.	S. 173(5) rep. in pt. ...	19, s. 11(2), sch. Pt. I.
c. 75	Agricultural Holdings (Scotland) Act 1949.	S. 8 ext. Sch. 1 para. 18 am. ...	49, s. 80(1). 49, s. 80(2)
c. 79	Coal Industry (No. 2) Act 1949.	Rep.	5, S.L.R.
c. 90	Election Commissioners Act 1949.	S. 15(4) rep.	19, ss. 10, 11(2), sch. Pt. I.
c. 91	Air Corporations Act 1949.	Transfer of functions ... S. 8(3) rep. S. 10(2)–(5) ext. S. 12(1) am. Ss. 13–17 rep. S. 18(2) ext. (31.3.1969) S. 19 rep. S. 21 ext. and am. S. 23 ext. S. 23(4) am. S. 23(5) rep. S. 23(6) am. S. 23(8)(a)(b) rep. Ss. 29, 31(3), 36 rep., 38(1) rep. so far as defining “associate” and “revenue”. Sch. 1 para. 8 rep. ... Sch. 1 paras. 9 and 10 subst. by para. 9.	S.I. No. 1015. 11, ss. 6(3), 9(4), sch. 2. 11, s. 6(2). 11, ss. 1(3), 4(1) (2). 11, s. 9(4), sch. 2. 11, s. 3(9). 11, ss. 2(7), 5(5), 9(4), sch. 2. 11, s. 7. 11, s. 2(8). 11, s. 8(1). 11, s. 9(4), sch. 2. 11, s. 8(2). 11, s. 9(4), sch. 2. 11, s. 9(4), sch. 2. 11, s. 9(4), sch. 2. 11, s. 8(3).
c. 93	National Health Service (Amendment) Act 1949.	S. 10 rep. (<i>prosp.</i>) ...	8, s. 10(3).
c. 94	Criminal Justice (Scotland) Act 1949.	S. 40 appl.	33, s. 22(4).

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12, 13 & 14 Geo. 6—cont. c. 96	Auxiliary and Reserve Forces Act 1949.	S. 9(5)(a) expld. ... S. 10 ext. ... S. 10(1) rep. in pt. ... S. 10(2) restr. ... S. 11(1)(2) rep. ... S. 11(3) expld. ... am. ... rep. in pt. ... S. 11(4) am. ... expld. ... rep. in pt. ...	45, s. 37(1), sch. 4. 30, s. 9(1)(7)(e). 30, s. 23(7), sch. 2. 30, s. 7(1). 30, s. 23(7), sch. 2. 30, s. 23(2). 30, s. 23(6), sch. 1 para. 5. 30, s. 23(7), sch. 2. 30, s. 23(6), sch. 1 para. 6. 30, s. 23(2). 30, s. 23(7), sch. 2.
14 Geo. 6: c. 27	Arbitration Act 1950 ...	Appl. ... Excl. (E.) (exc. s. 4(1)) S. 12. Power to appl. (mod.) (E.). S. 38, as read with s. 41(4), rep. in pt.	10, s. 1(3). 41, s. 3(2). 41, s. 3(1).
c. 32	Army Reserve Act 1950	Expld. ... S. 1(1) rep. in pt. ... S. 1(2) am. ... rep. in pt. ... S. 1(3)(4) rep., 1(5) rep. in pt. S. 2 rep. in pt. ... S. 4 restr. ... S. 5 rep. ... S. 6(1) ext. ... am. ... rep. in pt. ... S. 6(1)(b) expld. (<i>prosp.</i>) restr. ... S. 6(1)(b)(c) restr. ... S. 6(2)(7) rep. ... S. 8(1) am. ... S. 8(2) proviso rep. ... S. 9 rep. ... S. 12(1) rep. in pt. ... S. 13(1) am. ... S. 13(2) am. ...	45, s. 37(1), sch. 4. 30, s. 23(7), sch. 30, s. 23(6), sch. 1 para. 7. 30, s. 23(7), sch. 2. 30, s. 23(7), sch. 2. 30, s. 16(4). 30, s. 23, sch. 2. 30, s. 9(1)(7)(c). 30, s. 23(6), sch. 1 para. 8. 30, s. 23(7), sch. 2. 45, s. 37(1), sch. 4. 30, s. 7(1). 30, s. 7(1). 30, s. 23(7), sch. 2. 30, s. 23(6), sch. 1 para. 9. 30, s. 23(7), sch. 2. 30, s. 23(7), sch. 2. 30, s. 23(7), sch. 2. 30, s. 14(3). 30, s. 23(6), sch. 1 para. 10.

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14 Geo. 6: c. 32—cont.	Army Reserve Act 1950 —cont.	S. 13(4) rep. in pt. ...	30, s. 23(7), sch. 2.
		S. 14(1) am. ...	30, s. 23(6), sch. 1 para. 11.
		S. 14(2) rep. in pt. ...	30, s. 23(7), sch. 2.
		S. 17(1)(b), (4) am. ...	30, s. 23(6), sch. 1 para. 12.
		Ss. 20(2) rep. in pt., 26 para. (d) rep., 29(5) rep. in pt., sch. 1 rep.	30, s. 23(7), sch. 2.
c. 33 ...	Air Force Reserve Act 1950.	Expld. ...	45, s. 37(1), sch. 4.
		S. 4 restr. ...	30, s. 16(4)
		S. 5 rep. ...	30, s. 23(7), sch. 2.
		S. 6(1) ext. am. rep. in pt. ...	30, s. 9(1)(7)(d). 30, s. 23(6), sch. 1 para. 13. 30, s. 23(7), sch. 2.
		S. 6(1)(b) expld. ...	45, s. 37(1), sch. 4
		S. 6(2) rep. ...	30, s. 23(7), sch. 2.
		S. 6(3) rep. ...	30, ss. 4(3), 23(7), sch. 2.
		S. 6(7) rep. ...	30, s. 23(7), sch. 2.
		S. 8(1) am. ...	30, s. 23(6), sch. 1 para. 14.
		S. 8(2) proviso rep. ...	30, s. 23(7), sch. 2.
		Ss. 9 rep., 12(1) rep. in pt.	30, s. 23, sch. 2.
		S. 13(2) am. ...	30, ss. 14(3), 23, sch. 1 para. 15.
		S. 13(4) rep. in pt. ...	30, s. 23, sch. 2.
		S. 14(1) am. ...	30, s. 23(6), sch. 1 para. 16.
		S. 14(2) rep. in pt. ...	30, s. 23, sch. 2.
		S. 17(1)(b), (4) am. ...	30, s. 23(6), sch. 1 para. 17.
		Ss. 20(2), 25, 27, 30 rep. in pt., sch. 1 rep.	30, s. 23(7), sch. 2.
		Ss. 2-4, 6-22, 24-73 rep., 74 rep. in pt., 79-82 rep., 83 rep. in pt., 121(1)(2), 131 rep., 132 rep. in pt., 133, 134, 136 rep.	49, s. 212(1), sch. 10 Pt. I.
		Ss. 137, 138 am. ...	49, s. 211, sch. 9.
		Ss. 143, 144, 146-166, 169-172, 177, 181, 185 rep., 186, 187 rep. in pt., schs. 1-3, 4 paras. 1, 2, 4-6 rep., sch. 5 rep.	49, s. 212(1), sch. 10 Pt. I.
		Sch. 7 para. 8 am. ...	51, s. 48, sch. 5.
		Schs. 11, 12, 13 Pt. II rep.	49, s. 212, sch. 10.

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14 Geo. 6—cont.			
c. 34 ...	Housing (Scotland) Act 1950.		
c. 37 ...	Maintenance Orders Act 1950.	S. 3(1) am. ...	20, s. 24(9).
		S. 4(1)(2) am. ...	20, s. 23(6).
		S. 8(1) am. ...	20, s. 24(10) (d).
		S. 9(1)(2) am. ...	20, s. 23(6).
		S. 12(2) am. ...	20, s. 39(1), sch.
			6 para. 14.
		S. 16 am. ...	20, ss. 23(6), 24
			(9), 24(10)(d).
		S. 18(2)(3) rep. in pt.,	20, s. 39(3), sch.
		18(4)(5) rep.	8.
		S. 29 rep. (S.) ...	19, ss. 10, 11(2),
			sch. Pt. I.
c. 39 ...	Public Utilities Street Works Act 1950.	Pt. II appl. (mod.) ...	25, s. 1(5).
		S. 21(1)(a) am. ...	25, s. 1(5).
		S. 23(1)(2) excl. ...	25, s. 1(5).
		S. 27(3) rep. in pt. ...	51, s. 48, sch. 6.
14 & 15 Geo. 6:			
c. 10 ...	Reinstatement in Civil Employment Act 1950.	Expld. ...	30, s. 9(5).
c. 22 ...	Workmen's Compensation (Supplementation) Act 1951.	Sch. rep. so far as relating to s. 13 of the National Assistance Act 1948.	20, s. 39(3), sch. 8.
c. 25 ...	Supplies and Services (Defence Purposes) Act 1951.	S. 2(9) am. ...	S.I. No. 1305, art. 2(10).
c. 31 ...	National Health Service Act 1951.	S. 4(2) rep. ...	20, s. 39(3), sch. 8.
		4(3) rep. in pt. ...	8.
c. 35 ...	Pet Animals Act 1951 ...	S. 1. Power to am. (E.) (S.)	42, s. 35(2), sch. 3
			51, s. 42, sch. 4.
c. 39 ...	Common Informers Act 1951.	Sch. rep. in pt. ...	5, S.L.R.
c. 46 ...	Courts-Martial (Appeals) Act 1951.	S. 1 ext. ...	31, s. 9(1), sch. 1
			Pt. I para. 3.
		S. 1(1)(a) subst., 1(1)(c) am.	31, s. 9(1), sch. 1
			Pt. I para. 1.
		S. 2 ext. ...	31, s. 9(1), sch. 2
			Pt. I para. 3.
		S. 2(7) rep. ...	31, s. 10, sch. 3.
		S. 5(1) am. ...	31, s. 9(1), sch. 1
			Pt. I para. 5.
		S. 5(1) proviso rep. in pt.	31, ss. 9(1), 10(2),
			schs. 1 Pt. I
			para. 5, 3.
		S. 7(1) subst. ...	31, s. 9(1), sch. 1
			Pt. I para. 4.
		S. 8 expld. ...	31, s. 9(1), sch. 1
			Pt. I.
		S. 8(1)(c) am. ...	31, s. 9(1), sch. 1
			Pt. I para. 6.
		S. 8(2)(a) rep. ...	31, s. 10(2), sch. 3.
			3.
		S. 21 expld. ...	31, s. 9(1), sch. 1
		am. ...	Pt. I para. 2.
			31, s. 9(1), sch. 1
			Pt. I para. 9.
c. 62 ...	Tithe Act 1951 ...	Transfer of functions ...	S.I. No. 1600.

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14 & 15 Geo. 6 —cont.			
c. 63	Rag Flock and Other Filling Materials Act 1951.	Ss. 2(1), 6(1), 7(1). Power to am. (E.). (S.).	42, s. 35(2), sch. 3 Pt. II.
c. 65	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	Expld. S. 11(3) rep. (S.) ...	51, s. 42, sch. 4. 30, s. 9(5). 19, ss. 10, 11(2), sch. Pt. I.
15 & 16 Geo. 6 & 1 Eliz. 2:			
c. 4	Pneumoconiosis and Byssinosis Benefit Act 1951.	S. 3(2)(b) am.	6, s. 6(4)(d).
c. 8	Home Guard Act 1951	S. 2 am.	30, s. 23(6), sch. 1 para. 18.
c. 10	Income Tax Act 1952 ...	Appl. (mod.) Power to appl. (mod.) ... Ext. S. 31 appl. S. 47(1) proviso appl. ... Ss. 62, 63 appl. S. 66 appl. Pt. II Chapter IV (ss. 67–81) appl. S. 122, sch. D expld. ... S. 122, sch. D Cases IV and V expld. (<i>retrosp.</i>). S. 123(1), Case VI ext. ... S. 129 restr. S. 143 saved S. 156, sch. E ext. ... am. S. 250(4) appl. (mod.) ... S. 264 ext. Pt. X (ss. 265–334) ext. ... S. 265(1) restr. S. 279(1) restr. S. 279(2) excl. S. 306 restr. S. 329 saved S. 329(1) ext. S. 347 ext. S. 347(4) ext. S. 351 ext. S. 351(1)(c) rep. in pt. ... S. 353 mod. S. 379(3) ext. S. 385(2) appl.	18, s. 27, sch. 6 para. 20(2). 18, s. 29(5)(12). 18, s. 45(7). 18, s. 27, sch. 6 para. 2(7). 18, s. 27, sch. 6 para. 8(1). 18, s. 27, sch. 6 para. 20(4). 18, s. 27, sch. 6 paras. 5, 20(4). 18, s. 27, sch. 6 para. 13. 18, s. 38(2). 18, s. 27, sch. 5 paras. 5, 20. 18, s. 25(4). 18, s. 27, sch. 6 para. 11(6). 18, s. 27, sch. 6 para. 12(3). 18, s. 25(1). 18, s. 38(1) (8) 18, s. 50(5). 18, s. 27, sch. 6 para. 20(7). 18, s. 36(6). 18, s. 35(3). 18, s. 35(3). 18, s. 37(3). 18, s. 35(3). 18, s. 27, sch. 6 para. 12(3). 18, s. 27, sch. 6 para. 15. 18, s. 33(1). 18, s. 31(7). 18, s. 31(9). 18, ss. 34(1), 53 (7), sch. 13 Pt. VI. 18, s. 31(8). 18, s. 51(3). 18, s. 51(2).

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 415(1) restr. ... S. 440(1) mod. ... saved ... rep. in pt. ... S. 447(1)(b) am. (<i>retrosp.</i>) S. 451 ext. (<i>retrosp.</i>) ... S. 461(2)(3) am. S. 495 appl. (mod.) ... Ss. 500–505 appl. ... S. 506 expld. ... S. 507 excl. ... Ss. 510 appl., 513–515 appl. in pt., 520 appl. Sch. 17 Pt. I para. 1 restr. Sch. 17 Pt. I para. 4 rep. (saving).	18, s. 23. 18, s. 29(1)–(3), (12). 18, s. 29(7)(11), (12). 18, ss. 29(4), 53 (7), sch. 13 Pt. III. 18, s. 27, sch. 5 paras. 3(2), 20. 18, s. 27, sch. 5 paras. 3(2), 20. 14, s. 5, sch. 2 para. 1. 23, s. 2, sch. Pt. I para. 1. 24, s. 2, sch. Pt. I para. 1. 29, s. 1, sch. para. 6. 37, s. 4(5), sch. 2 para. 1. 18, s. 27, sch. 6 para. 20(5). 18, s. 27, sch. 6 para. 13. 18, s. 27, sch. 6 para. 17(4). 18, s. 27, sch. 6 para. 21(2). 18, s. 27, sch. 6 para. 13. 18, s. 30(2). 18, ss. 30(1), 53 (7), sch. 13 Pt. VI.
c. 18 ...	Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952.	S. 1(6) am. ...	14, s. 5, sch. 2 para. 2. 23, s. 2, sch. Pt. I para. 2. 24, s. 2, sch. Pt. I para. 2. 29, s. 1, sch. para. 7. 37, s. 4(5), sch. 2 para. 2.
c. 25 ...	National Health Service Act 1952.	S. 7(2) rep., 7(3) rep. in pt.	20, s. 39(3), sch. 8.
c. 44 ...	Customs and Excise Act 1952.	Appl. (mod.) (hover vehicles). Ext. and expld. ... S. 10 ext. ... S. 11 expld. ... Pt. II (ss. 13–79) ext. ... appl. ... S. 14(1) ext. ... rep. in pt. ...	18, s. 10, sch. 2. 18, s. 10(5). 18, s. 15(5), sch. 3 Pt. III para. 22(3). 18, s. 2(13)(b). 18, s. 10(1). 18, s. 10(4)(a). 18, s. 10(4). 18, s. 53(7), sch. 13 Pt. II.

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 44— <i>cont.</i>	Customs and Excise Act 1952— <i>cont.</i>	S. 17(1) ext. ... rep. in pt. ... S. 29(1) rep. in pt. ... S.47 mod. (hover vehicles) S. 48(1) excl. ... S. 49 am. ... ext. ... Ss. 50(2), 68(1) expld. (hover vehicles). S. 82(3) appl. (mod.) ... S. 107(1) expld. (hover vehicles). S. 107(4) ext. (hover vehicles). S. 109(1) excl. ... S. 153 ext. (hover vehicles) S. 173(1)(b) expld. (hover vehicles). S. 173(3) ext. (hover vehicles). S. 183(1) am. ... S. 199 am. ... S. 204 excl. (hover vehicles). S. 205 paras. (b) (c) appl. (hover vehicles). S. 218(1)(c) mod. ... S. 234 appl. (mod.) ... Pt. X (ss. 255–273) ext.... Ss. 270, 271(1) appl. ... Pt. XI (ss. 274–291) ext. Ss. 277(3), 278(1), 279(1) expld. (hover vehicles). S. 284(2) rep. in pt. ... Pt. XII (ss. 292–321) ext. S. 298 appl. ... S. 301(2) appl. ...	18, s. 10(4). 18, s. 53(7), sch. 13 Pt. II. 18, ss. 10(8), 53(7), sch. 13 Pt. II. 18, s. 10(7). 18, s. 10(2), sch. 2 para. 1 18, s. 11(5). 18, s. 11(6)(11). 18, s. 10(2), sch. 2 para. 1. 18, s. 11(9)(11). 18, s. 10(2), sch. 2 para. 1. 18, s. 10(2), sch. 2. 18, s. 5. 18, s. 10(2), sch. 2 para. 3. 18, s. 10(2), sch. 2 para. 1. 18, s. 10(2), sch. 2 para. 2. 18, s. 3. 18, s. 6. 18, s. 10(2), sch. 2 para. 4(2). 18, s. 10(2), sch. 2 para. 4. 18, s. 52(2). 18, s. 15(5), sch. 3 para. 9. 18, s. 10(1). 18, s. 2(11), sch. 1 Pt. III para. 4. 18, s. 10(1). 18, s. 10(2), sch. 2 para. 1. 18, ss. 10(8), 53(7), sch. 13 Pt. II. 18, s. 10(1). 18, s. 10(4)(b). 18, s. 2(11), sch. 1 Pt. III para. 4.
c. 47 ...	Rating and Valuation (Scotland) Act 1952.	S. 6(2) rep. ...	19, ss. 10, 11(2), sch. Pt. 1.
c. 48 ...	Costs in Criminal Cases Act 1952.	S. 3(1) am. ... S. 3(3)(b) rep. ...	31, s. 10(1), sch. 2 para. 6. 31, s. 10(2), sch. 3.
c. 55 ...	Magistrates' Courts Act 1952.	Ss. 7, 10–12 am. ... Excl. (<i>prosp.</i>) ... S. 56 am. ... S. 104 excl. ... Sch. 2 appl. ...	31, s. 8(3). 36, s. 19(2). 20, ss. 23(5), 24(8), 25(2). 27, s. 1(8). 34, s. 8(10). 33, s. 22(3).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2— <i>cont.</i>			
c. 63	Housing (Scotland) Act 1952.	Ss. 2(2), 8, 9(5) rep. ...	49, s. 212(1), sch. 10 Pt. I.
c. 64	Intestates' Estates Act 1952.	S. 1(3) rep. in pt. S. 8 rep. Sch. 1 rep. in pt. Sch. 3 rep. so far as making the following amtds. in the Inheritance (Family Provision) Act 1938 (c. 45): amdg. s. 1(1) proviso, substituting s. 1(3), amdg. s. 2(1), adding s. 2(1) and 2(1A), amdg. ss. 4(1) and 5(1) so far as those amtds. (of ss. 4(1) and 5(1)) rep. by the Family Provision Act 1966 (c. 35). Sch. 4 rep. ...	35, s. 10(2), sch. 2.
c. 67	Visiting Forces Act 1952	S. 1(1)(a) am. ...	14, s. 5, sch. 2 para. 6. 23, s. 2, sch. Pt. I para. 7. 24, s. 2, sch. Pt. I para. 7. 29, s. 1, sch. para. 4. 37, s. 4(5), sch. 2 para. 6.
		S. 10(1)(a) restr....	14, s. 5, sch. 2 para. 6. 24, s. 2, sch. Pt. II para. 12. 37, s. 4(5), sch. 2 para. 6.
1 & 2 Eliz. 2:			
c. 23	Accommodation Agencies Act 1953.	Cont. until end of December 1967.	40, s. 1(1), sch.
c. 34	Finance Act 1953 ...	S. 29 appl.	18, s. 27, sch. 6 para. 13.
c. 36	Post Office Act 1953 ...	S. 6(1) rep. in pt. ...	18, s. 53(7), sch. 13 Pt. VI.
c. 40	University of St. Andrews Act 1953.	Rep. (saving) and superseded (<i>prosp.</i>).	13, ss. 5, 13, 14, sch. 7 Pt. II.
c. 49	Historic Buildings and Ancient Monuments Act 1953.	Transfer of functions ...	S.I. No. 692, arts. 4, 5(2), sch. paras. 1, 3.
		S. 2 rep. in pt.	S.I. No. 692, art. 5(2), sch. para. 2.
c. 50	Auxiliary Forces Act 1953.	S. 2(1) am.	30, s. 23(6), sch. 1 para. 19.
		S. 2(3) rep.	30, s. 23(7), sch. 2.
		S. 2(4) am.	30, s. 23(6), sch. 1 para. 20.

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1 & 2 Eliz. 2: c. 50— <i>cont.</i>	Auxiliary Forces Act 1953— <i>cont.</i>	S. 11(7) rep. (saving) ... S. 16 rep. ... S. 17(1) restr. ... S. 18(1)(2) am. ... S. 18(3)(a)(b) am. ... Ss. 19, 20 restr. ... S. 22 am. ... Ss. 23, 24 rep. ... S. 25(1) ext. ... S. 25(2)–(4) rep.... S. 26(4) rep. ... S. 27(1) am. ... S. 28 rep. in pt. ... S. 29(1) am. ... S. 29(3) rep. in pt. ... S. 31(5)(b) am. ... S. 41(2)–(4) rep.... S. 42(1) rep. in pt. ... S. 43(2) appl. (mod.) ... rep. in pt. ... S. 46(1) rep., 46(4) rep. in pt. ... Sch. 1. Power to am. ... Sch. 1 para. 1(d) am. ... Sch. 1 para. 4(1)–(3) am. ... Sch. 1 para. 4(4)(b) am. ... Sch. 4 rep. ...	30, s. 23(3)(7), sch. 2. 30, s. 23(6)(7), schs. 1 para. 21, 2. 30, s. 15(4). 30, s. 15(5). 30, s. 23(6), sch. 1 para. 22. 30, s. 16(4). 30, s. 23(6), sch. 1 para. 23. 30, s. 23(7), sch. 2. 30, s. 9(1)(7)(f). 30, s. 23(7), sch. 2. 30, s. 23(7), sch. 2. 30, s. 23(6), sch. 1 para. 24. 30, s. 23(7), sch. 2. 30, s. 23(6), sch. 1 para. 25. 30, s. 23(7), sch. 2. 30, s. 23(6), sch. 1 para. 26. 30, s. 23(6)(7), schs. 1 para. 27, 2. 30, s. 23(7), sch. 2. 30, s. 5(3)(b). 30, s. 23(7), sch. 2. 30, s. 23(7), sch. 2. 30, s. 17(1)(2). 30, s. 23(6), sch. 1 para. 28. 30, s. 23(6), sch. 1 para. 29. 30, s. 23(6), sch. 1 para. 30. 30, s. 23(7), sch. 2.
2 & 3 Eliz. 2: c. 7 ...	Air Corporations Act 1953.	Transfer of functions ...	S.I. No. 1015.
c. 10 ...	Navy, Army and Air Force Reserves Act 1954.	S. 3(1) rep. in pt. ...	30, s. 23(7), sch. 2.
c. 13 ...	Local Government (Financial Provisions) (Scotland) Act 1954.	S. 3(3) am. ...	30, s. 23(6), sch. 1 para. 31.
c. 30 ...	Protection of Birds Act 1954.	S. 3 am. ...	51, s. 1(2).
	Protection of Birds Act 1954.	Sch. 1 Pt. I am. (E.) ...	S.I. No. 1575.
		am. (S.) ...	S.I. No. 1605.

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2 & 3 Eliz. 2 —cont. c. 44	Finance Act 1954 ...	S. 16 rep. Sch. 2 rep.	18, ss. 35, 53(7), sch. 13 Pt. IV. 18, s. 53(7), sch. 13 Pt. IV.
c. 48	Summary Jurisdiction (Scotland) Act 1954.	Sch. 3 appl. Excl. (<i>prosp.</i>) S. 23 excl. S. 23(2) appl. S. 63(1) am. and ext. S. 67(4) am. and ext. S. 76(1)(a) appl. S. 76(4) rep.	18, s. 45(4)(a) 36, s. 19(2). 20, s. 33(5). 27, s. 1(8). 34, s. 8(11). 49, s. 63(3). 27, s. 1(8). 19, s. 9(1). 19, s. 9(1). 19, s. 9(4). 19, ss. 10, 11(2), sch. Pt. I.
c. 50	Housing (Repairs and Rents) (Scotland) Act 1954.	Ss. 1-3, 6-8, 11(2)(3), 13, 14(3), 15(2), (3)(b) rep. S. 25 excl. S. 39(2) am. S. 41(1) and 44(3) rep. in pt.	49, s. 212(1), sch. Pt. I. 49, s. 122(4). 49, s. 211, sch. 9. 49, s. 212(1), sch. 10 Pt. I.
c. 59	Slaughter of Animals (Amendment) Act 1954.	Sch. 2 Pt. I rep. so far as relating to the Public Health (London) Act 1936 (c. 50).	S.I. No. 1305, art. 2, sch. 1.
c. 62	Post Office Savings Bank Act 1954.	S. 1 am. rep. in pt. S. 2 ext. S. 3 rep. S. 5 excl. S. 6 excl. in pt. S. 7 ext. S. 10(1) am. S. 11 excl. S. 12 excl. S. 12(2) am. S. 15 restr. Ss. 16-20 excl. S. 21 restr. Ss. 22, 23 ext. S. 39 rep.	12, s. 8(1). 12, s. 8(1). 12, ss. 6, 7(1). 12, s. 6. 12, s. 1(3). 12, s. 2(2). 12, s. 7(1). 12, s. 8(2). 12, s. 1(3). 12, s. 1(3). 12, s. 8(3). 12, s. 5(1). 12, s. 1(3). 12, s. 5(1). 12, s. 7(3). 49, s. 212(1), sch. 10 Pt. I.
c. 73	Town and Country Planning (Scotland) Act 1954.	S. 59 ext. Pts. II and IV (ss. 16-30 and 40-43) excl.	34, s. 22(3)(6)(e). 34, s. 24(4)(9)(c).
3 & 4 Eliz. 2: c. 14	Imperial War Museum Act 1955.	Sch. am.	S.I. No. 950.
c. 18	Army Act 1955	Cont. until 31.12.1967 ... Restr. (meaning of "colony"). Am. Ss. 4-8. Power to rep. S. 9 ext. S. 10 subst. Ss. 11(2)(5), 12(2)(3) appl. (mod.).	45, s. 1(1). 14, s. 5(2). 37, s. 4(2). 45, s. 22(3)(a)(ii). 45, s. 2(2), sch. 1. 30, s. 15. 45, s. 12(1). 45, s. 13(1), sch. 3 para. 2.

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3 & 4 Eliz. 2: c. 18— <i>cont.</i>	Army Act 1955— <i>cont.</i>	S. 14(1)(b), (2) am.	45, s. 37(1), sch. 4.
		S. 23(1) rep. in pt. ...	30, s. 23(7), sch. 2.
		S. 24(1)(h), (3) am. ...	45, s. 27(1).
		S. 43 (1) rep. in pt. ...	45, ss. 21, 37(2), sch. 5.
		S. 53 excl. ...	45, s. 15(7).
		S. 59 rep. ...	45, s. 37(1)(2), schs. 4, 5.
		S. 70 ext. ...	45, s. 21.
		S. 71 am. ...	45, s. 21.
		S. 72 am. ...	45, s. 21.
		S. 72(2)(c) am. ...	45, s. 22(2)(3).
		S. 72(2)(d) rep. in pt. ...	45, ss. 22(3)(a)(i), 37(2), sch. 5.
		S. 72(2)(k) rep. ...	45, ss. 21, 37(2), sch. 5.
		S. 72(5) subst., 72(5)(A) added.	45, s. 22(3)(b).
		S. 75 excl. ...	45, s. 15(7).
		S. 78(3)(d) rep. ...	45, ss. 21, 37(2), sch. 5.
		S. 78(4) am. ...	45, s. 30.
		S. 82(2) am. ...	45, s. 23(1).
		Ss. 87(2), 88(2), 90(3) am.	45, s. 24.
		S. 110(1) am. ...	31, s. 9(2), sch. 1 Pt. II.
		S. 129 ext. (Guyana) ...	14, s. 5(2).
		S. 133 subst. ...	45, s. 25(1).
		S. 134(1)(a) subst. by s. 134(1)(a)(aa).	45, s. 26(1).
		S. 144(7) rep. in pt. ...	45, s. 37(2), sch. 5.
		Ss. 186–190 ext. (Guyana)	14, s. 5(2).
		S. 192(1)(c) subst. ...	45, s. 18(1).
		S. 205(1)(e) am. ...	30, s. 23(6), sch. 1 para. 32.
		S. 209(3)(a) subst. ...	45, s. 37(1), sch. 4.
		S. 209(3)(b) am. ...	45, s. 17.
		S. 210(2)(b) expld. ...	30, s. 23(6), sch. 1 para. 33.
		S. 211 expld. ...	30, s. 23(4).
		S. 211(5) am. ...	30, s. 23(6), sch. 1 para. 34.
		S. 214(4A) added ...	45, s. 37(1), sch. 4.
S. 219 rep. ...	45, ss. 19, 37(2), sch. 5.		
S. 224(1) am. ...	45, s. 20.		
S. 224(8)(a) rep., 224(8)(b) in pt., 224(9) rep.	45, ss. 20, 37(2), sch. 5.		
S. 225(1) am. ...	14, s. 5(2).		
	23, s. 2, sch. Pt. I para. 5.		
	24, s. 2, sch. Pt. I para. 5.		
	29, s. 1, sch. para. 2.		
	37, s. 4(2).		

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3 & 4 Eliz. 2: c. 18—cont.	Army Act 1955—cont.	S. 225(1) (definition of "H.M. Forces") am. S. 225(1) (definition of "enemy") am. S. 225(1A)(1B) added ... S. 225(2) am. ... Sch. 3 paras. 1A, 13,14 added. Sch. 6 para. 1(3) rep. in pt. Sch. 7 Pt. I paras. 2, 3. Power to rep. Sch. 7 Pt. I para. 4 subst. by paras. 4, 4A, 4B. Sch. 7 Pt. I para. 4(2)(3). Power to rep. Sch. 7 Pt. I para. 5(3)(4) rep. Sch. 7 Pt. I para. 5A added. Sch. 7 Pt. I para. 7 subst.	45, s. 28(1)(4). 45, s. 28(4). 45, s. 27(2). 30, s. 23(6), sch. 1 para. 35. 45, s. 29(1)(3). 45, ss. 22(3)(a)(iii), 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, s. 13, sch. 3 para. 1. 45, s. 2(2), sch. 1. 45, ss. 13(1), 37(2), schs. 3 para. 2, 5. 45, s. 13(1), sch. 3 para. 2. 45, s. 13(1), sch. 3 para. 3.
c. 19 ...	Air Force Act 1955 ...	Cont. until 31.12.1967 ... Restr. (meaning of "colony") Am. ... S. 9 ext. ... S. 10 subst. ... S. 14(1)(b), (2) am. ... S. 24(1)(h), (3) am. S. 43(1) rep. in pt. ... S. 53 excl. ... S. 59 rep. ... S. 70 ext. ... S. 71 am. ... S. 72 am. ... S. 72(2)(c) am. ... S. 72(2) rep. in pt. ... S. 72(2)(k) rep. ... S. 72(5) subst., 72(5A) added. S. 75 excl. ... S. 77(1) am. ... S. 78 am. ... S. 78(3)(d) rep. ... S. 79 am. ... S. 82(2) am. ... Ss. 87(2), 88(2), 90(3) am. S. 110(1) am. ... S. 129 ext. (Guyana) ...	45, s. 1(1). 14, s. 5(2). 37, s. 4(2). 45, ss. 22(3)(a)(ii), 37(1), sch. 4 30, s. 15. 45, s. 12(2). 45, s. 37(1), sch. 4. 45, s. 27(1). 45, ss. 21, 37(2), sch. 5. 45, s. 15(7). 45, s. 37(1)(2), schs. 4, 5. 45, s. 21. 45, s. 21. 45, s. 21. 45, s. 22(2)(3). 45, ss. 22(3)(a)(i), 37(2), sch. 5. 45, ss. 21, 37(2), sch. 5. 45, s. 22(3)(c). 45, s. 15(7). 45, s. 31. 45, s. 21. 45, ss. 21, 37(2), sch. 5. 45, s. 21. 45, s. 23(2). 45, s. 24. 31, s. 9(2), sch. 1 Pt. II. 14, s. 5(2).

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3 & 4 Eliz. 2: c. 19— <i>cont.</i>	Air Force Act 1955— <i>cont.</i>	<p>S. 133 subst.</p> <p>S. 134(1)(a) subst. by S. 134(1)(a), (aa).</p> <p>S. 144(7) rep. in pt. ...</p> <p>Ss. 186–190 ext. (Guyana)</p> <p>S. 192(1)(c) subst. ...</p> <p>S. 209(3)(a) subst. ...</p> <p>S. 209(3)(b) am. ...</p> <p>S. 210(5) am. ...</p> <p>S. 212(4A) added ...</p> <p>S. 217 rep. ...</p> <p>S. 222(1) am. ...</p> <p>S. 222(8)(a) rep., 222(8)(b) rep. in pt., 222(9) rep.</p> <p>S. 223(1) am. ...</p> <p>S. 223(1A)(1B) added</p> <p>S. 223(2) am. ...</p> <p>Sch. 3 paras. 1A, 13, 14 added.</p> <p>Sch. 6 para. 1(3) rep. in pt.</p> <p>Sch. 6 para. 3B added</p> <p>Sch. 1 para. 7(3)(b), (4)–(7). Power to rep.</p>	<p>45, s. 25(2).</p> <p>45, s. 26.</p> <p>45, s. 37(2), sch. 5.</p> <p>14, s. 5(2).</p> <p>45, s. 18(1).</p> <p>45, s. 37(1), sch. 4.</p> <p>45, s. 17.</p> <p>30, s. 23(6), sch. 1 para. 36.</p> <p>45, s. 37(1), sch. 4.</p> <p>45, ss. 19, 37(1)(2), schs. 4, 5.</p> <p>45, s. 20.</p> <p>45, ss. 20, 37(2), sch. 5.</p> <p>14, s. 5(2).</p> <p>23, s. 2, sch. Pt. I para. 5.</p> <p>24, s. 2, sch. Pt. I para. 5.</p> <p>29, s. 1, sch. para. 2.</p> <p>37, s. 4(2).</p> <p>45, s. 28(1)(2)(4).</p> <p>45, s. 27(2).</p> <p>30, s. 23(6), sch. 1 para. 37.</p> <p>45, s. 29.</p> <p>45, ss. 22(3)(a)(iii), 37(2), sch. 5.</p> <p>45, s. 30.</p> <p>45, s. 2(2), sch. 1.</p>
c. 20	Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955.	Sch. 1 para. 7(3)(b), (4)–(7). Power to rep.	45, s. 2(2), sch. 1.
c. 21	Crofters (Scotland) Act 1955.	Sch. 5 para. 1A added ...	49, s. 80(3).
c. 24	Requisitioned Houses and Housing (Amendment) Act 1955.	S. 18(1) rep. in pt. ...	S.I. No. 1305, art. 2, sch. 1.
c. 25	Oil in Navigable Waters Act 1955.	S. 12(6) subst. (E.) ...	38, s. 21(7).
c. 28	Children and Young Persons (Harmful Publications) Act 1955.	Cont. until end of December 1967.	40, s. 1(1), sch.
4 & 5 Eliz. 2: c. 9	Rating and Valuation (Miscellaneous Provisions) Act 1955.	<p>Functions under certain sections retained by Min. of Housing and Local Government.</p> <p>S. 1(8) rep. ...</p> <p>S. 3(1)(a) restored as originally enacted.</p>	<p>42, s. 38(3), sch. 4 para. 27.</p> <p>42, s. 43(2), sch. 6 Pt. I.</p> <p>42, s. 38(3), sch. 4 para. 20.</p>

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4 & 5 Eliz. 2: c. 9— <i>cont.</i>	Rating and Valuation (Miscellaneous Provisions Act 1955— <i>cont.</i>	S. 4(1) rep. (<i>prosp.</i>) ... S. 6(2) excl. ... S. 6(6)(a) am. (<i>prosp.</i>) ... S. 16(2) expld. ("rating area"). S. 17(3) rep. (<i>prosp.</i>) ... Sch. 3 para. 4(3) am. ... S. 49(2) am. ...	42, ss. 38(3), 43 (2), schs. 4 para. 6, 6 Pt. III. 42, s. 23(1). 42, s. 38(3), sch. 4 para. 8. 42, s. 38(3), sch. 4 para. 28(1). 42, s. 38(3), sch. 4 para. 28(3). 42, s. 24(1)(2). S.I. No. 1305, art. 2(11).
c. 16 ...	Food and Drugs Act 1955	S. 49(2) am. ...	S.I. No. 1305, art. 2(11).
c. 25 ...	Therapeutic Substances Act 1956.	Sch. 1 am. ...	S.I. Nos. 501, 502, 505, 506.
c. 26 ...	Police (Scotland) Act 1956.	S. 18(2) subst. ...	52, s. 1(1).
c. 39 ...	Pensions (Increase) Act 1956.	S. 9(2) proviso rep. ...	20, s. 39(3), sch. 8.
c. 46 ...	Administration of Justice Act 1956.	S. 10(1)(c)(d), (2) rep. ...	31, s. 10(2), sch. 3.
c. 48 ...	Sugar Act 1956 ...	Am. ...	18, s. 52(1).
c. 49 ...	Agriculture (Safety, Health and Welfare Provisions) Act 1956.	S. 8 am. ...	18, s. 52(2).
c. 49 ...	Agriculture (Safety, Health and Welfare Provisions) Act 1956.	S. 24(1) am. ...	S.I. No. 1305, art. 2(12).
c. 52 ...	Clean Air Act 1956 ...	S. 24. Transfer of functions.	S.I. No. 692, art. 2.
c. 54 ...	Finance Act 1956 ...	S. 9(1) am. ...	18, s. 20.
c. 54 ...	Finance Act 1956 ...	Ss. 15 rep., 16(2) rep. in pt.	18, s. 53(7), sch. 13 Pt. IV.
c. 54 ...	Finance Act 1956 ...	S. 17(1)(a) restr. ...	18, s. 35(3).
c. 54 ...	Finance Act 1956 ...	S. 24 ext. ...	18, s. 27, sch. 5 para. 9.
c. 54 ...	Finance Act 1956 ...	S. 26(3)(4) rep. ...	18, s. 53(7), sch. 13 Pt. III.
c. 54 ...	Finance Act 1956 ...	S. 40(1)(a) restr. ...	18, s. 22.
c. 54 ...	Finance Act 1956 ...	Sch. 3 Pt. I ext. ...	18, s. 51(4).
c. 60 ...	Valuation and Rating (Scotland) Act 1956.	S. 17 rep. ...	51, ss. 24, 48, sch. 6.
c. 60 ...	Valuation and Rating (Scotland) Act 1956.	S. 22(1) am. ...	51, s. 21.
c. 60 ...	Valuation and Rating (Scotland) Act 1956.	S. 22(4)(b) rep. ...	51, ss. 21, 48, sch. 6.
c. 60 ...	Valuation and Rating (Scotland) Act 1956.	S. 24(2) excl. ...	51, ss. 18(1), 19 (1).
c. 60 ...	Valuation and Rating (Scotland) Act 1956.	Sch. 2 appl. ...	51, s. 22(1).
c. 68 ...	Restrictive Trade Practices Act 1956.	Pt. I excl. ...	33, s. 24(3).
c. 68 ...	Restrictive Trade Practices Act 1956.	S. 6(7) excl. ...	33, s. 24(1)(b).
c. 68 ...	Restrictive Trade Practices Act 1956.	S. 8(9) ext. ...	33, s. 24(1)(a).
c. 74 ...	Copyright Act 1956 ...	Sch. 7 Pt. VIII para. 39(2) excl. (<i>prosp.</i>) (Lesotho).	24, s. 2(2), sch. Pt. I para. 9.
c. 74 ...	Copyright Act 1956 ...	(Barbados).	37, s. 4(5), sch. 2 para. 12.
c. 76 ...	Medical Act 1956 ...	S. 3(1) rep. in pt. and am. (<i>prosp.</i>).	13, ss. 13, 14, schs. 6 para. 18, 7 Pt. II.
c. 76 ...	Medical Act 1956 ...	S. 11(1)(a) rep. in pt. and am. (<i>prosp.</i>).	13, ss. 13, 14, schs. 6 para. 20, 7 Pt. II.

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5 & 6 Eliz. 2: c. 3	Air Corporations Act 1956.	Rep.	11, ss. 6(3), 9(4), sch. 2.
c. 18	Customs Duties (Dumping and Subsidies) Act 1957.	Ext.	18, s. 1(1).
c. 20	House of Commons Disqualification Act 1957.	S. 2 am. Sch. 1 Pt. I am. Sch. 1 Pt. II am. rep. in pt. Sch. 2 am. rep. in pt. Sch. 3 am.	20, s. 1(3)(a). 6, s. 13(2). 8, s. 1(3), sch. 1 para. 8. 20, s. 3(1), sch. 1 para. 7. 33, s. 1(7), sch. 1 para. 4. 50, s. 1(7), sch. para. 5. 20, s. 39(3), sch. 8. 34, s. 31(4), sch. 3 Pt. II. 20, s. 39(1), sch. 6 para. 15. 20, s. 39(3), sch. 8. 20, s. 3, sch. 1, para. 7. 33, s. 1, sch. 1 para. 4. 34, s. 31, sch. 3 Pt. II. 50, s. 1, sch. para. 5.
c. 21	Cinematograph Films Act 1957.	Sch. 3 rep. in pt. S. 2(1) am. S. 10(2) rep. S. 12(1) am.	20, s. 39, sch. 8. 48, s. 3. 48, s. 7(6). 48, s. 2(1).
c. 25	Rent Act 1957	S. 11(2) expld. (S.) excl. (S.) S. 11(6) rep. (S.)	49, s. 95(3). 49, s. 134, sch. 6 para. 2. 49, s. 212(1), sch. 10 Pt. I.
c. 28	Dentists Act 1957	S. 2(3)(4) expld. (<i>prosp.</i>)	13, s. 13, sch. 6 para. 19.
c. 38	Housing and Town Development (Scotland) Act 1957.	Ss. 20, 22, sch. 1 paras. 1, 7 rep.	49, s. 212(1), sch. 10 Pt. I.
c. 49	Finance Act 1957	S. 3(1)(b)(c) excl. Ss. 15 rep., 16(1)(3) rep. in pt., sch. 3 para. 2 rep. in pt.	18, s. 4. 18, s. 53(7), sch. 13 Pt. IV.
c. 50	Army (Conditions of Enlistment) Act 1957.	S. 1(1) rep. S. 1(2)(3). Power to rep. S. 1(4). Power to rep. in pt. S. 1(4) rep. in pt. S. 1(5)(6) rep. S. 1(7)-(9). Power to rep.	45, s. 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, s. 2(2), sch. 1. 45, s. 37(2), sch. 5. 45, s. 37(2), sch. 5. 45, s. 2(2), sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
5 & 6 Eliz. 2 —cont. c. 53	Naval Discipline Act 1957	Restr. (meaning of "colony").	14, s. 5(2).
Appl. (mod.)		37, s. 4(2).	
S. 24(b) am.		45, s. 8(2).	
S. 43(1) (hh) added		45, s. 37(1), sch. 4.	
S. 43(1)(k) rep.		45, s. 32(4)(a).	
S. 43(3) am.		45, ss. 32(4)(a), 37(2), sch. 5.	
rep. in pt.		45, s. 32(4)(b).	
S. 44(6) rep. in pt.		45, ss. 32(4)(b), 37(2), sch. 5.	
S. 46 excl.		45, ss. 32(4)(c), 37(2), sch. 5.	
S. 97(1)(c) subst.		45, s. 15(7).	
Ss. 105 and 107–110, as read with s. 126, ext.		45, s. 18(2).	
S. 110(2) mod.		14, s. 5(2).	
S. 118(2) rep. in pt.		45, s. 33.	
Ss. 123(2) rep., 126(3) rep. in pt.		45, ss. 34, 37(2), sch. 5.	
S. 128 rep.		45, s. 37(1)(2), schs. 4, 5.	
S. 129(1) am.		45, ss. 19, 37(2), sch. 5.	
S. 129(2) am.		45, s. 35(1).	
S. 134 am.		45, s. 35(1)(2).	
S. 135(1) am.		45, s. 20.	
Sch. 2 para. 1(b) rep.		14, s. 5(2).	
Sch. 2 para. 4 rep.		23, s. 2, sch. Pt. I para. 5.	
Sch. 4 para. 4 am.	24, s. 2, sch. Pt. I para. 5.		
Sch. 5 rep. so far as relating to the Naval Enlistment Act 1853 (c. 69).	29, s. 1, sch. para. 2.		
S. 1 ext.	37, s. 4(2).		
S. 5(2)(c) rep. in pt.	45, s. 36(1)(2).		
S. 1 ext.	45, ss. 22(3)(d), 37(2) sch. 5.		
S. 5(2)(c) rep. in pt.	45, s. 37(1)(2), schs. 4, 5.		
S. 9. Transfer of functions.	45, s. 17.		
S. 1 ext.	45, s. 37(2), sch. 5.		
S. 5(2)(c) rep. in pt.	20, s. 24(2).		
S. 1 ext.	20, s. 39(3), sch. 8.		
S. 5(2)(c) rep. in pt.	S.I. No. 692, art. 2.		
S. 9. Transfer of functions.	S.I. No. 692, art. 4(4).		
S. 1 ext.	20, s. 24(2).		
S. 5(2)(c) rep. in pt.	20, s. 39(3), sch. 8.		
S. 1 ext.	18, s. 1(5)(7).		
S. 1 ext.	18, s. 1(1).		
6 & 7 Eliz. 2: c. 1	National Insurance (No. 2) Act 1957.	Ss. 3, 8(2) rep.	20, s. 39(3), sch. ... 8.
c. 6	Import Duties Act 1958	Appl.	18, s. 1(5)(7).
c. 6	Import Duties Act 1958	S. 1 ext.	18, s. 1(1).

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6 & 7 Eliz. 2: c. 6— <i>cont.</i>	Import Duties Act 1958 — <i>cont.</i>		14, s. 5, sch. 2 para. 4.
		S. 2(4) am. ...	23, s. 2, sch. Pt. I para. 4.
			24, s. 2, sch. Pt. I para. 4.
			29, s. 1, sch. para. 9.
			37, s. 4(5), sch. 2 para. 4.
		S. 2(9) am. ...	23, s. 2, sch. Pt. I para. 4.
		S. 10 appl. ...	18, s. 1(5).
		S. 12(1)–(3) am. ...	18, s. 7.
		S. 15(2) saved ...	18, s. 1(7).
c. 16 ...	Commonwealth Institute Act 1958.	S. 2(1) am. ...	S.I. No. 950.
			14, s. 5, sch. 2 para. 12.
			23, s. 2, sch. Pt. I para. 9.
		Sch. 2 am. ...	24, s. 2, sch. Pt. I para. 10.
			29, s. 1, sch. para. 12.
			37, s. 4(5), sch. 2 para. 13.
c. 39 ...	Maintenance Orders Act 1958.	S. 21(1) (definition of “maintenance order”) am.	20, ss. 23(6), 24(9).
c. 40 ...	Matrimonial Proceedings (Children) Act 1958.	Pt. II (ss. 7–15) ext. ...	19, s. 8(1).
c. 42 ...	Housing (Financial Provisions) Act 1958.	Sch. 3 para. 10 am. ...	42, s. 43(1), sch. 5 para. 4.
c. 45 ...	Prevention of Fraud (Investments) Act 1958.	S. 14(1) excl. ...	50, s. 2(5).
		S. 26(1) rep. in pt. ...	S.I. No. 1305.
c. 55 ...	Local Government Act 1958.	Functions under certain sections retained by Min. of Housing and Local Government.	42, s. 38, sch. 5 para. 27.
		S. 1 am. ...	42, s. 12.
		S. 5 ext. ...	9, s. 10(1)(2).
		S. 5(4) am. (<i>retrosp.</i>) ...	42, s. 13.
		S. 14(3) am. ...	42, s. 38(3), sch. 4 para. 21.
		Sch. 1 para. 6 am. (<i>retrosp.</i>).	42, s. 13.
		Sch. 2 paras. 2, 3 am. ...	42, s. 24(1).
c. 56 ...	Finance Act 1958 ...	S. 28 am. ...	18, s. 40(4).
		S. 28(12) expld. ...	18, s. 40(5)(b).
c. 63 ...	Park Lane Improvement Act 1958.	Ss. 1 am., 10, 13 rep., 15 am. and rep. in pt., 18(3) am., 18(4) rep., 19 am., 21(1) proviso rep., 23 rep. in pt., 25(1) am.	S.I. No. 1305.
c. 64 ...	Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	S. 1 am. ...	51, s. 1(2).

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6 & 7 Eliz. 2 —cont. c. 66	Tribunals and Inquiries Act 1958.	S. 1 am. S. 7A am. ext. (N.I.) S. 7A(5) am. S. 8(3) am. S. 12. Power to appl. Sch. 1 Pt. I para. 9 am. Sch. 1 Pt. I paras. 11 and 12 subst. by para. 11.	43, s. 1(1). 43, s. 1(1). 43, s. 1(5). 43, s. 2(1). 43, s. 3 43, s. 1(2). 20, s. 39(1), sch. 6 para. 16. 6, s. 13(3).
7 & 8 Eliz. 2: c. 5 c. 8 c. 19 c. 22 c. 23 c. 24 c. 25 c. 33 c. 50 c. 51 c. 52 c. 53 c. 55	Adoption Act 1958 Slaughter of Animals Act 1958. Emergency Laws (Repeal) Act 1959. County Courts Act 1959 Overseas Resources Development Act 1959. Building (Scotland) Act 1959. Highways Act 1959 House Purchase and Housing Act 1959. Pensions (Increase) Act 1959. Licensing (Scotland) Act 1959. National Assistance Act 1959. Town and Country Planning Act 1959. Dog Licences Act 1959	S. 5(5) added S. 30(1). Power to am. (E.). (S.) S. 56(1) rep. in pt. (S.), 56(2) rep. S. 3(10). Power to am. S. 3 cont. until end of December 1967. S. 66 mod. (<i>prosp.</i>) S. 2 am. S. 14(1) ext. S. 16(6) rep. Ss. 63(2), 64(2) rep. in pt., 83, 84 rep. S. 235 expld. and ext. S. 235(7) rep. S. 295(1) ext. S. 295(1) rep. in pt. S. 301(2) saved (<i>prosp.</i>) S. 19 ext. S. 29(2) am. S. 5(2) proviso rep. S. 29(3) rep. Rep. S. 57(1) am. (<i>prosp.</i>) S. 1(1). Power to am. (E.) (S.) S. 1(2) rep. (S.) S. 4 rep. in pt. (E.) (S.) S. 5 rep. (E.) S. 6 rep. S. 7 ext. (S.) S. 8 rep.	19, s. 4. 42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4. 19, ss. 10, 11(2), sch. Pt. I. 42, s. 35(2), sch. 3 Pt. II. 40, s. 1(1), sch. 35, s. 7(5)(a). 21, s. 4. 21, s. 4. 19, ss. 10, 11(2), sch. Pt. I. 42, s. 43(2), sch. 6 Pt. II. 42, s. 27. 42, s. 43(2), sch. 6 Pt. II. 42, s. 28(5). 42, s. 43(2), sch. 6 42, s. 38(3), sch. 4 para. 12(2). 49, s. 86(7). 49, s. 211, sch. 9. 20, s. 39(3), sch. 8. 19, ss. 10, 11(2), sch. Pt. I. 20, s. 39(3), sch. 8. 42, s. 43(1), sch. 5 para. 5. 42, ss. 35, 36, sch. 3. 51, s. 42, sch. 4. 51, s. 48, sch. 6. 42, ss. 36, 43, sch. 6. 51, ss. 43, 48, sch. 6. 42, s. 43, sch. 6. 51, s. 48, sch. 6. 51, s. 43(1), (3). 51, s. 48, sch. 6.

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8 & 9 Eliz. 2: c. 18— <i>cont.</i>	Local Employment Act 1960— <i>cont.</i>	S. 3(1) am. S. 4 ext. S. 4(1) am. S. 5 rep. (saving) S. 6(1) am. S. 7(1) ext. am. S. 7(2) am. S. 8 am. S. 9 expld. S. 9(5) am. S. 9(6) am. S. 10(3)(b) rep. S. 10(5) am. S. 12(2)–(5) rep. S. 14(1) rep. (saving) S. 14(2)(3) am. S. 15 am. S. 16(1) am. S. 17 am. S. 18(1)(2) am. S. 19(1) am. S. 19(4) rep. S. 21 expld. Ss. 28(3) rep. in pt., 28(5), (8)(b) rep. Sch. 1 rep. in pt.	34, s. 31(4), sch. 3 Pt. II. 34, ss. 15(7), 18(1)(4). 34, s. 31(4), sch. 3 Pt. II. 34, ss. 20(6), 31(4), sch. 3 Pt. IV. 34, s. 31(4), sch. 3 Pt. II. 34, s. 21(2). 34, s. 31(4), sch. 3 Pt. II. 34, s. 31(4), sch. 3 Pt. II. 34, s. 19(1). 34, s. 29(3). 34, s. 31(4), sch. 3 Pt. II. 34, s. 19(2). 34, s. 31(4), sch. 3 Pt. IV. 34, s. 21(3). 34, s. 31(4), sch. 3 Pt. IV. 34, ss. 21(5), 31(4), sch. 3 Pt. IV. 34, s. 31(4), sch. 3 Pt. II. 34, s. 31(4), sch. 3 Pt. II. 34, s. 31(4), sch. 3 Pt. III. 34, s. 31(4), sch. 3 Pt. II. 34, s. 31(4), sch. 3 Pt. III. 34, s. 31(4), sch. 3 Pt. III. 34, ss. 22(5)(6)(f), 31(4), sch. 3 Pt. IV. 34, s. 25(3). 34, s. 31(4), sch. 3 Pt. IV. 34, s. 31(4), sch. 3 Pt. II.
c. 19	European Free Trade Association Act 1960.	Ss. 10, 11 appl.	18, s. 9(6).
c. 34	Radioactive Substances Act 1960.	S. 10(5) rep. in pt., 19(1) am.	S.I. No. 1305.

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8 & 9 Eliz. 2 —cont. c. 38	Civil Aviation (Licensing) Act 1960.	Transfer of functions ...	S.I. No. 1015.
c. 40	Commonwealth Teachers Act 1960.	S. 2(7)(b) restr. ...	14, s. 5, sch. 2 para. 11. 23, s. 2, sch. Pt. II para. 11. 24, s. 2, sch. Pt. II para. 12. 37, s. 4(5), sch. 2 para. 11.
c. 44	Finance Act 1960 ...	S. 1 am. S. 1(1)(b) am. S. 1(3)(4) rep. S. 28 expld. S. 28(2)(e) added (saving) S. 28(3) ext. S. 28(4) ext. S. 29(b) ext. S. 43(4)(g) ext. Pt. III (ss. 44–63) am.	S.I. No. 190. 21, s. 6(2). 21, s. 6(1). 18, s. 39(5)(7). 18, s. 39(3)(4)(7). 18, s. 39(1)(5)(7). 18, s. 39(5)(7). 18, s. 39(5)(7). 18, s. 39(1)(7). 18, ss. 25(11), 27, 49(2), 50(7), schs. 4 para. 3(2), 6 paras. 3(5), 9(10) 17 (3).
c. 57	Films Act 1960	Ss. 47(3), 48(3) appl. S. 50 appl. S. 52 appl. (mod.) Ss. 54 appl. (mod.), 55 appl. in pt., 56 appl. S. 58 appl. (mod.) S. 64 am. S. 72(1)(6) rep. in pt., 72(10) rep., 72(13) rep. in pt. Sch. 6 am.	18, s. 27, sch. 6 para. 4(3). 18, s. 27, sch. 6 para. 13. 18, s. 27, sch. 6 para. 10. 18, s. 27, sch. 6 para. 13. 18, s. 27, sch. 6 paras. 8(2), 20 (6). 18, s. 42(1)(2). 18, s. 53(7), sch. 13 Pt. IV. 18, ss. 25(11), 27, 49(2), 50(7), schs. 4 para. 3(2), 6 paras. 3(5), 9(10), 17 (3).
c. 58	Charities Act 1960 ...	S. 1(6) am. S. 4(3)(4) am. S. 50(1) am. Sch. 2 am.	48, s. 4. 48, s. 5. 29, s. 1, sch. para. 13. 48, s. 6.
c. 61	Mental Health (Scotland) Act 1960.	S. 18(4) excl. S. 28(2)–(5) saved	30, s. 18(5). 30, s. 18(3).
c. 62	Caravan Sites and Control of Development Act 1960.	S. 15(4). Power to am. S. 32(4) rep.	51, s. 42(2), sch. 4 Pt. II. 19, ss. 10, 11(2), sch. Pt. I.

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8 & 9 Eliz. 2 —cont. c. 65	Administration of Justice Act 1960.	Saved S. 17(5) rep., sch. 3 rep. so far as amending s. 7 of the Courts Martial (Appeals) Act 1951.	31, s. 1(7). 31, s. 10(2), sch. 3.
c. 66	Professions Supplementary to Medicine Act 1960.	S. 1, sch. 1 Pts. I, II am.	S.I. No. 990.
9 & 10 Eliz. 2: c. 11	Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961.	S. 1(5) am. ...	14, s. 5, sch. 2 para. 3. 23, s. 2, sch. Pt. I para. 3. 24, s. 2, sch. Pt. I para. 3. 29, s. 1, sch. para. 8. 37, s. 4(5), sch. 2 para. 3. 12, s. 7 (5). 20, s. 39(1), sch. 6. 42, s. 35(4). 12, s. 7 (4). 20, s. 39(3), sch. 8.
c. 15	Post Office Act 1961 ...	S. 2 ext. S. 19(3) subst. S. 19(5) rep. (E.) (<i>prosp.</i>) S. 19(6) restr. and expld. Sch. rep. so far as relating to the National Assistance Act 1948 (c. 29).	12, s. 7 (5). 20, s. 39(1), sch. 6. 42, s. 35(4). 12, s. 7 (4). 20, s. 39(3), sch. 8.
c. 33	Land Compensation Act 1961.	Sch. 1 Pt. I: para. 3A added para. 6 am. para. 6(2) am. para. 8 am.	44, s. 2, sch. Pt. I para. 1. 44, s. 2, sch. Pt. I para. 2. 44, s. 2, sch. Pt. I para. 3. 44, s. 2, sch. Pt. I para. 3.
c. 34	Factories Act 1961 ...	S. 62 ext. (<i>prosp.</i>) S. 82 am.	28, s. 25(7). S.I. No. 1400.
c. 36	Finance Act 1961 ...	S. 9 am. expld.	18, s. 16. 18, s. 2(12).
c. 43	Public Authorities (Allowances) Act 1961.	S. 1(1) rep. in pt. ...	S.I. No. 1305, art. 2, sch. 1.
c. 45	Rating and Valuation Act 1961.	Functions under s. 23 retained by Min. of Housing and Local Government. S. 11 ext. S. 12(5) am. (<i>prosp.</i>) S. 15(1) am. (<i>prosp.</i>) S. 16(5) am. (<i>prosp.</i>) S. 18(2)(d) rep. in pt. (<i>prosp.</i>). S. 18(4) am. (<i>prosp.</i>) ...	42, s. 38, sch. 4 para. 27. 42, s. 22(5). 42, s. 38(3), sch. 4 para. 22. 42, s. 38(3), sch. 4 para. 23. 42, s. 38(3), sch. 4 para. 24. 42, ss. 38(3), 43 (2), schs. 4 para. 25, 6 Pt. III. 42, s. 38(3), sch. 4 para. 10.

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9 & 10 Eliz. 2: c. 45—cont.	Rating and Valuation Act 1961—cont.	S. 20(10) am. (<i>prosp.</i>) ... S. 22(1) am. (<i>prosp.</i>) ... S. 22(5) am. (<i>prosp.</i>) ... S. 28(3) rep. ... Sch. 1 para. 6 added ... Sch. 3 paras. 1-3 rep. (<i>prosp.</i>), 4 and 5 rep. in pt. (<i>prosp.</i>), 6 rep. (<i>prosp.</i>).	42, s. 38(3), sch. 4 para. 17. 42, s. 38(3), sch. 4 para. 10. 42, s. 38(3), sch. 4 para. 26. 42, s. 43(2), sch. 6 Pt. I. S.I. No. 198. 42, ss. 38(3), 43(2), schs. 4 para. 26, 6.
c. 49 ...	Covent Garden Market Act 1961.	Expld. ... S. 1(1) am. ... S. 1(2) am. and rep. in pt. S. 16 rep. and superseded S. 17 rep. ... S. 18(1) am. ... rep. in pt. ... S. 19 rep. ... S. 21 rep. (<i>prosp.</i>) ... S. 21(4)(a) rep. in pt. ... Ss. 22-25 rep. (<i>prosp.</i>) ... S. 26 rep. ... S. 27(1)(a)(b) am. ... S. 28 rep. (<i>prosp.</i>) ... S. 30(1)(2) rep. in pt. (<i>prosp.</i>). am. ... S. 31(1)(2) rep. in pt. (<i>prosp.</i>). am. ... S. 32(1) rep. in pt. (<i>prosp.</i>) am. ... S. 32(2) am. ... S. 33(1) subst., 33(2) am. S. 33(3) am. ... S. 33(4) rep. in pt. (<i>prosp.</i>) am. ... S. 33(5) rep. in pt. ... S. 34 am. ... S. 35 am. and rep. in pt. S. 38(1)(2)(4) am. ... S. 40(2)(3) rep. ...	i, s. 36(3). i, s. 42(1), sch. 4. i, s. 36(2). i, ss. 21, 42(2), sch. 5 Pt. I. i, s. 42(2), sch. 5 Pt. I. i, s. 42(1), sch. 4. i, s. 42(2), sch. 5 Pt. I. i, s. 42(2), sch. 5 Pt. I. i, s. 25(2), sch. 5 Pt. II. i, s. 42(2), sch. 5 Pt. I. i, s. 25(2), sch. 5 Pt. II. i, s. 42(2), sch. 5 Pt. I. i, s. 42(1), sch. 4. i, s. 25(2), sch. 5 Pt. II. i, s. 25(2), sch. 5 Pt. II. i, s. 42(1), sch. 4. i, s. 25(2), sch. 5 Pt. II. i, s. 42(1), sch. 4. i, s. 25(2), sch. 5 Pt. II. i, s. 42(1), sch. 4. i, s. 25(2), sch. 5 Pt. II. i, ss. 37(2), 42(1), sch. 4. i, s. 25(2), sch. 5 Pt. II. i, ss. 37(2), 42(1), sch. 4. i, s. 42(2), sch. 5 Pt. I. i, s. 38. i, s. 39. i, s. 42(1), sch. 4. i, s. 42(2), sch. 5 Pt. I.

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9 & 10 Eliz. 2: c. 49—cont.	Covent Garden Market Act 1961—cont.	S. 48(1) rep. in pt. (<i>prosp.</i>) am. S. 48(2) rep. (<i>prosp.</i>) ... S. 48(3)(4) am. S. 50(1) am. S. 51 rep. S. 54(1)(b) rep. (<i>prosp.</i>)... S. 55(1) am. and rep. in pt. S. 55(2) rep. (<i>prosp.</i>) ... Sch. 1 para. 6 am. ... Sch. 1 para. 8(1) am. ... Sch. 4 rep. and super- seded. Sch. 5 para. 4 A added Am. 	i, s. 25(2), sch. 5 Pt. II. i, s. 42(1), sch. 4. i, s. 25(2), sch. 5 Pt. II. i, s. 42(1), sch. 4. i, s. 42(1), sch. 4. i, s. 42(2), sch. 5 Pt. I. i, s. 25(2), sch. 5 Pt. II. i, s. 42(1), sch. 4. i, s. 25(2), sch. 5 Pt. II. i, s. 42(1), sch. 4. i, s. 36(2). i, s. 37(2), sch. 3. i, s. 42(1), sch. 4. 45, s. 37(1), sch. 4.
c. 52	Army and Air Force Act 1961.	S. 1 rep. S. 2. Power to rep. ... S. 3(1) rep. S. 3(2)(3). Power to rep. S. 3(4). Power to rep. in pt. S. 3(4) rep. in pt. ... S. 3(5)(6) rep. Ss. 4–15. Power to rep. S. 19(6)(7) rep. Sch. 1 para. 2. Power to rep. Sch. 1 paras. 4, 5 rep. ... Sch. 1 para. 7(1) rep. in pt. Sch. 1 para. 7(2) rep. Sch. 1 para. 7(3). Power to rep. in pt. Sch. 1 para. 7(3) rep. in pt. Sch. 1 para. 7(4). Power to rep. (<i>prosp.</i>). Sch. 2 rep. in pt. ...	45, s. 1(5). 45, s. 2(2), sch. 1. 45, s. 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, s. 2(2), sch. 1. 45, s. 37(2), sch. 5. 45, s. 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, ss. 21, 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, s. 37(2), sch. 5. 45, s. 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, s. 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, s. 37(2), sch. 5. 45, s. 2(2), sch. 1. 45, s. 37(2), sch. 5.
c. 57	Trusts (Scotland) Act 1961.	S. 5 am. expld. 	19, s. 6(1)(3). 19, s. 6(2)(3).
c. 62	Trustee Investments Act 1961.	Sch. 1 Pt. II appl. ... Sch. 1 Pt. II para. 7 am. Sch. 1 Pt. II para. 9 mod.	12, s. 4(1). S.I. No. 401. 12, s. 7(2), sch.

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9 & 10 Eliz. 2 — <i>cont.</i> c. 64	Public Health Act 1961	Transfer of functions ... Ss. 45, 81 ext. Ss. 52-54 appl. (London)	S.I. No. 692, art. 2. 42, s. 28(4). S.I. No. 1305, art. 5(1).
c. 65	Housing Act 1961 ...	Ss. 12-19, 21-23, 28 rep. (S.). Sch. 1 para. 2(3). Power to am.	49, s. 212(1), sch. 10 Pt. I. 42, s. 5(3).
10 & 11 Eliz. 2: c. 9	Local Government (Financial Provisions, etc.) (Scotland) Act 1962.	S. 4 ext. Sch. 1 am.	51, s. 25(5). S.I. No. 174.
c. 10	Army Reserve Act 1962	Ss. 1, 2 rep. S. 3(1) ext. S. 3(4) ext. S. 3(5) ext. S. 3(6) rep. and superseded in pt. S. 4(1)-(4) rep. in pt., 4(5) rep., 5(1) rep., 5(2)(3) rep. in pt., 6(1) rep. Sch. para. 1 am. rep. in pt. Sch. paras. 2 and 3 rep. in pt.	30, s. 23(6)(7), schs. 1 para. 38, 2. 30, s. 8(1). 30, s. 8(2)(b). 30, s. 8(1). 30, ss. 4(1)(2), 23(7), sch. 2. 30, s. 23(7), sch. 2. 30, s. 23(6), sch. 1 para. 39. 30, s. 23(7), sch. 2. 30, s. 23(7), sch. 2.
c. 13	Vehicles (Excise) Act 1962.	S. 5(4) excl. S. 9 ext. Sch. am.	18, s. 2(13)(a). 18, s. 8(6). 18, s. 8(1).
c. 19	West Indies Act 1962 ...	Restr. (meaning of "colony").	37, s. 4(4).
c. 21	Commonwealth Immigrants Act 1962.	Pt. I and sch. 1 cont. until end of December 1967. S. 8(6) rep. in pt. ...	40, s. 1(1), sch. 19, ss. 10, 11(2), sch. Pt. I.
c. 23	South Africa Act 1962 ...	Sch. 3 para. 2 rep. (<i>prosp.</i>) Sch. 3 para. 8 rep. (E.) (S.).	36, s. 28(1), sch. 4. 20, s. 39(3), sch. 8.
c. 28	Housing (Scotland) Act 1962.	Ss. 14(1), 21-31, 33, 34(2) (3) rep., 35(1) rep. in pt., sch. 4 paras. 1, 9-25, 27-30, 35 rep.	49, s. 212(1), sch. 10 Pt. I.
c. 30	Northern Ireland Act 1962.	Ss. 1, 2(1). Apptd. day (14.2.1966). S. 7 am. S. 16(2) saved Sch. 1 rep. in pt. (<i>prosp.</i>)	S.I. No. 86. 41, ss. 1(6), 2(2), 8. 18, s. 27, sch. 6 para. 14. 31, s. 10(2), sch. 3.
c. 31	Sea Fish Industry Act 1962.	S. 3(5)(7) rep.	34, ss. 28(1), 31(4), sch. 3 Pt. IV.

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10 & 11 Eliz. 2: c. 31— <i>cont.</i> c. 38	Sea Fish Industry Act 1962— <i>cont.</i> Town and Country Planning Act 1962.	S. 3(8) am. S. 28 rep. Transfer of functions Appl. (mod.) S. 20(1) ext. S. 23 mod. S. 38 ext. mod. S. 38(2) am. S. 38(5) rep. S. 38(6) am. S. 39(2) am. S. 40 ext. S. 46 mod. Pts. VI, VII (ss. 88–128) excl. S. 129(1)(b) excl. Pt. X (ss. 159–175) excl. S. 184 rep. (saving) Ss. 185, 186 ext. S. 198 am. S. 221(1) am. so far as defining “ industrial building ” appl.	34, s. 28. 28, s. 39(2). S.I. No. 692, art. 4(3). 34, s. 23(4). 34, s. 22(1). 34, s. 24(2). 34, s. 22(3). 34, s. 23(1). 34, s. 26. 34, ss. 22(5), 31(4), sch. 3 Pt. IV. 34, ss. 25(4), 26. 34, s. 25(4). 34, s. 22(3). 34, s. 24(3). 34, s. 24(4). 34, s. 24(5). 34, s. 24(4). 42, ss. 7(6), 43(2), sch. 6 Pt. II. 42, s. 7(6). 4, s. 15(5), sch. 2 para. 3. 34, ss. 25(1), 31(4), sch. 3 Pt. III.
c. 44	Finance Act 1962	S. 12(3)(c) rep. S. 12(4) expld. S. 12(5) ext. S. 15(6) rep.	34, s. 27(2). 18, s. 53(7), sch. 13 Pt. VI. 18, s. 25(11), sch. 4 para. 2(2). 18, s. 43, sch. 10 Pt. II para. 14. 18, ss. 43, 53(7), schs. 10 Pt. IV para. 14(4), 13 Pt. VI.
c. 46	Transport Act 1962	Sch. 9 para. 20 appl. S. 2(2) am. S. 20 expld. S. 20(2) am. S. 22 am. ext. S. 22(3) am. S. 23 am. Pt. II (ss. 31–42) expld. (E.) (S.). S. 39 expld. S. 39 (6) am. S. 45(4) rep. in pt. S. 64 am. S. 66 expld. S. 66(2) am. (<i>prosp.</i>)	18, s. 25(10)(b). S.I. No. 1508. 28, s. 41(2)(3). 28, s. 41(7). 17, s. 1(1). 17, s. 1(3). 17, s. 1(2). 17, s. 1(1). 4, s. 12(2). 28, s. 41(2)(3). 28, s. 41(7). 17, s. 1(3). 17, s. 2. 42, s. 38, sch. 4 para. 26. 42, s. 38, sch. 4 para. 18.

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10 & 11 Eliz. 2: c. 46— <i>cont.</i>	Transport Act 1962 — <i>cont.</i>	Sch. 2 Pt. I rep. in pt. ...	S.I. No. 1305, art. 2, sch. 1.
c. 47	Education (Scotland) Act 1962.	S. 25(5) rep. S. 75(4)(d) rep. in pt.	51, s. 6(3). 51, s. 6(4).
c. 58	Pipe-lines Act 1962 ...	S. 57 rep.	4, s. 15(1), sch. 1.
c. 59	Road Traffic Act 1962 ...	Apptd. day for purposes of s. 36(1) (S.) (28.2.1967).	S.I. No. 1070.
11 & 12 Eliz. 2: c. 5	Air Corporations Act 1962.	Transfer of functions S. 1 rep. in pt.	S.I. No. 1015. 11, ss. 6(3), 9(4), sch. 2.
		S. 3(6) am.	11, ss. 2(5), 3(10), 5(4).
		S. 6(3) rep. in pt.	11, s. 9(4), sch. 2.
1963: c. 2	Betting, Gaming and Lotteries Act 1963.	S. 55(4) rep. in pt. Sch. 1 paras. 5, 7(b), 11 am. Sch. 1 paras. 16(1), 17(b) ext. Sch. 1 para. 20(1) excl.... Sch. 1 paras. 21(3), 25, 27(1)(2) am. Sch. 1 para. 27(4)(a) ext. Sch. 1 para. 34 am. Sch. 2 para. 11. Power to am. (E.) (S.) Sch. 3 para. 12. Power to am. (E.) (S.) Sch. 5 para. 4(a)(i) am.... Sch. 6 para. 4. Power to am. (E.) (S.) Sch. 7 paras. 3, 9. Power to am. (E.) (S.)	19, ss. 10, 11(2), sch. Pt. I. 18, s. 15(5), sch. 3 Pt. I para. 6. 18, s. 15(5), sch. 3 Pt. I para. 6. 18, s. 15(5), sch. 3 Pt. III para. 20(4). 18, s. 15(5), sch. 3 Pt. I para. 6. 18, s. 15(5), sch. 3 Pt. I para. 6. 18, s. 15(5), sch. 3 Pt. I para. 6. 42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4 Pt. II. 42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4 Pt. II. 18, s. 12(6). 42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4 Pt. II. 42, s. 35(2), sch. 3 Pt. II. 51, s. 42(2), sch. 4 Pt. II.
c. 3	Betting Duties Act 1963	Expld. S. 1(1) am. S. 1(2) rep. in pt. S. 2 ext.	18, s. 15(4). 18, s. 12(6). 18, s. 53(7), sch. 13 Pt. I. 18, s. 15(2)(3).

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1963: c. 3— <i>cont.</i>	Betting Duties Act 1963 — <i>cont.</i>	S. 2(1)(2)(4) rep. in pt. ... S. 4 rep. Sch. 1 paras. 2, 3 ext. ... Sch. 1 para. 4 am. ... Sch. 1 paras. 5, 6 am. ... Sch. 1 paras. 7, 8 rep. (saving). Sch. 2 rep.	18, s. 53(7), sch. 13 Pt. I. 18, ss. 12(6), 53(7), sch. 13 Pt. I. 18, s. 15(5), sch. 3 Pt. I para. 2. 18, s. 15(5), sch. 3 Pt. III paras. 19, 20. 18, s. 15(5), sch. 3 Pt. III para. 19. 18, ss. 15(5), 53(7), schs. 3 para. 19, 13 Pt. I. 18, s. 53(7), sch. 13 Pt. I.
c. 9	Purchase Tax Act 1963...	Sch. 1 Pt. I am. ...	S.I. No. 208.
c. 12	Local Government (Financial Provisions) (Scotland) Act 1963.	S. 7(1) ext. S. 7(3) rep.	51, ss. 12, 41(1). 51, s. 48(2), sch. 6.
c. 19	Local Employment Act 1963.	S. 9(4) am. and rep. in pt. S. 9(5) am. Sch. 2 rep. (16.5.1967) ... S. 1 rep. (saving)	51, s. 13 para. (a). 51, s. 13 para. (b). 51, s. 13 para. (c). 34, ss. 16, 31(4), sch. 3 Pt. IV.
c. 19	Local Employment Act 1963.	S. 2 expld. S. 2(1) mod. and am. ... S. 2(2) am. S. 3 rep.	34, s. 17(4)(5). 34, s. 17. 34, s. 17(3)(5). 34, ss. 21(5), 31(4), sch. 3 Pt. IV.
c. 24	British Museum Act 1963	Sch. 3 Pt. I paras. 3, 4 added.	S.I. No. 99.
c. 25	Finance Act 1963 ...	S. 9 rep.	18, s. 53(7), sch. 13 Pt. II.
c. 25	Finance Act 1963 ...	Ss. 33 rep., 36(1) rep. in pt. S. 38 excl. S. 38(7) rep. in pt. ... S. 39 excl. S. 40(1) rep. in pt. ...	18, s. 53(7), sch. 13 Pt. IV. 18, s. 36(3). 18, s. 36(2). 18, s. 36(3). 18, s. 53(7), sch. 13 Pt. IV.
c. 25	Finance Act 1963 ...	Sch. 4 ext. Sch. 8 ext.	18, s. 38(4). 18, s. 45(1)(c), sch. 12 para. 2.
c. 31	Weights and Measures Act 1963.	Ss. 2, 7, 8, 55, schs. 1, 10 para. 9. Certain functions trans. to Min. of Technology. Sch. 4 Pt. VI para. 2(b) excl.	S.I. No. 1411. S.I. No. 815.
c. 33	London Government Act 1963.	Sch. 6 Pt. IV excl. in pt. S. 31(8) am.	S.I. No. 238. 42, s. 43(1), sch. 5 para. 6.
c. 33	London Government Act 1963.	S. 43. Transfer of functions. S. 58(2) ext.	S.I. No. 692, art. 2. S.I. No. 1305, art. 5.

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1963: c. 33— <i>cont.</i>	London Government Act 1963— <i>cont.</i>	S. 66 excl. S. 66(2) am. S. 70(3) am. S. 80(2) rep. in pt. Sch. 12 paras. 3, 6. Power to am. Sch. 15 para. 5(4) rep. (<i>prosp.</i>)	42, s. 1(4), sch. 1 Pt. II para. 7. 42, s. 43(1), sch. 5 para. 7. 42, s. 43(1), sch. 5 para. 8. 39, s. 2, sch. 42, s. 35(2), sch. 3 Pt. II. 42, ss. 38(3), 43(2), schs. 4 para. 8, 6 Pt. III.
c. 38	Water Resources Act 1963.	S. 87. Power to am. S. 119 saved S. 121. Power to am.	42, s. 5(3). 38, s. 18(3). 42, s. 5(3). 23, s. 2, sch. Pt. I para. 8.
c. 41	Offices, Shops and Railway Premises Act 1963.	S. 84(2) am.	24, s. 2, sch. Pt. I para. 8(1). 29, s. 1, sch. para. 5.
c. 43	Animal Boarding Establishments Act 1963.	S. 1(2). Power to am. (E.) (S.)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4.
c. 46	Local Government (Financial Provisions) Act 1963.	S. 6 ext.	9, s. 10(1)(2).
c. 51	Land Compensation (Scotland) Act 1963.	Appl. (mod.) S. 15(7)(d) am. Sch. 1 para. 3 A added... Sch. 2 am. Sch. 2 paras. 1(2)(5), 2(3) am., 5 subst.	49, ss. 14(4), 19(2), 20(4), 47(1), 48(2), 51(4), 57(1) (3), 143(4), 209, sch. 4. 49, s. 211, sch. 9. 44, s. 2, sch. Pt. II para. 4. 49, s. 211, sch. 9. 49, s. 211, sch. 9.
1964:			
c. 2	Air Corporations Act 1964.	Rep.	11, s. 9(4), sch. 2.
c. 10	Family Allowances and National Insurance Act 1964.	Rep.	20, s. 39(3), sch. 8.
c. 11	Navy, Army and Air Force Reserve Act 1964.	S. 2(1)(4) am.	45, s. 37(1), sch. 4.
c. 14	Plant Varieties and Seeds Act 1964.	S. 2(2) expld. Apptd. day for ss. 20–23 (8.3.1966).	30, s. 23(1)(a). S.I. No. 276.
c. 18	Rating (Interim Relief) Act 1964.	S. 1 am. (<i>prosp.</i>) S. 6(1). Power to am.	42, s. 15. 42, s. 5(3).

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1964—cont. c. 26	Licensing Act 1964 ...	Pt. VII (ss. 118–131) contd. until end of March 1968.	40, s. 1(2).
c. 37	Income Tax Management Act 1964.	Mod. S. 3 appl. S. 5 appl. ext. S. 6 appl. S. 8 appl. S. 9 ext. appl. (mod.) Ss. 11, 12 appl. (mod.) S. 13 ext. Ss. 14, 15 appl. (mod.)	18, s. 27, sch. 6 para. 20(2)(3). 18, s. 27, sch. 6 para. 13. 18, s. 27, sch. 6 para. 6(1). 18, s. 27, sch. 6 para. 17(1). 18, s. 27, sch. 6 paras. 8(1), 9(3). 18, s. 27 sch. 6 para. 13. 18, s. 31(10). 18, s. 27, sch. 6 paras. 11(1), 16, 18, 21. 18, s. 27, sch. 6 para. 12. 18, s. 27, sch. 6 para. 6(5). 18, s. 27, sch. 6 para. 12.
c. 40	Harbours Act 1964 ...	Ext. S. 3(1)(2) expld. S. 11(1) ext. S. 12(1) ext. and expld. S. 12(1)(a) rep. S. 12(1)(b) am. S. 14 expld. S. 14(2)(b) excl. S. 14(3) ext. expld. S. 16(5) excl. S. 16(6) expld. S. 18 expld. S. 18(2)(h) am. expld. S. 18(2)(i) expld. ext. S. 18(3) ext. S. 19 expld. S. 27(1) expld. S. 29 ext. S. 29(1) expld. rep. in pt. S. 30(2) rep. in pt. S. 35 rep. in pt. S. 41(1) rep. in pt. S. 44 (1) am., 44(1A) added, 44(2)(3) am., 44(4) subst., 44(5) am. Ss. 52, 53 expld. Sch. 2 expld. Sch. 3 Pt. I para. 6 appl. Sch. 4 ext.	28, s. 50(1). 28, s. 49. 28, s. 40(5). 28, s. 40(1)(2)(4). 28, s. 40(3). 28, s. 40(3). 28, s. 36(4). 28, s. 36(2). 28, s. 43(3). 28, s. 45. 28, s. 36(2). 28, s. 45. 28, s. 36(4). 28, s. 43(1). 28, s. 43(2). 28, ss. 42(4)(a), 45. 28, s. 43(3). 28, s. 42(2). 28, s. 43(2). 28, s. 46(1). 33, s. 23(1), sch. 3 para. 2(1)(h). 28, s. 46(1). 28, s. 46(2)(4). 28, s. 46(3)(4). 28, s. 46(3)(4). 28, s. 48. 28, s. 44. 28, s. 42(4)(b). 28, s. 36(4). 28, s. 42(2). 28, s. 42(2).

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1964: c. 40— <i>cont.</i>	Harbours Act 1964— <i>cont.</i>	Sch. 4 para. 2(a) ext. ... Sch. 4 para. 3(3)(5) appl.	28, s. 42(3). 28, s. 42(2).
c. 41	Succession (Scotland) Act 1964	S. 22(3) rep. S. 23(1) excl. S. 26(2)(3) ext. S. 18(1) rep. in pt. ...	19, ss. 10, 11(2), sch. Pt. I. 19, s. 5(1). 19, s. 8(1). 30, s. 23(7), sch. 2.
c. 42	Administration of Justice Act 1964	S. 18(1) rep. in pt. ...	30, s. 23(7), sch. 2.
c. 49	Finance Act 1964 ...	Sch. 7 para. 7 appl. ...	18, s. 27, sch. 6 para. 13.
c. 56	Housing Act 1964 ...	Ss. 13–19 rep. (S.), 22, 23 rep., 24 rep. (S.), 25 rep., 26–28 rep. (S.), 31, 33 rep., 34 rep. (S.), 36, 38 rep., 39–44 rep. (S.), 58 rep., 59, 64–84, 86–91 rep. (S.), 99(1)– (3), (5)(6) rep., 102, 103(2)–(5) rep. (S.), 107 paras. (d)–(f) rep., sch. 3 rep., sch. 4 rep. (S.).	49, s. 212(1), sch. 10 Pt. I.
c. 60	Emergency Laws (Re-enactments and Repeals) Act 1964.	S. 3(2). Functions trans. to Min. of Technology.	S.I. No. 1410.
c. 64	Drugs (Prevention of Misuse) Act 1964.	Sch. paras. 5A–5E added, paras. 6, 6A, 6B subst. for para. 6, paras. 7, 7A subst. for para. 7.	S.I. No. 1001.
c. 67	Local Government (Development and Finance) (Scotland) Act 1964.	S. 12 saved and excl. ...	9, s. 4(5)(7)(d).
c. 70	Riding Establishments Act 1964.	S. 1(2). Power to am. (E.). (S.)	42, s. 35(2), sch. 3 Pt. II. 51, s. 42, sch. 4.
c. 72	Fishery Limits Act 1964	Sch. 1 rep. in pt. ...	38, s. 21, sch. Pt. I.
c. 84	Criminal Procedure (Insanity) Act 1964.	S. 2(1) am. S. 2(2) rep. in pt. ...	31, s. 10(1), sch. 2 para. 7. 31, s. 10(1)(2), schs. 2 para. 8, 3.
c. 92	Finance (No. 2) Act 1964	S. 7 restr. am.	18, s. 2 (8). 18, s. 9(1)(7).
c. 96	National Insurance &c. Act 1964.	S. 9(1) appl. (mod.) ... Sch. 5 para. 18 rep. ...	18, s. 9(4). 20, s. 39(3), sch. 8.
c. 98	Ministers of the Crown Act 1964.	Sch. 1 appl. and expld. ... restr. Sch. 2 Pt. II rep. so far as relating to the Min. of Pensions and National Insurance and to the Parliamentary Secretary to the Min. of Pensions and National Insurance. Sch. 2 Pt. II am. ...	20, s. 1(2). 20, s. 1(4). 20, s. 39(3), sch. 8. 20, s. 1(3)(a).

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1965:			
c. 2	Administration of Justice Act 1965.	Sch. 1 rep. so far as amending the Mines (Working Facilities and Support) Act 1923 (c. 20), the Mines (Working Facilities and Support) Act 1925 (c. 91), and the Mining Industry Act 1926 (c. 28).	4, s. 15(1), sch. 1.
c. 13	Rivers (Prevention of Pollution) (Scotland) Act 1965.	S. 1. Apptd. day (2.11.1966)	S.I. No. 861.
c. 15	Dangerous Drugs Act 1965.	Sch. Pt. I para. 1 am. ...	S.I. Nos. 947, 1599.
c. 25	Finance Act 1965 ...	S. 2(1) am. S. 4 rep.	18, s. 1(6).
		S. 12(3) rep. and superseded (<i>retrosp.</i>).	18, s. 53(7), sch. 13 Pt. II. 18, ss. 23(7), 53(7), sch. 13 Pt. VI.
		S. 13(1) ext. Pt. III (ss. 19-45) ext. ...	18, s. 37(1). 18, ss. 42(3), 43, sch. 10 Pt. I paras. 12, 13.
		mod.	18, s. 43, sch. 10 Pt. I paras. 4, 13.
		appl. (mod.).	18, s. 43, sch. 10 Pt. I paras. 10, 13.
		expld.	18, s. 45(1)(c), sch. 12 para. 4(2).
		S. 22(4)(c) rep.	18, s. 53(7), sch. 13 Pt. VI.
		S. 25(4) restr.	18, s. 43, sch. 10 Pt. I paras. 1(1), 13.
		ext.	18, s. 43, sch. 10 Pt. I paras. 1(2), 13.
		expld.	18, s. 43, sch. 10 Pt. I paras. 1(4), 13.
		S. 25(5)-(7) expld. ...	18, s. 43, sch. 10 Pt. I paras. 1(4), 13.
		S. 25(10) ext.	18, s. 43, sch. 10 Pt. I paras. 1(4), 13.
		S. 25(10)(a) am. ...	18, s. 43, sch. 10 Pt. I paras. 1(3), 13.
		S. 26(9)(a) ext.	18, s. 43, sch. 10 Pt. I paras. 1(2), 13.
		S. 34(1)(a)(b) ext. ...	18, s. 43, sch. 10 Pt. I paras. 2, 13.
		S. 36(2) am. (<i>retrosp.</i>) ...	18, s. 51(2).

Year and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
1965: c. 25— <i>cont.</i>	Finance Act 1965— <i>cont.</i>	S. 37(3)(b) rep. in pt. ...	18, ss. 43, 53(7), schs. 10 Pt. I paras. 3, 13, 13 Pt. VI.
		S. 39(4) mod. ...	18, s. 31(8).
		S. 44 saved ...	18, s. 27, sch. 6 para. 6(4).
		Pt. IV (ss. 46–89) appl....	18, s. 29(5)(12).
		S. 46(1) ext. ...	18, s. 26(1).
		S. 47 ext. ...	18, s. 31(2).
		S. 47(2) expld. ...	18, s. 34(2).
		S. 48 am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 9(3), (4) (c), 20.
		excl. (<i>retrosp.</i>) ...	18, s. 27, sch. 5.
		S. 48(3)(b) am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 1, 20.
		S. 48(4) expld. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 3(1), 20.
		S. 48(7) am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 2, 20.
		S. 49(6) rep. in pt. ...	18, ss. 26(2), 53 (7), sch. 13 Pt. VI.
		am. ...	18, s. 26(2).
		S. 49(7) rep. in pt. ...	18, s. 53(7), sch. 13 Pt. VI.
		S. 51(7) appl. in pt. ...	18, s. 27, sch. 6 para. 25.
		S. 52(2) am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 4, 20.
		S. 53 expld. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 5, 20.
		S. 54 expld. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 5, 20.
		S. 54(3) am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 6, 20.
		S. 55 am. (<i>retrosp.</i>) ...	18, ss. 27, 45(1) (c), schs. 5 paras. 7, 20, 12 para. 4(1).
		S. 56 rep. in pt. ...	18, s. 53(7), sch. 13 Pt. IV.
		S. 57 ext. ...	18, s. 38(3)(9).
		S. 58 ext. ...	18, s. 45(1)(b).
		S. 59 restr. ...	18, s. 45(1)(c), sch. 12 para. 3.
		S. 63(1) rep. in pt. ...	18 s. 53(7), sch. 13 Pt. IV.
		S. 64(2)(b) rep. ...	18, ss. 30(1), 53 (7), sch. 13 Pt. VI.
		S. 65(5) am. ...	18, s. 31(4)(a).
		S. 69(3)(b) expld. ...	18, s. 27, sch. 5 para. 9(2).
		S. 69(5) rep. in pt. (<i>retrosp.</i>) ...	18, ss. 27, 53(7), schs. 5 paras. 9(2)(7), 20, 13 Pt. VI.

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1965: c. 25— <i>cont.</i>	Finance Act 1965— <i>cont.</i>	S. 69(6) am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 8(1)(3), 20.
		S. 69(7) rep. in pt. ...	18, ss. 27, 53(7), schs. 5 para. 9(1), 13 Pt. VI.
		Ss. 75–77 expld....	18, s. 27, sch. 6 para. 20.
		S. 75(2) ext. ...	18, s. 27, sch. 6 para. 21.
		S. 77(5) am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 10(2), 20.
		S. 78(4) am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 10, 20.
		S. 78(5) expld. ...	18, s. 27, sch. 5 para. 11.
		S. 82 am. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 7, 20.
		rep. in pt. ...	18, s. 53(7), sch. 13 Pt. VI.
		S. 82(1) excl. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 12, 20.
		S. 82(4) am. ...	18, s. 45(1)(c), sch. 12 para. 4(1).
		S. 82(6) ext. (<i>retrosp.</i>) ...	18, s. 27, sch. 5 paras. 8(3), 20.
		S. 83 appl. (<i>retrosp.</i>) ...	18, s. 28, sch. 7 Pt. I para. 5(5).
		S. 85 am. ...	18, s. 27, sch. 6 para. 19.
		am. (<i>retrosp.</i>) ...	18, s. 28, sch. 7.
		S. 85(2) ext. ...	18, s. 44(5).
		S. 85(6)(b) (ii) rep. in pt.	18, s. 53(7), sch. 13 Pt. IV.
		S. 87 excl. ...	18, s. 45(1)(c), sch. 12 para. 5.
		S. 89 ext. ...	18, s. 45(7).
		S. 89(4) appl. ...	18, s. 31(11).
		S. 92(1) am. ...	46, s. 1(1)(a).
		S. 92(2) am. ...	46, s. 1(1)(b).
		S. 92(9) ext. ...	46, s. 1(2).
		Sch. 6 ext. ...	18, s. 43, sch. 6 Pt. I para. 5.
		Sch. 6 Pt. I para. 4(1)(a) mod.	18, s. 25(11), sch. 4 para. 2(1).
		Sch. 6 Pt. I para. 6(4)(a) rep. in pt.	18, s. 53(7), sch. 13 Pt. IV.
		Sch. 6 Pt. I para. 13(1) (b)(c) excl.	18, s. 43, sch. 10 Pt. I paras. 9, 13.
		Sch. 6 Pt. II expld. ...	18, ss. 43, 45(1) (c), schs. 10 Pt. I paras. 8, 12, 13, 12 para. 4(2).
		Sch. 6 Pt. II para. 27(1) ext.	18, s. 43, sch. 10 Pt. I paras. 6, 13.

Year and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
1965: c. 25— <i>cont.</i>	Finance Act 1965— <i>cont.</i>	Sch. 7 para. 3 appl. (mod.) Sch. 7 para. 13(2) excl. ... Sch. 7 para. 4 am. ... Sch. 7 para. 4(6) rep. ... Sch. 7 paras. 5-7 ext. ... Sch. 7 para. 10(1) rep. in pt. Sch. 10 para. 6 appl. ... Sch. 11 Pt. I para. 1(1)(c) am. Sch. 11 Pt. I para. 1(1)(d) (i) excl. Sch. 11 Pt. I para. 1(1) (d)(iv) am. excl. Sch. 11 Pt. I para. 1(1) (d)(v) added. Sch. 11 Pt. I para. 1(3) excl. (<i>retrosp.</i>). Sch. 11 Pt. II para. 9(1) (c) excl. Sch. 12 Pt. II ext. (<i>retrosp.</i>). Sch. 13 Pt. I am. (<i>retrosp.</i>) Sch. 14 Pt. I para. 1(5) rep. in pt. Sch. 14 Pt. II para. 6(3) rep. in pt. Sch. 18 para. 5(c) expld. (<i>retrosp.</i>). Sch. 18 para. 10 rep. in pt. Sch. 20 para. 3(3) am. ...	18, s. 43, sch. 10 Pt. I paras. 8 (1), 13. 18, s. 43, sch. 10 Pt. I paras. 9, 13. 18, s. 43, sch. 10 Pt. I para. 7 (3). 18, s. 53(7), sch. 13 Pt. VI. 18, s. 43, sch. 10 Pt. I para. 7(3). 18, s. 43, sch. 10 Pt. I para. 11. 18, s. 27, sch. 6 para. 2(6). 18, s. 27, sch. 5 paras. 13, 20. 18, s. 27 sch. 5 paras. 13, 20. 18, s. 27, sch. 5 paras. 13, 20. 18, s. 32(2). 18, s. 27, sch. 5 paras. 13, 20. 18, s. 27, sch. 5 paras. 14, 20. 18, s. 32(2). 18, s. 27, sch. 5 paras. 1(2), 20. 18, s. 27, sch. 5 paras. 15, 20. 18, s. 53(7), sch. 13 Pt. IV. 18, s. 53(7), sch. 13 Pt. IV. 18, s. 27, sch. 5 paras. 18, 20. 18, s. 53(7), sch. 13 Pt. VI. 18, s. 27, sch. 5 paras. 19, 20. S.I. No. 862.
c. 31	Solicitors Act 1965	Apptd. days fixed for ss. 4, 10-13, 15, 16, 18-24, schs. 1, 3 in pt., 4 in pt.	
c. 36	Gas Act 1965	S. 3(1) excl. (E.) (S.) S. 3(10)(a) am. (<i>prosp.</i>)...	42, s. 23(1). 51, ss. 18(1), 19 (1). 42, s. 38(3), sch. 4 para. 10.
c. 46	Highlands and Islands Development (Scotland) Act 1965.	Ss. 5(5), 13(6) am. ...	34, s. 31(4), sch. 3 Pt. II.
c. 51	National Insurance Act 1965.	Expld. (refs. to "National Insurance Commissioner"). Am. (certain refs. to "Commissioner"). Power to mod.	6, s. 9(1)(2). 6, s. 9(1)(4). 6, s. 14(5).

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1965: c. 51— <i>cont.</i>	National Insurance Act 1965— <i>cont.</i>	<p>Excl.</p> <p>S. 4(1) rep. in pt. ...</p> <p>S. 4(1)(c) subst. by s. 4(1)(c)(d).</p> <p>S. 4(2) appl.</p> <p>S. 4(3)(a) ext.</p> <p>S. 4(5) saved</p> <p>S. 5(1)(b) subst. ...</p> <p>S. 11 ext.</p> <p>S. 17 am.</p> <p>S. 19(7) rep. (saving) ...</p> <p>S. 20 mod. (9.3.1969) ...</p> <p>S. 20(1)(a)—(e) appl. ...</p> <p>S. 21 excl.</p> <p>S. 21(1) am.</p> <p>S. 21(1) proviso rep. ...</p> <p>S. 21(2)(b) ext.</p> <p>S. 26 am.</p> <p>S. 26(2) am.</p> <p>S. 28(3) am. (<i>retrosp.</i>) ...</p> <p>S. 36(2)(a) am., 36(2)(b) subst.</p> <p>S. 56(1)(a) rep. in pt. ...</p> <p>S. 56(3) restr. and am. ...</p> <p>S. 56(3) proviso rep. (saving).</p> <p>S. 56(4) am.</p> <p>S. 58 am.</p> <p>Pt. IV (ss. 64—82) appl. ...</p> <p>Ss. 68—76 appl. (mod.) ...</p> <p>S. 68(1) rep. in pt. ...</p> <p>S. 70(3) rep.</p> <p>S. 73(1) ext.</p> <p>S. 73(2) ext.</p> <p>S. 73(2)(c) rep. in pt. ...</p> <p>S. 75(2) am.</p> <p>S. 76(3)(b) and (d) rep. in pt.</p> <p>S. 78 rep.</p> <p>S. 79(1) rep. in pt. ...</p> <p>S. 79(2)(a) rep. in pt., 79(2)(b) rep., 79(2)(c) rep. in pt.</p>	<p>10, s. 1(2), sch. para. 5(2).</p> <p>6, s. 13(1), sch. 3 para. 1(a).</p> <p>6, s. 1(2).</p> <p>6, s. 2(5)(b).</p> <p>6, s. 1(1)(2), sch. 1 paras. 1, 2.</p> <p>6, s. 1(1)(3), sch. paras. 1, 3.</p> <p>6, s. 1(1), sch. 1 paras. 1, 4.</p> <p>6, s. 2(7).</p> <p>6, s. 2.</p> <p>6, ss. 3(3), 13(1), sch. 3 para. 3.</p> <p>6, s. 3(1).</p> <p>6, s. 5(3).</p> <p>6, s. 3(2).</p> <p>6, s. 3(2).</p> <p>6, ss. 3(2), 13(1), sch. 3 para. 2.</p> <p>6, s. 2(7).</p> <p>6, s. 4(1)(2).</p> <p>6, s. 4(3).</p> <p>6, s. 4(4).</p> <p>6, s. 1(1), sch. 1 paras. 1, 5.</p> <p>6, s. 13(1), sch. 3 para. 1(b).</p> <p>6, s. 1(1), sch. 1 paras. 1, 6.</p> <p>6, ss. 1(1), 13(1), schs. 1 paras. 1, 6, 3 para. 9.</p> <p>6, s. 1(1), sch. 1 paras. 1, 7.</p> <p>6, ss. 1(1), 11(3)(a), sch. 1 paras. 1, 8.</p> <p>6, s. 2(9).</p> <p>6, s. 8(1), sch. 2.</p> <p>20, s. 39(3), sch. 8.</p> <p>6, s. 13(1), sch. 3 para. 7(a).</p> <p>6, s. 2(9).</p> <p>6, s. 2(9).</p> <p>6, s. 13(1), sch. 3 para. 7(b).</p> <p>6, ss. 8(3), 10(5).</p> <p>6, s. 13(1), sch. 3 para. 6.</p> <p>6, s. 13(1), sch. 3 para. 7(c).</p> <p>6, s. 13(1), sch. 3 para. 7(d).</p> <p>6, s. 13(1), sch. 3 para. 7(e).</p>

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1965: c. 51—cont.	National Insurance Act 1965—cont.	S. 79(4) rep. in pt. ... S. 80(1) rep. in pt. ... S. 80(2)(c) rep. in pt. ... Ss. 81(9) rep., 83(1)(b)(iv) rep. in pt. S. 85 saved ... S. 85(5)(a) rep. in pt. ... S. 85(6)(b) am. ... S. 89 rep. (1.7.1967) ... S. 90(3) am. ... S. 95(4)(a) expld. (retrosp.) ... S. 97 ext. ... S. 99(3)(c) am. ... S. 107(4) excl. ... S. 108(9)(d)(i) rep. in pt. S. 114(1). Definition of "equivalent pension benefits" rep. in pt. S. 116 rep. ... Sch. 11 para. 16(b)(c) am. Sch. 11 para. 17 ext. ... Sch. 12 rep. ...	6, s. 13(1), sch. 3 para. 7(f). 6, s. 13(1), sch. 3 para. 7(g). 6, s. 13(1), sch. 3 para. 7(h). 20, s. 39(3), sch. 8. 6, s. 12(1). 6, s. 13(1), sch. 3 para. 7(i). 6, s. 12(2). 20, s. 39(3) sch. 8. 6, s. 2(8). 6, s. 10(6). 6, s. 2(9). 6, s. 1(1), sch. 1 paras. 1, 9. 6, s. 14(6). 6, s. 13(1), sch. 3 para. 6. 6, s. 13(1), sch. 3 para. 1(c). 6, ss. 11(4), 13(1), sch. 3 para. 8. 6, s. 1(1), sch. 1 paras. 1, 10. 6, s. 11(2). 6, ss. 11(4), 13(1), sch. 3 para. 8.
c. 52 ...	National Insurance (Industrial Injuries) Act 1965.	Am. (certain refs. to "National Insurance Commissioner"). Power to mod. ... Excl. ... S. 11(1) proviso and s. 11(2) rep. and superseded. S. 15 am. ... S. 18(2) am. ... S. 19(4) am. ... S. 29(1)(b) rep. and superseded. Ss. 29(2), 30(a) am. ... Pt. III (ss. 35-55) expld. S. 35(1)(f) appl. ... S. 36 rep. ... S. 39(1) and (2) rep. in pt. S. 42(1) rep. in pt. ... Ss. 43-46 rep. ... S. 47(1) rep. ... S. 47(2) saved ...	6, s. 9(4). 6, s. 14(5). 10, s. 1(2), sch. para. 5(2). 6, ss. 5(1), 13(1), sch. 3 para. 4. 6, s. 6. 6, s. 11(3)(b). 6, s. 5(5). 6, ss. 5(1), 13(1), sch. 3 para. 4. 6, s. 6(4)(a). 6, s. 8(1). 6, s. 6(3). 6, s. 13(1), sch. 3 para. 5(a). 6, s. 13(1), sch. 3 para. 5(b). 6, s. 13(1), sch. 3 para. 5(c). 6, s. 13(1), sch. 3 para. 5(d). 6, s. 13(1), sch. 3 para. 5(d). 6, s. 8(1).

Year and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1966 Act or number of Measure or Statutory Instrument
1965: c. 52— <i>cont.</i>	National Insurance (Industrial Injuries) Act 1965— <i>cont.</i>	<p>S. 47(3)(4) rep.</p> <p>S. 48 saved</p> <p>S. 48(2) expld.</p> <p>S. 48(3) rep. in pt.</p> <p>S. 48(4) am.</p> <p>S. 49 rep.</p> <p>S. 50 restr.</p> <p>S. 50(2) am.</p> <p>S. 50(2)(a) rep. in pt., 50(2)(d) rep., 50(2)(g) rep. in pt.</p> <p>S. 50(4) and (6) rep. in pt.</p> <p>Ss. 51, 52 rep.</p> <p>S. 53(1)(2)(a), (2)(b)(i) rep., 53(2)(b)(ii) rep. in pt., 53(2)(b)(iii) rep.</p> <p>S. 54(3), (6)(b), (7) all rep. in pt.</p> <p>S. 54(10) rep. in pt.</p> <p>S. 57(2) expld.</p> <p>S. 59(1)(b)(i) rep. in pt.</p> <p>S. 61(1)(b) am.</p> <p>S. 61(1)(d) rep. in pt.</p> <p>S. 61(3)(b) rep. in pt.</p> <p>S. 61(3)(c) am.</p> <p>rep. in pt.</p> <p>S. 63 rep.</p> <p>S. 69(4)(a) expld. (<i>retrosp.</i>)</p> <p>S. 81(2)(b) am.</p> <p>S. 81(2)(c) am.</p> <p>S. 86(1). Definition of "special question" rep. in pt.</p> <p>Sch. 4 paras. 1(d), 2 am.</p> <p>S. 8(1) rep. in pt.</p>	<p>6, s. 13(1), sch. 3 para. 5(d).</p> <p>6, s. 8(1).</p> <p>6, s. 8(1).</p> <p>6, s. 13(1), sch. 3 para. 5(c).</p> <p>6, s. 8(1).</p> <p>6, s. 13(1), sch. 3 para. 5(f).</p> <p>6, s. 8(1).</p> <p>6, s. 10(5).</p> <p>6, s. 13(1), sch. 3 para. 5(g).</p> <p>6, s. 13(1), sch. 3 para. 5(c)(g).</p> <p>6, s. 13(1), sch. 3 para. 5(h).</p> <p>6, s. 13(1), sch. 3 para. 5(i).</p> <p>6, s. 13(1), sch. 3 para. 5(j).</p> <p>20, s. 39(3), sch. 8.</p> <p>6, s. 8(1).</p> <p>20, s. 39(3), sch. 8.</p> <p>6, s. 12(2).</p> <p>6, s. 13(1), sch. 3 para. 5(k).</p> <p>20, s. 39(3), sch. 8.</p> <p>6, s. 13(1), sch. 3 para. 5(l).</p> <p>6, s. 12(2).</p> <p>6, s. 13(1), sch. 3 para. 5(m).</p> <p>20, s. 39(3), sch. 8.</p> <p>6, s. 10(6).</p> <p>6, s. 6(4)(b).</p> <p>6, s. 6(4)(c).</p> <p>6, s. 13(1), sch. 3 para. 5(n).</p> <p>6, s. 7(1).</p> <p>20, s. 39(3), sch. 8.</p> <p>18, s. 44(6), sch. 11 para. 2(d).</p> <p>25, s. 2(2).</p> <p>20, ss. 1(3)(b), 39(1), sch. 6 para. 18.</p>
c. 53	Family Allowances Act 1965.	S. 8(1) rep. in pt.	20, s. 39(3), sch. 8.
c. 54	National Health Service Contributions Act 1965.	S. 2 saved	18, s. 44(6), sch. 11 para. 2(d).
c. 56	Compulsory Purchase Act 1965.	Ss. 7, 10 appl.	25, s. 2(2).
c. 58	Ministerial Salaries Consolidation Act 1965.	Sch. 1 am.	20, ss. 1(3)(b), 39(1), sch. 6 para. 18.

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1965— <i>cont.</i>			
c. 59	New Towns Act 1965 ...	S. 43 am. S. 46(6) rep. in pt. rep. in pt.	44, s. 1. 44, s. 3. 20, s. 39(3), sch. 8.
c. 62	Redundancy Payments Act 1965.	S. 27(2) am. S. 28 saved	S.I. No. 1461. 18, s. 44(6), sch. 11 para. 2(d).
c. 63	Public Works Loans Act 1965.	S. 32 ext. S. 2(2) excl. (S.) S. 2(2). Power to appl. (mod.) (S.)	18, s. 38(6). 49, s. 165(5). 49, s. 165(2), sch. 7 para. 6.
c. 64	Commons Registration Act 1965.	Apptd. day for all purposes for which Act not already in force (exc. for purposes of ss. 4(7), 17, 18) (2.1.1967); for purposes of s. 4(7) (1.10.1966); for purposes of ss. 17 and 18 (1.1.1970).	S.I. No. 971.
c. 67	Hire-Purchase (Scotland) Act 1965.	Sch. 5 rep. so far as a mdg. the Housing (Scotland) Act 1950.	49, s. 12(1), sch. 10.
c. 72	Matrimonial Causes Act 1965.	S. 25(1) rep. in pt. and am. S. 26 am. S. 26(1) rep. in pt. and am. S. 26(6) am.	35, ss. 5, 10(2), sch. 2. 35, s. 4. 35, ss. 5, 10(2), sch. 2. 35, ss. 6(2), 7, 8(2).
c. 76	Southern Rhodesia Act 1965.	am. (<i>prosp.</i>) S. 28(3) am. S. 28 A added S. 2. Contd. until 16.11.1967.	35, s. 7. 35, s. 3(2). 35, s. 6(2). S.I. No. 1407.
c. 79	Workmen's Compensation and Benefit (Amendment) Act 1965.	Apptd. day (1.3.1966) ...	S.I. No. 18.
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c. 6	National Insurance Act 1966.	Apptd. days fixed for certain specified provisions. Apptd. days fixed for other specified provisions.	S.I. No. 327. S.I. No. 633.
c. 8	National Health Service Act 1966.	Apptd. day for all provisions of Act exc. for s. 10 (21.11.1966).	S.I. No. 1431.
c. 11	Air Corporations Act 1966.	Transfer of functions ...	S.I. No. 1015.
c. 18	Finance Act 1966 ...	Apptd. day for s. 2 (12.9.1966).	S.I. No. 1025.

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c. 20	Ministry of Social Security Act 1966.	Apptd. days fixed for prosp. provisions of Act (all in 1966 with the exception of sch. 8 so far as repealing s. 89 of the National Insurance Act 1965 (c. 51)).	S.I. No. 986.
		Apptd. day for dissolution of National Assistance Board (28.11.1966).	S.I. No. 1473.
c. 27	Building Control Act 1966.	S. 2(1) am. S. 4 subst.	S.I. No. 997. 34, s. 29, sch. 3 Pt. I.
c. 28	Docks and Harbours Act 1966.	Pt. I (ss. 1–24) (exc. s. 1). Apptd. day for certain specified ports (1.9.1966).	S.I. No. 1072.
c. 30	Reserve Forces Act 1966	Sch. 1 am. Apptd. days fixed for whole Act.	S.I. No. 1592. S.I. Nos. 1204, 1205.
c. 31	Criminal Appeal Act 1966	Apptd. day (exc. for s. 7 and for s. 11 so far as applying s. 7 to N.I., and sch. 3 in pt. (1.10.1966)).	S.I. No. 1018.
c. 33	Prices and Incomes Act 1966.	Apptd. day for Pt. IV (ss. 25–33) (6.10.1966).	S.I. No. 1262.
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c. 35	Family Provision Act 1966.	Apptd. day (exc. for ss. 3 and 7) (1.1.1967).	S.I. No. 1453.
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