





JSN
EGC
OF
1959

John F. Simpson, Stationery, etc.

THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
1959

being those which received the Royal Assent during that year
having been passed in the
Fourth Session
of the Forty-first Parliament and part of the First Session of the
Forty-second Parliament of the
United Kingdom of Great Britain and Northern Ireland
in the
SEVENTH AND EIGHTH YEARS
of the Reign of Her Majesty
QUEEN ELIZABETH THE SECOND
with
*Tables of the Short Titles and of
the Effect of Legislation
and an Index*



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

THE
PUBLIC GENERAL STATUTES

7 & 8 ELIZ. 2

CHAPTER 10

An Act to extend until the end of June, nineteen hundred and sixty-four the liability for service in the reserve of the persons specified in paragraph (a) of subsection (1) of section one of the Navy, Army and Air Force Reserves Act, 1954; and to amend the law accordingly. [19th February, 1959]

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 one of the Navy, Army and Air Force Reserves Act, 1954 (under which certain persons after completing their other service in the armed forces become members of the appropriate reserve until the last day of June, nineteen hundred and fifty-nine) for the references to the last day of June, nineteen hundred and fifty-nine there shall be substituted references to the last day of June, nineteen hundred and sixty-four in relation to the persons specified in paragraph (a) of subsection (1) of that section (which relates to persons called up for national service, or joining the armed forces before being so called up, after the end of the year ~~nineteen hundred and forty-eight~~).

Extension of reserve liability of persons beginning national service, or service in lieu after 1948. 2 & 3 Eliz. 2. c. 10.

2. As from the end of June, nineteen hundred and fifty-nine, the enactments mentioned in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule (being the extent to which those enactments are already spent or will then cease to be required in view of the limited extension by this Act of liability for service in the reserve).

Repeal of spent provisions.

3. This Act may be cited as the Navy, Army and Air Force Reserves Act, 1959, and this Act and the said Act of 1954 may be cited together as the Navy, Army and Air Force Reserves Acts, 1954 and 1959.

Short title and citation.

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Section 2.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 10.	The Navy, Army and Air Force Reserves Act, 1954.	<p>In section one, in subsection (1) the words from "and (b) any male person" to the end of paragraph (b), and subsections (2), (3) and (5).</p> <p>In section two, subsections (2) and (3).</p> <p>In section three, in subsection (1) the words "the royal naval emergency reserve or the royal marine emergency reserve" and the words from "and sections ten and eleven" to the end, and subsections (2) and (6).</p> <p>Section five.</p> <p>In section six, subsections (3) and (4), and in subsection (6) the words "the royal naval emergency reserve or the royal marine emergency reserve".</p> <p>The Schedule.</p>
3 & 4 Eliz. 2. c. 18.	The Army Act, 1955 ...	<p>In section two hundred and ten, in subsections (2), (3) and (4) the words "or the Royal Marine Emergency Reserve".</p> <p>In the Seventh Schedule, in paragraphs 19 and 22 the words "or the Royal Marine Emergency Reserve".</p>
5 & 6 Eliz. 2. c. 32.	The Naval and Marine Reserves Pay Act, 1957.	<p>In the First Schedule the words "Officers and men of the royal naval emergency reserve" and the words "Officers and men of the royal marine emergency reserve".</p>
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act, 1957.	<p>In section one hundred and thirty-two, in subsection (7) the words "the Royal Marine Emergency Reserve", and in subsection (8) the words "the Royal Naval Emergency Reserve".</p>

CHAPTER 11

An Act to make certain provisions of a financial nature in connection with the operation of the European Monetary Agreement, and for purposes connected therewith. [19th February, 1959]

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. Without prejudice to the generality of the enactments relating to the Exchange Equalisation Account, that Account and the funds in that Account may be used for the payment or receipt of any sums payable by or to the Government of the United Kingdom in pursuance of the agreement entitled the European Monetary Agreement which was signed in Paris on the fifth day of August, nineteen hundred and fifty-five, and came into force on the twenty-seventh day of December, nineteen hundred and fifty-eight (in this Act referred to as the Agreement). Use of Exchange Equalisation Account for purposes of European Monetary Agreement.

2.—(1) Subject to the provisions of this section, there shall be paid out of the Consolidated Fund of the United Kingdom any sums required for the purpose of making payments on behalf of the Government of the United Kingdom— Issues from Consolidated Fund and payments into Exchequer.

- (a) under Articles 3 to 5 of the Agreement (which relate to the capital of the European Fund established by the Agreement);
- (b) under the Annex to the Agreement (which provides for certain payments to be made by contracting parties upon the termination of the Agreement and the liquidation of the European Fund);

and the Treasury may pay out of the Consolidated Fund any sums not exceeding the amount for the time being due to the Government of the United Kingdom under Article 12 of the Agreement (which relates to the settlement of claims at the end of each accounting period).

(2) The sums to be paid out of the Consolidated Fund for the purpose of making payments under the provisions referred to in paragraphs (a) and (b) of subsection (1) of this section shall not exceed an amount equivalent to the contribution set out in relation to the United Kingdom in the Table contained in Article 3 of the Agreement as in force at the commencement of this Act (that is

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to say eighty-six million five hundred and seventy-five thousand units of account within the meaning of Article 24 of the Agreement), or such larger amount as may be authorised by order of the Treasury.

(3) The Treasury may, for the purpose of providing any sums to be paid out of the Consolidated Fund for the purpose of making payments under the provisions referred to in the said paragraphs (a) and (b), or any part of such sums, or of repaying to that Fund all or any part of sums so paid, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939; and any securities created and issued for that purpose shall be deemed for all purposes to have been created and issued under that Act.

2 & 3 Geo. 6.
c. 117.

(4) There shall be paid into the Exchequer any sums received by the Government of the United Kingdom on account of payments made out of the Consolidated Fund under subsection (1) of this section; and any sums so paid into the Exchequer on account of payments so made in respect of which money was raised under subsection (3) of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied by the Treasury as follows, that is to say—

- (a) so much of those sums as represents capital shall be applied in redeeming or paying off debt of such description as the Treasury think fit;
- (b) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Supplemental.

3.—(1) Except where otherwise expressly provided, any reference in this Act to the Agreement is a reference to the Agreement as for the time being amended under the terms of the Agreement or by any subsequent agreement.

(2) The power of the Treasury to make orders under subsection (2) of section two of this Act shall be exercisable by statutory instrument; and no such order shall be made unless a draft of the order has been laid before the Commons House of Parliament and approved by resolution of that House.

(3) The enactments described in the Schedule to this Act (being obsolete enactments relating to the Intra-European Payments Agreement and the Intra-European Payments Account, and to the European Payments Union Agreement) are hereby repealed.

Short title.

4. This Act may be cited as the European Monetary Agreement Act, 1959.

SCHEDULE

Section 3.

ENACTMENTS REPEALED

Session and Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 17.	The American Aid and European Payments (Financial Provisions) Act, 1949.	In section one, in subsection (1), paragraph (b). In section two, in subsection (1), the words from "and", in the first place where that word occurs, to the end of the subsection. Sections three, four and five. Sections one and two.
14 & 15 Geo. 6. c. 8.	The European Payments Union (Financial Provisions) Act, 1950.	

CHAPTER 12

Agriculture (Small Farmers) Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Schemes for grants for increasing efficiency of small farm businesses.
2. Schemes for supplementing existing grants to persons carrying on certain small farm businesses in England, Wales or Northern Ireland.
3. Schemes for grants to persons carrying on certain small farm businesses in Scotland.
4. Supplementary provisions as to schemes.
5. Revocation of approval of programme and recovery of grant.
6. Interpretation.
7. Expenses.
8. Short title.

SCHEDULE—Instruments referred to in s. 2 (1) (b).

An Act to provide for the making of grants for the purpose of increasing the efficiency of small farm businesses; and for purposes connected with the matters aforesaid.

[19th February, 1959]

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:—

Schemes for grants for increasing efficiency of small farm businesses.

1.—(1) The appropriate Minister may by a scheme or schemes made under this section with the approval of the Treasury provide for the payment of grants to any person for the time being carrying on a small farm business of any such class or description as may be specified in the scheme in connection with the carrying out of a programme for increasing the efficiency of that business, being a programme of a duration of not less than three years submitted to and approved by that Minister for the purposes of the scheme ; and any such scheme shall—

- (a) so define the classes or descriptions of farm businesses in respect of which grants may be made under the scheme as in the opinion of the appropriate Minister to secure that such grants will only be made in respect of a farm business capable of yielding an adequate return to any person carrying it on with reasonable efficiency and as a full-time occupation ;
- (b) specify the matters in respect of which grants under the scheme may be made, which may include both—
 - (i) such of any particular operations specified in the scheme as may be included in the approved programme ; and
 - (ii) the general purposes of the farm business ;
- (c) specify the rate of any such grant and the maximum period in respect of which the grant is payable, whether or not the approved programme is to be completed within that period.

(2) A scheme under this section may be a separate scheme for England and Wales or for Scotland or for Northern Ireland, or a joint scheme for the whole of the United Kingdom, or for Great Britain, or for England and Wales and Northern Ireland, or for Scotland and Northern Ireland.

Schemes for supplementing existing grants to persons carrying on certain small farm businesses in England, Wales or Northern Ireland.

2.—(1) The Minister of Agriculture, Fisheries and Food may by a scheme or schemes made under this section with the approval of the Treasury provide for the payment of grants at such rates as may be specified in the scheme by way of a supplement to any grant or contribution such as is specified in the next following subsection payable in respect of matters arising during such period not exceeding three years as may be specified in the scheme, where the grant or contribution to be supplemented falls to be made to the person for the time being carrying on a small farm business in England, Wales or Northern Ireland, being either—

- (a) a business of a class or description to which a scheme under section one of this Act for the time being applies ;
or

- (b) a business of any other class or description specified in the scheme under this section in the case of which the person aforesaid, or any previous occupier of any of the agricultural land comprised in the business, has at any time since the first day of August, nineteen hundred and fifty-three received either assistance by way of payments under any of the instruments mentioned in the Schedule to this Act or approval for a programme qualifying him for such assistance,

and not being in either case a business in respect of which payments under any scheme under the said section one are being or have been made :

Provided that no grant shall be made by virtue of paragraph (b) of this subsection by way of a supplement to any grant or contribution payable—

- (i) in the case of a grant such as is mentioned in paragraph (b) or (e) of the next following subsection, in respect of any operations commenced on or after the first day of July, nineteen hundred and sixty-two ;
- (ii) in any other case, in respect of any matter arising on or after the said first day of July.

(2) The grants and contributions which may be supplemented by a scheme under this section are—

- (a) grants by virtue of the Agriculture (Ploughing Grants) Act, 1952, in respect of the ploughing up of land under grass ;
- (b) grants under section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, towards expenditure incurred in carrying out a scheme for the cleansing or improvement of ditches ;
- (c) contributions by virtue of the Agriculture (Fertilisers) Act, 1952, towards expenditure in respect of fertilisers ;
- (d) contributions by virtue of section ninety-seven of the Agriculture Act, 1947, towards costs incurred in liming land ;
- (e) grants by virtue of paragraph (a) of subsection (1) of section six of the Agriculture Act (Northern Ireland), 1949, for the drainage of land used or to be used for agricultural purposes.

(3) A scheme under this section may be a separate scheme for England and Wales or for Northern Ireland, or a joint scheme for England and Wales and Northern Ireland.

Schemes for grants to persons carrying on certain small farm businesses in Scotland.

3.—(1) The Secretary of State may by a scheme or schemes made under this section with the approval of the Treasury provide for the payment of grants in respect of such matters arising during such period not exceeding three years, and at such rates, as may be specified in the scheme to any person for the time being carrying on a small farm business in Scotland, not being a business in respect of which payments under any scheme under section one of this Act are being or have been made :

Provided that, except in the case of a business of a class or description to which a scheme under section one of this Act for the time being applies, no grant shall be made by virtue of this subsection in respect of any matter arising on or after the first day of July, nineteen hundred and sixty-two.

(2) A scheme under this section may provide for securing that a grant shall not be made, or shall be restricted in amount, or, if already made, may be recovered in whole or in part, if the Secretary of State is of the opinion that the matter or operation in respect of which the grant is to be or has been made has been badly carried out, or has been or is being unreasonably delayed, or is unlikely to be completed.

Supplementary provisions as to schemes.

4.—(1) A scheme under section one of this Act shall specify a period within which programmes shall be submitted to the appropriate Minister for approval, which may begin before or after the commencement of this Act, but not earlier than the first day of January, nineteen hundred and fifty-nine, and shall end not later than five years after it begins or, if it begins before the commencement of this Act, not later than five years after the commencement of this Act.

(2) Any scheme under this Act may make provision—

- (a) for limiting the classes or descriptions of farm businesses in respect of which any particular grant may be made ;
- (b) for different rates of grant, or different methods of determining the amount of the grant, according to the matters in respect of which any particular grant is payable ;
- (c) in the case of a scheme under section one or section three of this Act, for prohibiting or restricting the making of payments under the scheme in cases in which payments out of moneys provided by Parliament under any other Act, or out of moneys provided by the Parliament of Northern Ireland under any Act of that Parliament, are available in respect of the same matters ;
- (d) in the case of a scheme under section one of this Act, for enabling any programme which has been submitted to and approved by the appropriate Minister for the purposes of the scheme to be modified from time to time on the application of the person for the time being carrying on the business to which the programme relates ;

- (e) for securing that no payment under the scheme shall be made except subject to such conditions as may be specified in the scheme and in particular (but without prejudice to the generality of the foregoing provisions of this paragraph) unless application therefor is made at the time and in the manner specified in the scheme ;
- (f) for such incidental and supplementary matters as appear to the appropriate Minister to be requisite or expedient for the purposes of the scheme.

(3) A power to make a scheme under any section of this Act shall include power to vary or revoke the scheme by a subsequent scheme under that section :

Provided that a scheme under section one of this Act—

- (a) shall not be varied by the extension of the period specified therein in pursuance of subsection (1) of this section ;
- (b) shall not be so varied or revoked as to reduce or exclude payments thereunder in respect of any programme approved by the appropriate Minister before the coming into operation of the variation or revocation.

(4) Any power to make, vary or revoke a scheme under this Act shall be exercisable by statutory instrument, and no such instrument shall be made unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

5.—(1) Where, after the appropriate Minister has approved a programme for the purposes of a scheme under section one of this Act, it appears to him that the programme or a substantial part thereof has been badly carried out, or has been or is being unreasonably delayed, or is unlikely to be completed, or that any condition imposed by virtue of paragraph (e) of subsection (2) of section four of this Act has been contravened or has not been complied with, he may revoke the approval.

Revocation of approval of programme and recovery of grant.

(2) Before revoking his approval the appropriate Minister—

- (a) shall give to the person who appears to him to be carrying on for the time being the business to which the programme relates a written notification of the reasons for the proposed revocation ; and
- (b) shall afford to that person and, if that person so requests, not more than one other person nominated by him in that behalf an opportunity of appearing before and being heard by a person appointed for the purpose by that Minister, and shall consider the report of the person so appointed, a copy of which shall be supplied by the Minister to the first-mentioned person.

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(3) If before the revocation any payment was made by way of grant under the scheme in respect of the programme, the appropriate Minister may recover the payment or so much thereof as he may think fit.

Interpretation.

6.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“ agricultural ” and “ agricultural land ” have the same meanings respectively as in the Agriculture Act, 1947, the Agriculture (Scotland) Act, 1948, or the Agriculture Act (Northern Ireland), 1949, as the case may require ;

“ the appropriate Minister ” means—

(a) in relation to a scheme made separately for England and Wales or for Northern Ireland, or a joint scheme for England and Wales and Northern Ireland, the Minister of Agriculture, Fisheries and Food ;

(b) in relation to any other joint scheme, the said Minister and the Secretary of State acting jointly ;
and

(c) in relation to a scheme made separately for Scotland, the Secretary of State ;

“ enactment ” includes an enactment of the Parliament of Northern Ireland ;

“ small farm business ”, in relation to any scheme, means a trade or business consisting in, or such part of any trade or business as consists in, the carrying out of agricultural operations on land comprised in the business, where the amount of that land under crops or grass, excluding any rough grazing land, does not exceed one hundred and fifty acres and the business falls within such other limits as may be specified in the scheme in question.

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

Expenses.

7.—(1) There shall be defrayed out of moneys provided by Parliament—

(a) all payments under any scheme made under this Act ;
and

(b) any other expenses of the Minister of Agriculture, Fisheries and Food or the Secretary of State incurred in pursuance of this Act.

(2) Any sums recovered by the said Minister or the Secretary of State under subsection (2) of section three or subsection (3) of section five of this Act shall be paid into the Exchequer.

8. This Act may be cited as the Agriculture (Small Farmers) Short title Act, 1959.

SCHEDULE

Section 2.

INSTRUMENTS REFERRED TO IN S. 2 (1) (b)

1. The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales), 1953, or that instrument as amended by the Agricultural Goods and Services Schemes (Amendment and Extension) Order, 1954.

2. The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales) Order, 1956.

3. The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales) (Amendment) Order, 1957.

4. The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales) (Amendment) Order, 1958.

5. The following instruments made under the Agriculture Act (Northern Ireland), 1949, that is to say—

(a) The Agricultural Goods and Services (Marginal Production) Regulations (Northern Ireland), 1951 ;

(b) The Agricultural (Marginal Production Seeds and Fertilisers) Scheme (Northern Ireland), 1956 ;

(c) The Agricultural (Marginal Production Seeds and Fertilisers) (Amendment) Scheme (Northern Ireland), 1958 ;

(d) The Agricultural Development (Marginal Land Farm Buildings) Schemes, 1953 to 1957 ;

(e) The Agricultural Development (Fertiliser) Schemes (Northern Ireland), 1953 to 1958.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Agriculture (Miscellaneous War Provisions) Act, 1940	3 & 4 Geo. 6. c. 14.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agriculture (Fertilisers) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 15.
Agriculture (Ploughing Grants) Act, 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2. c. 35.

CHAPTER 13

An Act to amend the definition of "secretary of a synagogue" in section sixty-seven of the Marriage Act, 1949. [19th February, 1959]

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 definition
of "secretary
of a
synagogue."
12, 13 & 14
Geo. 6. c. 76.

1. In section sixty-seven of the Marriage Act, 1949, the definition of "secretary of a synagogue" shall be amended by substituting for paragraph (c) thereof the following paragraphs:—

(c) the person whom twenty householders professing the Jewish religion and being members of the Liberal Jewish Synagogue, St. John's Wood, certify in writing to the Registrar General to be the secretary of that Synagogue;

(d) a person whom the secretary of either the West London Synagogue of British Jews or the Liberal Jewish Synagogue, St. John's Wood, certifies in writing to be the secretary of some other synagogue of not less than twenty householders professing the Jewish religion, being a synagogue which is connected with the said West London Synagogue or with the said Liberal Jewish Synagogue, St. John's Wood, as the case may be, and has been established for not less than one year.

Citation

2. This Act may be cited as the Marriage (Secretaries of Synagogues) Act, 1959, and the Marriage Acts, 1949 to 1958, and this Act may be cited together as the Marriage Acts, 1949 to 1959.

CHAPTER 14

An Act to remove the limitation of Her Majesty's power to revoke or amend the Malta (Constitution) Letters Patent, 1947. [19th February, 1959]

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 Malta (Constitution) Letters Patent, 1947, shall, notwithstanding any limitation imposed by section sixty thereof, have effect as if there were thereby reserved to Her Majesty full power, by Order in Council or by further Letters Patent, to revoke or amend all or any of the provisions of the said Letters Patent of 1947, as subsequently amended.

Power to
revoke or
amend the
Malta
(Constitution)
Letters Patent,
1947.

2. This Act may be cited as the Malta (Letters Patent) Act, 1959.

CHAPTER 15

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

[25th March, 1959]

Most Gracious Sovereign,

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

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

Issue of
£162,048,653 18s. 1d.
out of the
Consolidated Fund
for the service of
the years ending
31st March, 1958
and 1959.

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

Issue of
£2,088,445,100
out of the
Consolidated Fund
for the service of
the year ending
31st March, 1960.

Power for
the Treasury
to borrow.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole two thousand two hundred and fifty million, four hundred and ninety-three thousand, seven hundred and fifty-three pounds, eighteen shillings and one penny.

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

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

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

40 & 41 Vict.
c. 2.

Short title.

4. This Act may be cited as the Consolidated Fund Act, 1959.

CHAPTER 16

An Act to increase the limits imposed by paragraph (b) of subsection (1) of section twenty-six of the Transport Act, 1953, and by subsection (4) of section one of the Transport (Railway Finances) Act, 1957, on the borrowing powers of the British Transport Commission.
[25th March, 1959]

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 subsection (1) of section twenty-six of the Transport Act, 1953 (which relates to the ordinary borrowing powers of the British Transport Commission), for the limit of six hundred million pounds imposed by paragraph (b), as amended by the Transport (Borrowing Powers) Act, 1955, there shall be substituted a limit of one thousand two hundred million pounds.

Extension of
ordinary
borrowing
powers of
British
Transport
Commission.

- (2) The other provisions relating to borrowings by the Commission shall have effect accordingly, and in particular—
- (a) the provisions of the Transport Act, 1947 (as amended by the Transport Act, 1953) which authorise the Treasury to give guarantees with respect to stock or loans and which provide for charging sums required for fulfilling any such guarantee on the Consolidated Fund; 1 & 2 Eliz. 2.
c. 13.
3 & 4 Eliz. 2.
c. 10.
10 & 11 Geo. 6.
c. 49.
 - (b) the provisions of section forty-two of the Finance Act, 1956 (as amended by section thirty-six of the Finance Act, 1958) which authorise the Minister of Transport and Civil Aviation to advance to the Commission sums which it might otherwise raise by issuing stock and which provide for the issue out of the Consolidated Fund and the borrowing of sums required for such advances; and 4 & 5 Eliz. 2.
c. 54.
6 & 7 Eliz. 2.
c. 56.
 - (c) the provisions of the enactments mentioned in the foregoing paragraphs which provide for paying into the Exchequer any sums received by way of repayment of such advances or of sums required for fulfilling guarantees or by way of interest thereon.

2. The powers of the Commission under section one of the Transport (Railway Finances) Act, 1957, to borrow for the purpose of meeting deficits on revenue account of British Railways, and of the Minister of Transport and Civil Aviation under section two of that Act to make advances to the Commission for that purpose, shall be extended by substituting for the limit of two hundred and fifty million pounds imposed by subsection (4) of the said section one a limit of four hundred million pounds; and any provision of that Act relating to borrowings by the Commission or advances by the Minister shall have effect accordingly. Extension of
powers of
Commission
to borrow, and
of Minister to
lend, to meet
deficits on
revenue
account of
British
Railways.
5 & 6 Eliz. 2.
c. 9.

3. This Act may be cited as the Transport (Borrowing Powers) Act, 1959. Short title.

CHAPTER 17

An Act to enable effect to be given to proposed increases in the quotas of the International Monetary Fund and in the capital stock of the International Bank for Reconstruction and Development. [25th March, 1959]

WHEREAS it is proposed to increase the quotas of members of the International Monetary Fund and, in particular, to increase by fifty per cent. the quota of the United Kingdom:

And whereas it is proposed to increase the authorised capital stock of the International Bank for Reconstruction and Development and, in particular, to increase by one hundred per cent. the shares of the United Kingdom:

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

Financing
of United
Kingdom
subscriptions.

1. There shall be paid out of the Consolidated Fund of the United Kingdom the sums required for the purpose of paying—

- (a) subscriptions to the International Monetary Fund equal to the proposed increase of the quota of the United Kingdom, that is to say, subscriptions equivalent to six hundred and fifty million United States dollars;
- (b) such amounts as may become payable to the International Bank for Reconstruction and Development in respect of the United Kingdom's shares in the proposed increase of capital stock, that is to say, amounts not exceeding the equivalent of thirteen hundred million United States dollars;

and the Treasury may, for the purpose of providing any sums to be paid under this Act out of the Consolidated Fund, or of providing for the replacement of sums so paid, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued for that purpose shall be deemed for all purposes to have been created and issued under that Act.

2 & 3 Geo. 6.
c. 117.

Short title.

2. This Act may be cited as the International Bank and Monetary Fund Act, 1959.

CHAPTER 18

Family Allowances and National Insurance Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Questions under the Family Allowances Act, 1945, and corresponding questions under other Acts.
2. Appeals and references from medical appeal tribunals to Industrial Injuries Commissioner.
3. Appeals from local appeal tribunals to Industrial Injuries Commissioner.
4. Provisions as to expenses.
5. Short title and citation.

SCHEDULE—Repeals.

An Act to amend the law with respect to the determination of questions requiring decision for the purposes of the Family Allowances Act, 1945, or the National Insurance Acts, 1946, and in connection therewith to modify the provision made by the said Act of 1945 as to the commencement and termination of allowances thereunder; and for other purposes connected with the matters aforesaid. [25th March, 1959]

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

1.—(1) Subject to the provisions of this section, the following provisions of the National Insurance Act, 1946 (which enable regulations to make provision with respect to the determination of claims and questions under that Act and matters connected therewith, and require the regulations to provide for questions as to the right to benefit to be determined by insurance officers or local tribunals, subject to appeal to the National Insurance Commissioner), that is to say, subsections (1), (3) and (5) of section forty-three of that Act, shall apply in relation to the determination of any question as to the right to an allowance under the Family Allowances Act, 1945, in respect of any person for any family as they apply in relation to the determination of questions as to the right to benefit : Questions under the Family Allowances Act, 1945, and corresponding questions under other Acts. 9 & 10 Geo. 6. c. 67. 8 & 9 Geo. 6. c. 41.

Provided that, notwithstanding anything in subsection (3) of the said section forty-three, regulations under that section shall provide for the determination by the Minister of Pensions and National Insurance of the questions to be decided by him in his discretion under the Schedule to the Family Allowances Act, 1945 (that is to say, certain questions as to which of two persons is to be treated as maintaining a child, or in which of two families a child is to be treated as included).

(2) Subsection (1) and paragraphs (a) to (c) of subsection (2) of section forty-seven of the National Insurance Act, 1946 (which enable provision to be made by regulations with respect to matters arising pending the determination of questions as to the right to benefit, or arising out of the review of a decision under that Act, and similar matters), shall apply in relation to allowances under the Family Allowances Act, 1945, and decisions with respect to those allowances as they apply in relation to benefit and decisions with respect to benefit ; and in subsection (2) of section forty-eight of the National Insurance Act, 1946 (which provides for recovering by deduction from other benefits sums recoverable by virtue of any provision of the Family Allowances Act, 1945, by deduction from payments under that Act), for the reference to any

provision of the Family Allowances Act, 1945, there shall be substituted a reference to any provision made for the purposes of that Act by regulations under the said section forty-seven.

Regulations made by virtue of this subsection may, notwithstanding anything in the Family Allowances Act, 1945, include provision as to the commencement of an allowance awarded for a family in respect of a child in respect of whom an allowance has under a previous award been payable for another family; and for the purposes of the said section forty-seven as applied by this subsection, the determination of any question as to the date at which, by virtue of section six of the Family Allowances Act, 1945, an allowance terminates or has terminated under an award shall be treated as a review of the award.

(3) Subsection (1) of this section shall have effect in relation to the determination of any question which for the purposes of the National Insurance Act, 1946, or of the National Insurance (Industrial Injuries) Act, 1946, is to be determined in like manner as the corresponding question arising under the Family Allowances Act, 1945.

(4) Section seventy-seven of the National Insurance Act, 1946 (which relates to the consideration of regulations under that Act by the National Insurance Advisory Committee), shall not apply to regulations made under section forty-three or forty-seven of that Act and containing only provisions having effect by virtue of subsections (1) and (2) of this section or by virtue of the operation of subsection (3) in relation to the National Insurance (Industrial Injuries) Act, 1946.

(5) Regulations made by virtue of this section may make such provision as appears to the Minister expedient in relation to cases pending at the time the regulations come into force, in relation to the review of and appeals from decisions given before they come into force, and in relation to other matters of a transitional nature; but, subject to any such provision, the enactments specified in Part I of the Schedule to this Act are, to the extent specified in the third column of that Schedule, hereby repealed as from the coming into force of regulations made by virtue of this section.

2.—(1) Subject as hereinafter provided, an appeal shall lie to the Industrial Injuries Commissioner from any decision of a medical appeal tribunal, on the ground that the decision is erroneous in point of law, at the instance of—

- (a) the claimant; or
- (b) an association of employed persons of which the claimant was a member at the time of the relevant accident; or
- (c) the Minister of Pensions and National Insurance.

Appeals and references from medical appeal tribunals to Industrial Injuries Commissioner.

9 & 10 Geo. 6.
c. 62.

(2) No appeal shall lie under subsection (1) of this section without the leave of the medical appeal tribunal or of the Commissioner, and regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.

(3) Where any question of law arises in a case before a medical appeal tribunal, the tribunal may refer that question to the Commissioner for his decision.

(4) On any such appeal or reference, the question of law arising for the decision of the Commissioner and the facts on which it arises shall be submitted for his consideration in the prescribed manner, and the medical appeal tribunal on being informed in the prescribed manner of his decision on the question of law shall give, confirm or revise their decision on the case accordingly.

(5) Section fifty of the National Insurance (Industrial Injuries) Act, 1946 (which provides for decisions of the Commissioner to be reviewed by an insurance officer or local appeal tribunal), shall not be taken to apply to a decision on an appeal or reference under this section.

(6) This section shall be construed as one with the National Insurance (Industrial Injuries) Act, 1946, and shall be treated as included in Part III of that Act for the purposes of any reference in that Act to that Part.

(7) This section shall not come into force until such date as the Minister may appoint by order made by statutory instrument and, so far as it relates to appeals to the Commissioner, shall not have effect in relation to decisions given before that date.

3.—(1) Leave shall not be required for any appeal under section forty-seven of the National Insurance (Industrial Injuries) Act, 1946, from a decision of a local appeal tribunal constituted for the purposes of that Act.

Appeals from
local appeal
tribunals to
Industrial
Injuries
Commissioner.

(2) Accordingly the enactments specified in Part II of the Schedule to this Act are, to the extent specified in the third column of that Schedule, hereby repealed.

4.—(1) Any payments which are made—

Provisions as
to expenses.

(a) under section forty-four of the National Insurance Act, 1946 (which relates to the remuneration of the National Insurance Commissioner and deputy Commissioners and other expenses in connection with the work of persons and tribunals appointed to determine questions under that Act); or

(b) under section forty-five of that Act or Part I of the Administration of Justice (Pensions) Act, 1950 (which provide pension and other benefits for Commissioners and deputy Commissioners and their widows and children);

14 & 15 Geo. 6.
c. 11.

and which but for this provision would fall to be paid and

borne in the manner provided by section thirty-eight of the National Insurance Act, 1946 (which provides for the payment of the expenses of government departments in carrying that Act into effect out of moneys provided by Parliament subject to reimbursement to the Treasury out of the National Insurance Fund), shall—

- (i) in so far as they are estimated by the Minister to be attributable to the operation of subsections (1) and (2) of section one of this Act in relation to the Family Allowances Act, 1945, be treated for the purposes of section twenty of the last mentioned Act as expenses incurred in the administration of it, and be left out of account under the said section thirty-eight; and
- (ii) in so far as they are so estimated to be attributable to the operation of subsection (3) of section one of this Act in relation to the National Insurance (Industrial Injuries) Act, 1946, be treated for the purposes of section sixty of the last mentioned Act as expenses incurred in carrying it into effect, and be left out of account under the said section thirty-eight.

(2) Any increase attributable to section one of this Act in the sums payable out of moneys provided by Parliament or out of the Consolidated Fund under any enactment referred to in subsection (1) of this section shall be paid in like manner.

(3) Any increase attributable to sections two and three of this Act in the sums payable out of moneys provided by Parliament or out of the Consolidated Fund in respect of payments under—

(a) section fifty-three of the National Insurance (Industrial Injuries) Act, 1946 (which relates to the remuneration of the Industrial Injuries Commissioner and deputy Commissioners and other expenses in connection with the work of persons and tribunals appointed to determine questions under that Act); or

(b) section fifty-four of that Act or Part I of the Administration of Justice (Pensions) Act, 1950 (which provide pension and other benefits for Commissioners and deputy Commissioners and their widows and children);

shall be paid in like manner.

Short title
and citation.

5. This Act may be cited as the Family Allowances and National Insurance Act, 1959, and, so far as it relates to the subject-matter of those Acts respectively may be cited—

- (a) together with the Family Allowances Acts, 1945 to 1956, as the Family Allowances Acts, 1945 to 1959; and
- (b) together with the National Insurance (Industrial Injuries) Acts, 1946 to 1957, as the National Insurance (Industrial Injuries) Acts, 1946 to 1959; and
- (c) together with the National Insurance Acts, 1946 to 1957, as the National Insurance Acts, 1946 to 1959.

SCHEDULE

Sections 1, 3.

REPEALS

PART I

REPEALS ARISING OUT OF S. 1 OF THIS ACT

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 6. c. 41.	The Family Allowances Act, 1945.	<p>Section five, from the words "and any question" in subsection (1) onwards.</p> <p>In section six, the proviso to subsection (2) and subsection (5).</p> <p>In section eight, subsection (1), from the words "the Minister may require" onwards, subsections (2), (3) and (4), in subsection (5) the words "under this section", and subsections (6) and (7).</p> <p>In section seventeen, paragraph (c) of subsection (1).</p> <p>In section twenty-six, subsections (6) and (7).</p>
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act, 1946.	<p>In section thirty-six, in subsection (3), the words "or by the Family Allowances Act, 1945, as applied by paragraph (b) of subsection (1) of this section".</p> <p>In section fifty, in subsection (1), the words "under this Part of this Act or the Family Allowances Act, 1945".</p> <p>In section fifty-three, in subsection (2), sub-paragraph (iii) of paragraph (c), and the words "or proceedings" in paragraph (d).</p> <p>In section seventy-two, subsection (2) and in subsection (4), the words "or any such application for a reference or for a case to be stated has been made" and the words "or making such an application".</p>
9 & 10 Geo. 6. c. 67.	The National Insurance Act, 1946.	<p>In section forty-three, in subsection (2), the word "not" where first occurring.</p> <p>In section forty-four, in subsection (2), in paragraph (b), the words from "or on" to "1945", and in paragraph (c) the words from "or in" onwards.</p>

PART II

REPEALS ARISING OUT OF S. 3 OF THIS ACT

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act, 1946.	In section forty-seven, the proviso to subsection (1) and subsections (3), (4) and (5).
1 & 2 Eliz. 2. c. 43.	The National Insurance (Industrial Injuries) Act, 1953.	In section four, subsection (5). In the Second Schedule, paragraph 6.

CHAPTER 19

Emergency Laws (Repeal) Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Repeal of enactments authorising continuation of Defence Regulations, etc.
2. Temporary continuation of certain Defence Regulations with modifications.
3. Temporary continuation with modifications of certain emergency powers of Minister of Supply.
4. Modification of emergency provisions with respect to transfer of ships.
5. Temporary saving for certain Defence Regulations.
6. Emergency provision to have permanent effect.
7. Expenses.
8. Northern Ireland.
9. Channel Islands and Isle of Man.
10. Short title, duration and repeals.

SCHEDULES

First Schedule—Amendments in Defence Regulations.

Second Schedule—Form in which Defence Regulations continue in force by virtue of s. 2.

Part A—The Defence (General) Regulations, 1939.

Part B—The Defence (Finance) Regulations, 1939.

Part C—The Defence (Armed Forces) Regulations, 1939.

Third Schedule—Supplementary provisions with respect to Defence Regulations.

Fourth Schedule—Repeals.

An Act to repeal certain emergency laws and, in particular, the enactments providing for the continuation of Defence Regulations; to continue in force for a limited period and with modifications certain Defence Regulations and other emergency provisions; to give permanent effect to an emergency provision; and for purposes connected with the matters aforesaid.

[25th March, 1959]

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

1. The following enactments are hereby repealed, that is to say—
- (a) the proviso to subsection (1) of section eight of the Supplies and Services (Transitional Powers) Act, 1945; and
- (b) section seven of the Emergency Laws (Miscellaneous Provisions) Act, 1947,

Repeal of enactments authorising continuation of Defence Regulations, etc.

being the enactments by virtue of which the said Act of 1945, certain provisions of the Emergency Powers (Defence) Act, 1939, and Defence Regulations made under those Acts have continued in force; and accordingly the said Act of 1939 and, subject to the provisions of this Act, the said Act of 1945 and the Regulations aforesaid shall cease to have effect.

- 2.—(1) Notwithstanding anything in the foregoing section, but subject to the provisions of this section, the following Defence Regulations as they had effect immediately before the commencement of this Act, that is to say—
- (a) in Part IV of the Defence (General) Regulations, 1939, Regulation 55 (general control of industry), Regulation 55AA (keeping of books, making of returns, entry and inspection) and Regulation 55AB (price control of goods and services);
- (b) in the Defence (Finance) Regulations, 1939, Regulation 2A (power of Treasury to prohibit action on certain orders as to gold, etc.) and, so far as applicable to that Regulation, Regulations 9, 10 and 11 (which contain general and supplementary provisions);

Temporary continuation of certain Defence Regulations with modifications.

(c) so far as applicable to any of the aforesaid Regulations, Part V of the Defence (General) Regulations, 1939 (which contains general and supplementary provisions), except paragraph (2) of Regulation 102A (which relates to instruments made in the exercise of certain powers by the Government of Northern Ireland); and

(d) the Defence (Armed Forces) Regulations, 1939,

shall continue in force so long as this section remains in force:

Provided that Her Majesty may at any time by Order in Council revoke in whole or in part any of the aforesaid Regulations.

(2) Those of the Regulations aforesaid specified in the First Schedule to this Act shall have effect by virtue of this section subject to the amendments respectively specified in relation thereto in that Schedule; and notwithstanding any Order in Council in force immediately before the commencement of this Act under section three of the Supplies and Services (Transitional Powers) Act, 1945—

(a) the powers conferred by paragraph (1) of the said Regulation 55 shall not be exercisable except for the purposes of such an order as is authorised by that paragraph as amended by paragraph 1 of the said First Schedule, but shall be exercisable for the purposes of any such order;

(b) the powers conferred by the said Regulation 55AA shall not be exercisable except in relation to such an undertaking or class or description of undertakings as is specified in the amendment made by sub-paragraph (b) of paragraph 6 of the said First Schedule, but shall be exercisable in relation to any such undertaking; and

(c) the powers conferred by paragraph (1) of the said Regulation 55AB shall not be exercisable except in relation to such goods as are specified in the amendment made by paragraph 9 of the said First Schedule, but shall be exercisable in relation to any such goods.

(3) The Regulations referred to in subsection (1) of this section shall be in force by virtue of this section in the form set out in the Second Schedule to this Act, being a form reproducing those Regulations as they have effect by virtue of the two foregoing subsections.

(4) Nothing in subsection (2) of this section shall affect the validity of any order under any of the aforesaid Regulations 55, 55AA and 55AB in force immediately before the commencement of this Act; but nothing in Regulation 98 of the Defence (General) Regulations, 1939, shall authorise the variation, otherwise than by revocation in whole or in part, of any provision of any such order which could not be included in an order made under the Regulation in question after the commencement of this Act.

(5) The following, and the following only, of the directions given before the commencement of this Act under the aforesaid Regulation 2A shall continue in force after the commencement of this Act, that is to say—

- (a) so far only as it relates to Treasury bills, the direction given by Statutory Rule and Order No. 1355 of 1947;
- (b) the direction given by Statutory Instrument No. 862 of 1950; and
- (c) the Control of Foreign Currency Securities Directions, 1957;

and the said directions so continuing in force shall have effect in like manner as if they had been given under the said Regulation 2A as amended by subsection (2) of this section.

(6) Any order under any of the aforesaid Regulations 55, 55AA and 55AB and any general direction under the aforesaid Regulation 2A, being an order made or general direction given after the commencement of this Act, shall be made or given by statutory instrument and—

- (a) in the case of an order under the aforesaid Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation as amended by paragraph 1 of the First Schedule to this Act, shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament;
- (b) in any other case shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The Third Schedule to this Act, which reproduces with modifications the effect of the following provisions of the Emergency Powers (Defence) Act, 1939, so far as applicable to any Regulation or order having effect by virtue of this section, that is to say, subsection (4) of section one, section three and section seven, shall have effect for the purposes of any such Regulation or order for the time being in force.

(8) Without prejudice to Regulation 99B of the Defence (General) Regulations, 1939 (which provides that for the purposes of section thirty-eight of the Interpretation Act, 1889, which relates to the effect of the repeal by one Act of another Act, any Defence Regulation or order made thereunder shall be deemed to be an Act of Parliament), any Defence Regulation or order thereunder which, without having been expressly revoked, ceases to have effect by virtue of this Act, or which is revoked under the proviso to subsection (1) of this section, shall be deemed for the purposes of the said section thirty-eight to have been repealed by an Act of Parliament.

Temporary continuation with modifications of certain emergency powers of Minister of Supply.

3.—(1) Notwithstanding anything in section one of this Act, section six of the Supplies and Services (Transitional Powers) Act, 1945 (which relates to the powers of the Minister of Supply) shall, subject to the modifications hereinafter specified, continue in force so long as this section remains in force; and accordingly in each of subsections (2), (3) and (4) of the said section six for the words “so long as this Act continues in force” there shall be substituted the words “so long as section three of the Emergency Laws (Repeal) Act, 1959, continues in force”.

(2) In subsection (1) of the said section six (by virtue of which the powers conferred on the Minister of Supply by the Ministry of Supply Act, 1939, with respect to the acquisition, production or disposal of articles required for the public service are extended by the inclusion in the definition of such articles of any supplies which that Minister is satisfied that it is necessary or expedient to maintain, control or regulate for any of certain specified general purposes) for the words from “any supplies” to “this Act” there shall be substituted the words—

- “ (a) articles required for the defence of any part of the Commonwealth, including any territory under Her Majesty’s protection or in which she has jurisdiction, or for the maintenance or restoration of peace and security in any part of the world, or for any measures arising out of a breach or apprehended breach of peace in any part of the world;
- (b) experimental or research work in connection with any such articles as are referred to in the foregoing paragraph;
- (c) surplus material of any government department or of the United Kingdom Atomic Energy Authority;
- (d) surplus material of the government of any country outside the United Kingdom, being material which is to be disposed of by Her Majesty’s Government in the United Kingdom in pursuance of an agreement between those governments;

(e) any other article, and any other experimental or research work, in a case where the following conditions are satisfied, that is to say—

(i) that the Minister is requested by the person carrying on an undertaking which includes the production of articles of that or any other description to supply that article to that person for the purposes of his undertaking or, as the case may be, is requested by some person or body to carry out that experimental or research work on behalf of that person or body; and

(ii) that the Minister can supply that article or carry out that work without expanding the capacity of the establishments for the time being under his control; and

(iii) that in the opinion of the Minister the supply of that article or the carrying out of that work by him will serve the interests of the community;

(f) jute, jute bags, jute cloth and jute yarn”.

(3) Paragraph (f) of subsection (1) of the said section six as amended by the last foregoing subsection shall have effect subject to the provisions by virtue of which functions with respect to the articles mentioned in that paragraph have been transferred to the Board of Trade, being provisions contained in Orders in Council made before the commencement of this Act under the Ministers of the Crown (Transfer of Functions) Act, 1946; but save as aforesaid no such Order in Council shall apply to any functions conferred on the Minister of Supply by the said subsection (1) as amended by the last foregoing subsection.

(4) In subsection (4) of the said section six (which provides for the continuance in force of sections seven to thirteen of the Ministry of Supply Act, 1939), for the words “the provisions of sections seven to thirteen thereof” there shall be substituted the words “section ten of that Act, except paragraph (b) of subsection (3) thereof”.

4.—(1) The Ships and Aircraft (Transfer Restriction) Act, 1939, shall expire at the expiration of the thirty-first day of December, nineteen hundred and sixty-four, except as respects things previously done or omitted to be done; and accordingly subsection (2) of section thirteen of that Act is hereby repealed.

Modification of emergency provisions with respect to transfer of ships.

(2) After the passing of this Act, the Minister of Transport and Civil Aviation shall not withhold—

(a) his sanction under section one of the said Act of 1939 to any transfer or mortgage, or

(b) his approval under section two of that Act of the transfer of the registry of any ship,

except where it appears to him expedient so to do in the interests of national defence, having regard in particular to any agreement or arrangement concluded in respect of defence matters, or any consultations held in respect of such matters, between Her Majesty's Government in the United Kingdom and the government of any country outside the United Kingdom.

(3) The said Minister may give his sanction under the said section one to any transfer or mortgage notwithstanding that the transfer or mortgage has already been effected, and thereupon that transfer or mortgage shall be deemed for the purposes of the said section one to have been effected under the sanction of that Minister :

Provided that the giving under this subsection of sanction to any mortgage or transfer shall not affect any penalty or forfeiture by virtue of the said Act of 1939 imposed in connection with that transfer or mortgage before the giving of that sanction.

(4) Any sanction or approval under the said Act of 1939 may be expressed to be, and if so expressed shall be, irrevocable, either unconditionally or subject to compliance with any terms or conditions attached thereto, for a specified period.

(5) For section five of the said Act of 1939 (which relates to offences by corporations) there shall be substituted the following section—

“ 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.

In this section, the expression ‘ 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.”

Temporary
saving for
certain Defence
Regulations.

5. Nothing in this Act shall cause the following Regulations to cease to have effect before the tenth day of December, nineteen hundred and fifty-nine, that is to say, in the Defence (General) Regulations, 1939, as they had effect immediately before the commencement of this Act—

(a) Regulation 59 (which provides for exemptions from Acts relating to factories) ; and

(b) so far as applicable to the said Regulation 59, Part V.

6. In the Government and other Stocks (Emergency Provisions) Act, 1939, section one (which makes provision for rendering inscribed stock transferable by instrument in writing) shall have permanent effect and section two (which relates to the time for the payment of coupons) shall cease to have effect. Emergency provision to have permanent effect.

7. Any expenses incurred by any government department which are attributable to the provisions of this Act shall be defrayed out of moneys provided by Parliament. Expenses.

8.—(1) Nothing in this Act shall restrict the powers of the Parliament of Northern Ireland to make laws with respect to any matter with respect to which that Parliament has power to make laws, and any laws made by that Parliament with respect to any such matters shall have effect notwithstanding anything in any Defence Regulation having effect by virtue of section two of this Act and applicable to Northern Ireland, or in any order or other instrument made under such a Regulation. Northern Ireland.

(2) Where a power to make orders under any such Defence Regulation as aforesaid has been delegated in pursuance of paragraph (1) of Regulation 102A of the Defence (General) Regulations, 1939, to an authority in Northern Ireland, any order made in pursuance of that power, and any order made by virtue of that paragraph by the Governor of Northern Ireland, shall be made by statutory instrument, and the Statutory Instruments Act, 1946, shall apply in like manner as if the order had been made by the Secretary of State; and, in relation to any such delegation, the expression "government department" in section seven of this Act shall be construed as including a department of the Government of Northern Ireland.

9.—(1) The following provisions, that is to say—

- (a) the Defence (Finance) Regulations, 1939, in the form set out in Part B of the Second Schedule to this Act;
- (b) the directions given under Regulation 2A of those Regulations which are specified in paragraphs (a) to (c) of subsection (5) of section two of this Act; and
- (c) so far as applicable to the said Regulations, and subject to such adaptations, if any, as Her Majesty may by Order in Council specify, Part V of the Defence (General) Regulations, 1939, in the form set out in Part A of the said Second Schedule,

so long and so far as they continue in force in the United Kingdom, shall extend to the Channel Islands and the Isle of Man as if those islands were part of the United Kingdom. Channel Islands and Isle of Man.

(2) Where, by virtue of any of the enactments repealed by this Act, there are in force in any of the Channel Islands or in the Isle of Man at the date immediately before the commencement of this Act any regulations (hereinafter referred to as "local regulations") which correspond to any of the Defence (General) Regulations, 1939, then, notwithstanding anything in section one of this Act—

- (a) those local regulations as in force as aforesaid shall continue in force until the expiration of the period of one year commencing with the said date ; and
- (b) Her Majesty may by Order in Council coming into force on or before the expiration of the said period make provision corresponding to section two of this Act with respect to any of those local regulations which correspond to any of the Defence (General) Regulations, 1939, continued in force by the said section two :

Provided that Her Majesty may at any time by Order in Council revoke in whole or in part any of the aforesaid local regulations.

Short title, duration and repeals.

10.—(1) This Act may be cited as the Emergency Laws (Repeal) Act, 1959.

(2) The provisions of this Act, other than sections one and six thereof and this section, shall continue in force only until the expiration of the thirty-first day of December, nineteen hundred and sixty-four, and shall then expire ; and subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply upon the expiration of those provisions as if those provisions had then been repealed.

(3) The enactments specified in Part I or II of the Fourth Schedule to this Act, to the extent respectively specified in the third column of the said Part I or II, and the provisions specified in Part III of that Schedule, are hereby repealed—

- (a) in the case of the enactments or provisions specified in the said Part I or Part III, as from the commencement of this Act ;
- (b) in the case of the enactments specified in the said Part II, as from the expiration of the thirty-first day of December, nineteen hundred and sixty-four.

SCHEDULES

FIRST SCHEDULE

Section 2.

AMENDMENTS IN DEFENCE REGULATIONS

Regulation 55 of the Defence (General) Regulations, 1939

1. For so much of paragraph (1) as precedes sub-paragraph (e) thereof there shall be substituted the following—

“(1) A competent authority may by order provide—

- (a) for imposing in respect of the movement, transport, disposal or acquisition of any article situated outside the United Kingdom, or in respect of the re-export of any article from the United Kingdom, or in respect of the construction of ships, such prohibitions or restrictions as appear to the competent authority to be expedient having regard to any agreement or arrangement concluded in respect of defence matters, or any consultations held in respect of such matters, between Her Majesty's Government in the United Kingdom and the government of any country outside the United Kingdom ;
- (b) for imposing in respect of the disposal, acquisition or possession of articles of any description under hire-purchase agreements or credit-sale agreements, or under agreements for letting on hire, such prohibitions or restrictions as appear to the competent authority to be required for restricting excessive credit ;
- (c) for regulating or prohibiting, so far as appears to the competent authority to be required having regard to any scheme administered by any government department for the provision of any welfare food—
 - (i) the acquisition, treatment, keeping, storage, transport, distribution, disposal, use or consumption of any welfare food other than liquid milk ;
 - (ii) the disposal, use or consumption of liquid milk ;
- (d) where it appears to the competent authority, and is so declared in the order, that a shortage of articles of any description essential to the wellbeing of the community or to national defence, being a shortage such as to threaten that wellbeing or defence, has arisen or is expected as the result of measures taken by the government of any country outside the United Kingdom or as the result of other special circumstances arising in any such country, for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of any articles of that description or of any substitute for any such article ”.

1ST SCH.
—cont.

2. In paragraph (1F) after the word “shall” in the first place where that word occurs, there shall be inserted the words “in the case of an order made wholly or partly by virtue of sub-paragraph (d) of that paragraph.”

3. In paragraph (5), the words from “and any such” onwards shall be omitted.

4. In paragraph (6), in the sub-paragraph commencing “breach of the control”, for the words from “any provision” onwards there shall be substituted the words “any provision of any order under this Regulation for the time being in force, being a provision such as is mentioned in any of sub-paragraphs (a) to (d) of paragraph (1) of this Regulation”; and after the sub-paragraph commencing as aforesaid there shall be inserted the following—

“‘credit-sale agreement’ means an agreement for the sale of goods in which the whole or part of the purchase price is payable by instalments, whether the agreement is absolute or conditional;

‘hire-purchase agreement’ means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances;

‘welfare food’ means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets.”

5. At the end of paragraph (7) there shall be inserted the following—

“(b) for the reference in sub-paragraph (b) of paragraph (1) to hire-purchase agreements there shall be substituted a reference to contracts to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies by virtue of paragraph (a) of section one of that Act, or would so apply if the limitation as to value contained in the said paragraph (a) were omitted; and so much of paragraph (6) as defines ‘hire-purchase agreement’ shall not apply.”

Regulation 55AA of the Defence (General) Regulations, 1939

6. In paragraph (1)—

(a) the words “so far as appears to that authority to be necessary so to do for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945” shall be omitted;

(b) after the word “undertakings” in the first place where that word occurs there shall be inserted the words “being an undertaking or class or description of undertakings concerned with articles in relation to which an order is for the time being in force under Regulation 55 or 55AB of these Regulations, with medical supplies required for the purposes of the National Health Service Acts, 1946 to 1952, or the National Health Service (Scotland) Acts, 1947 to 1953, or with services required for the purposes of the said Acts”:

- (c) the sub-paragraph commencing with the words "A competent authority" in the last place where those words occur, shall be omitted.

1ST SCH.
—cont

7. In paragraph (2)—

- (a) the words "for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945," shall be omitted ; and
- (b) at the end of sub-paragraph (c) there shall be added the words "in connection with any of these Regulations or any order made or direction given thereunder".

8. In paragraph (6), in the sub-paragraph commencing "competent authority" the words "delegation from or" shall be omitted ; and after the sub-paragraph commencing "designated officer" there shall be inserted the following—

" 'medical supplies' includes surgical, dental and optical materials and equipment".

Regulation 55AB of the Defence (General) Regulations, 1939

9. In paragraph (1), for the words "goods of any description or the charges to be made for services of any description" there shall be substituted the words "any of the following goods, that is to say—

- (a) liquid milk ;
- (b) any other welfare food in relation to which an order under Regulation 55 of these Regulations is for the time being in force ;
- (c) medical supplies ;
- (d) any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force".

10. In paragraph (5) after the word "order" there shall be inserted the words "in relation to any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force".

11. In paragraph (7), after the word "State" there shall be inserted the words "the Board of Trade, the Minister of Supply" and the words from "and any such" onwards shall be omitted.

12. In paragraph (8)—

- (a) after the sub-paragraph commencing "commission" there shall be inserted the following—

" 'medical supplies' includes surgical, dental and optical materials and equipment" ;

B

1ST SCH.
—cont.

(b) after the sub-paragraph commencing “undertaking” there shall be inserted the following—

“‘welfare food’ means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets”.

13. Paragraph (9) shall be omitted.

Part V of the Defence (General) Regulations, 1939

14. In Regulation 83, there shall be added at the end the words “and any person who contravenes this Regulation shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.”

15. For Regulation 91 there shall be substituted the following—

“91.—(1) Where an offence under any of these Regulations 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 this Regulation, the expression “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.”

16. In Regulation 99, after the words “President of the Board” there shall be inserted the words “any Minister of State with duties concerning the affairs of the Board”.

The Defence (Finance) Regulations, 1939

17. In paragraph (1) of Regulation 2A, for the words from the beginning to the word “war” there shall be substituted the words “Where the Treasury are satisfied that action to the detriment of the economic position of the United Kingdom is being, or is likely to be, taken by the government of, or persons resident in, any country or territory outside the United Kingdom.”

18. In Regulation 10—

(a) in paragraph (1), after the words “as if” there shall be inserted the words “the Channel Islands and”;

(b) paragraph (3) shall be omitted.

General

19. For any reference in any of the Regulations continued in force by section two of this Act to the Army Act or to the Air Force Act there shall be substituted a reference to the Army Act, 1955, or, as the case may be, to the Air Force Act, 1955, or, where the context permits, air-force law.

SECOND SCHEDULE

Section 2.

FORM IN WHICH DEFENCE REGULATIONS CONTINUE IN FORCE BY VIRTUE OF S. 2

PART A

THE DEFENCE (GENERAL) REGULATIONS, 1939

PART IV—ESSENTIAL SUPPLIES AND WORK

55.—(1) A competent authority may by order provide— General control of industry.

- (a) for imposing in respect of the movement, transport, disposal or acquisition of any article situated outside the United Kingdom, or in respect of the re-export of any article from the United Kingdom, or in respect of the construction of ships, such prohibitions or restrictions as appear to the competent authority to be expedient having regard to any agreement or arrangement concluded in respect of defence matters, or any consultations held in respect of such matters, between Her Majesty's Government in the United Kingdom and the government of any country outside the United Kingdom ;
- (b) for imposing in respect of the disposal, acquisition or possession of articles of any description under hire-purchase agreements or credit-sale agreements, or under agreements for letting on hire, such prohibitions or restrictions as appear to the competent authority to be required for restricting excessive credit ;
- (c) for regulating or prohibiting, so far as appears to the competent authority to be required having regard to any scheme administered by any government department for the provision of any welfare food—
- (i) the acquisition, treatment, keeping, storage, transport, distribution, disposal, use or consumption of any welfare food other than liquid milk ;
 - (ii) the disposal, use or consumption of liquid milk ;
- (d) where it appears to the competent authority, and is so declared in the order, that a shortage of articles of any description essential to the wellbeing of the community or to national defence, being a shortage such as to threaten that wellbeing or defence, has arisen or is expected as the result of measures taken by the government of any country outside the United Kingdom or as the result of other special circumstances arising in any such country, for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of any articles of that description or of any substitute for any such article ;
- (e) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide,

and also make such provision (including provision for requiring any person to furnish any information) as the competent authority thinks necessary or expedient for facilitating the introduction or operation

2ND SCH.
—cont.

of a scheme of control for which provision has been made, or for which, in the opinion of the competent authority, it will or may be found necessary or expedient that provision should be made, under this Regulation ; and an order under this Regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and so as to have effect either generally or in any particular area.

(1c) Any person who receives a commission in respect of a transaction which, or part of which, constitutes a breach of the control shall be guilty of an offence against this Regulation unless he proves that he did not know and had no reason to believe that the transaction or any part thereof constituted such a breach.

In this paragraph the expression "commission" includes any valuable consideration in the nature of a commission, whether computed on a percentage basis or otherwise.

(1F) The powers conferred by paragraph (1) of this Regulation shall, in the case of an order made wholly or partly by virtue of sub-paragraph (d) of that paragraph, extend to the making of an order—

- (a) providing for the seizure and, if thought desirable, the sale of any article in respect of which an offence against this Regulation, being a breach of the control, is believed to have been committed ;
- (b) enabling the court by or before whom a person is convicted of any such offence in respect of the article, if satisfied that he was the owner of the article at the time of the seizure, to direct that the whole or part of the proceeds of the sale of the article shall be applied in or towards the satisfaction of any fine imposed on that person for that offence ; and
- (c) providing, subject as aforesaid, for the return of the article or, as the case may be, of the proceeds of the sale thereof to such person as may prove that he was the owner of the article at the time of the seizure.

(5) For the purposes of this Regulation, any of the following shall be deemed to be a competent authority, that is to say, a Secretary of State, the Admiralty, the Board of Trade, the Minister of Power, the Minister of Agriculture, Fisheries and Food, the Minister of Health and the Minister of Supply.

(6) In this Regulation the following expressions have the meanings hereby respectively assigned to them :—

"breach of the control" means any offence against this Regulation constituted by a contravention of or failure to comply with any provision of any order under this Regulation for the time being in force, being a provision such as is mentioned in any of sub-paragraphs (a) to (d) of paragraph (1) of this Regulation ;

“credit-sale agreement” means an agreement for the sale of goods in which the whole or part of the purchase price is payable by instalments, whether the agreement is absolute or conditional ;

“hire-purchase agreement” means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances ;

“welfare food” means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets ;

“undertaking” means any public utility undertaking or any undertaking by way of any trade or business ;

and any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

(7) This Regulation shall, in its application to Scotland, have effect subject to the following modifications :—

(a) subject to paragraph (2) of article 4 of the Transfer of Functions (Ministry of Food) Order, 1955, the references to the Minister of Agriculture, Fisheries and Food and the Minister of Health shall be omitted ;

(b) for the reference in sub-paragraph (b) of paragraph (1) to hire-purchase agreements there shall be substituted a reference to contracts to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies by virtue of paragraph (a) of section one of that Act, or would so apply if the limitation as to value contained in the said paragraph (a) were omitted ; and so much of paragraph (6) as defines “hire-purchase agreement” shall not apply.

(8) This Regulation shall, in its application to Northern Ireland, have effect as if the reference to the Minister of Health were omitted.

55AA.—(1) A competent authority may, by direction given with respect to any undertaking or by order made with respect to any class or description of undertakings, being an undertaking or class or description of undertakings concerned with articles in relation to which an order is for the time being in force under Regulation 55 or 55AB of these Regulations, with medical supplies required for the purposes of the National Health Service Acts, 1946 to 1952, or the National Health Service (Scotland) Acts, 1947 to 1953, or with services required for the purposes of the said Acts, require persons carrying on the undertaking or undertakings of that class or description—

Powers of competent authorities as to keeping of books, making of returns, entry and inspection.

(a) to keep such books, accounts and records relating to the undertaking as may be prescribed by the direction or, as the case may be, by the order or a notice served thereunder ;

(b) to furnish, at such times, in such manner and in such form as may be so prescribed, such estimates, returns or information relating to the undertaking as may be so prescribed.

2ND SCH.
—cont

2ND SCH.
—cont.

(2) Where it appears to a designated officer that it is necessary to authorise the inspection of any undertaking or class or description of undertakings—

- (a) for the purpose of enabling a competent authority to exercise any of the powers conferred on the authority by or under any of these Regulations, or to determine whether, and if so in what manner, any of those powers ought to be exercised ; or
- (b) for the purpose of securing compliance with any order made or direction given under these Regulations by or on behalf of a competent authority ; or
- (c) for the purpose of verifying any information furnished to a competent authority in connection with any of these Regulations or any order made or direction given thereunder ;

he may issue a warrant in writing to any person named in the warrant (hereinafter referred to as an “inspector”) authorising him to enter and carry out an inspection of the undertaking, or any undertaking of the class or description, specified therein.

(3) An inspector may, on production of the warrant issued to him, enter any premises used or appropriated for the purposes of any undertaking to which the warrant relates, and may inspect such premises and any articles found therein, and may require any person carrying on the undertaking or employed in connection therewith to produce such books, accounts or records, and to furnish such information, relating to the undertaking as may be authorised by the warrant, and may take such samples and carry out such tests as may be so authorised.

(4) An inspector may make such copies of, or extracts from, any document produced to him as he considers necessary for the information of the competent authority.

(6) In this Regulation the following expressions have the meanings hereby respectively assigned to them :—

“competent authority” means a competent authority for the purposes of Regulation 55 of these Regulations and, in paragraphs (2) and (4) of this Regulation, references to a competent authority include also any authority or person on whom by virtue of these Regulations powers have been conferred by order of any such competent authority as aforesaid ;

“designated officer” means a person empowered under the hand of a Minister of the Crown to act under paragraph (2) of this Regulation on behalf of a competent authority ;

“medical supplies” includes surgical, dental and optical materials and equipment ;

“undertaking” means any public utility undertaking, or any undertaking by way of trade or business ;

and any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels and animals.

55AB.—(1) A competent authority may by order provide for controlling the prices to be charged for any of the following goods, that is to say—

2ND SCHED.
—cont.
Price control of
goods and
services.

- (a) liquid milk ;
- (b) any other welfare food in relation to which an order under Regulation 55 of these Regulations is for the time being in force ;
- (c) medical supplies ;
- (d) any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force,

and for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide ; and any such order may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order and may be made so as to apply either to persons or to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or any part of any undertaking, and so as to have effect either generally or in any particular area.

(2) Any person who receives a commission in respect of a transaction which, or part of which, constitutes an offence against this Regulation shall be guilty of an offence against this Regulation unless he proves that he did not know and had no reason to believe that the transaction or any part thereof constituted such an offence.

(5) The powers conferred by paragraph (1) of this Regulation shall extend to the making of an order in relation to any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force—

- (a) providing for the seizure and, if thought desirable, the sale, of any goods in respect of which an offence against this Regulation is believed to have been committed ;
- (b) enabling the court by or before whom a person is convicted of any such offence in respect of the goods, if satisfied that he was the owner of the goods at the time of the seizure, to direct that the whole or part of the proceeds of the sale of the goods shall be applied in or towards the satisfaction of any fine imposed on that person for that offence ; and
- (c) providing, subject as aforesaid, for the return of the goods or, as the case may be, of the proceeds of the sale thereof to such person as may prove that he was the owner of the goods at the time of the seizure.

(7) For the purposes of this Regulation, any of the following shall be deemed to be a competent authority, that is to say, a Secretary of State, the Board of Trade, the Minister of Supply, the Minister of Power, the Minister of Agriculture, Fisheries and Food and the Minister of Health.

2ND SCH.
—cont.

(8) In this Regulation the following expressions have the meanings hereby respectively assigned to them:—

“commission” includes any valuable consideration in the nature of a commission, whether computed on a percentage basis or otherwise;

“medical supplies” includes surgical, dental and optical materials and equipment;

“undertaking” means any public utility undertaking or any undertaking by way of any trade or business;

“welfare food” means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets;

and any reference in this Regulation to goods shall be construed as including a reference to substances, vehicles, vessels or animals.

(10) Subject to paragraph (2) of article 4 of the Transfer of Functions (Ministry of Food) Order, 1955, this Regulation shall, in its application to Scotland, have effect as if the references to the Minister of Agriculture, Fisheries and Food and the Minister of Health were omitted.

(11) This Regulation shall, in its application to Northern Ireland, have effect as if the reference to the Minister of Health were omitted.

PART V—GENERAL AND SUPPLEMENTARY PROVISIONS

General provisions

False documents
and false
statements.

82.—(1) If, with intent to deceive, any person—

(a) forges or uses, or lends to or allows to be used by any other person, any document issued for the purposes of any of these Regulations or of any order made under any of these Regulations; or

(b) makes or has in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive; or

(c) produces, furnishes, sends or otherwise makes use of, for the purposes aforesaid, any book, account, estimate, return, declaration or other document which is false in a material particular,

he shall be guilty of an offence against that Regulation.

(2) If, in furnishing any information for the purposes of any of these Regulations or of any order made under any of these Regulations, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence against that Regulation.

(3) In this Regulation the expression “forges” has, in the application thereof to England and Northern Ireland, the same meaning as in the Forgery Act, 1913.

83. No person shall wilfully obstruct any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations ; and any person who contravenes this Regulation shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

2ND SCH.
—*cont.*
Obstruction.

84. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order made under these Regulations, disclose that information except with permission granted by or on behalf of a Minister of the Crown.

Restrictions on
disclosing
information.

87.—(3) Any permit, licence, permission or authorisation granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Permits,
licences, &c.

Offences and legal proceedings

91.—(1) Where an offence under any of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences by
corporations.

(2) In this Regulation, the expression “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.

92.—(1) If any person contravenes or fails to comply with any of these Regulations, or any order made under any of these Regulations, or any direction given or requirement imposed under any of these Regulations or under any order made under any of these Regulations, he shall, save as otherwise expressly provided by or under that Regulation, be guilty of an offence against that Regulation ; and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—

Penalties.

- (a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine ; or
- (b) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

(2) Where a person convicted on indictment of an offence against any of these Regulations is a body corporate, no provision in these Regulations limiting the amount of the fine which may be imposed shall apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

B*

2ND SCH.
—cont.
Legal
proceedings.

93.—(1) Proceedings for an offence against any of these Regulations may, unless the Regulation otherwise provides, be instituted either by a constable or by, or with the consent of, the Director of Public Prosecutions, and proceedings for an offence against Regulation 55, 55AA or 55AB of these Regulations may also be instituted by a competent authority within the meaning of that Regulation or by any such authority or person as may be specified by an order of such a competent authority; but proceedings shall not be instituted for an offence against any of these Regulations otherwise than as aforesaid.

(1A) No restriction imposed by these Regulations upon the institution of proceedings shall apply—

- (a) to the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of an offence against any of these Regulations, or the remanding, in custody or on bail, of any such person charged with such an offence; or
- (b) to any proceedings under the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955.

(3) Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(4) Paragraph (1) of this Regulation shall not extend to Scotland.

Supplementary provisions

Service of
notices.

97. Without prejudice to any special provisions contained in these Regulations, or in any order made thereunder, a notice to be served on any person for the purposes of any of these Regulations or any order made thereunder may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and
variation of
orders, &c.

98. Any power conferred by any of these Regulations to make any order shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order.

Exercise of
powers of
Board of Trade.

99.—(1) Anything required or authorised by or under these Regulations to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Application of
Interpretation
Act, 1889, to
Defence
Regulations, &c.

99B. The Interpretation Act, 1889, shall apply to the interpretation of these Regulations and any order made thereunder as it applies to the interpretation of an Act of Parliament, and for the purposes of section thirty-eight of the Interpretation Act, 1889, these Regulations and any order made thereunder shall be deemed to be an Act of Parliament.

Interpretation.

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

“drainage authority” has the same meaning as in the Land Drainage Act, 1930;

“local authority” means the Common Council of the City of London, the council of a metropolitan borough or the council of a county, county borough or county district ;

2ND SCH.
—cont.

“public utility undertaking” means any of the following undertakings the carrying on of which is authorised by any Act (whether public general or local) or by any order made under, or confirmed by, an Act, that is to say :—

- (a) any undertaking for the supply of electricity, gas or water ;
- (b) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking ;
- (c) any sewerage or sewage disposal undertaking, or any undertaking for the collection or disposal of refuse ;
- (d) any undertaking of a drainage authority ;

and includes any such undertaking as aforesaid which is carried on by a local authority ;

“ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Act, 1894.

(3) Where, under any of these Regulations, any person has power to authorise other persons to act under that Regulation, the power may be exercised so as to confer the authority either on particular persons or on a specified class of persons.

101. These Regulations shall apply to Scotland subject to the following modifications :—

Application to
Scotland.

(5) In the last preceding Regulation—

- (a) references to a drainage authority shall be omitted ;
- (b) for the definition of “local authority” there shall be substituted the following definition :—

“‘local authority’ means any county, town, or district council”.

102. In the application of these Regulations to Northern Ireland the following modifications shall have effect :—

Application to
Northern
Ireland.

(1) References to the Director of Public Prosecutions shall be construed as references to the Attorney General for Northern Ireland, or, in a case in which the Attorney General for Northern Ireland is unable to act, to the deputy appointed under section two of the Office of Attorney General Act (Northern Ireland), 1923, to act as Attorney General for Northern Ireland ;

(2) The expression “summary conviction” means conviction subject to and in accordance with the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act, whether past or future ;

(10) The expression “Act” includes an Act of the Parliament of Northern Ireland, and references to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

2ND SCH.
—cont.
Exercise of
certain powers
by the
Government of
Northern
Ireland.

102A.—(1) Where by any of these Regulations any power is conferred upon the Secretary of State, then, in so far as the power is exercisable in relation to Northern Ireland the Secretary of State may, to such extent and subject to such restrictions as he thinks proper, by order delegate the power either to a department of the Government of Northern Ireland specified in the said order or to the appropriate department or departments of the said Government; and where any power is so delegated to the appropriate department or departments, it shall be exercised by such department or departments of the said Government as the Governor of Northern Ireland may by order specify.

Short title.

105. These Regulations may be cited as the Defence (General) Regulations, 1939.

PART B

THE DEFENCE (FINANCE) REGULATIONS, 1939

Power of
Treasury to
prohibit action
on certain
orders as to
gold, &c.

2A.—(1) Where the Treasury are satisfied that action to the detriment of the economic position of the United Kingdom is being, or is likely to be, taken by the government of, or persons resident in, any country or territory outside the United Kingdom, the Treasury may give general or special directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by or on behalf of the Treasury, of any order given by or on behalf of the government of that country or territory or any person resident therein at the time when the directions were given or at any later time while the directions are in force, in so far as the order—

- (i) requires the person to whom the order is given to make any payment or to part with any gold or securities; or
- (ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held.

(2) Where any directions are given under this Regulation with respect to any country or territory, a branch in that country or territory of any business, whether carried on by a body corporate or otherwise, shall, for the purposes of this Regulation, be treated in all respects as if the branch were a body corporate resident in that country or territory.

Application of
certain
provisions of
the Defence
(General)
Regulations,
1939.

9.—(1) The provisions of Part V of the Defence (General) Regulations, 1939, shall apply for the purpose of the enforcement of these Regulations, and otherwise in relation thereto, as if these Regulations were included in those Regulations.

Interpretation

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

“gold” means gold coin or gold bullion;

“security”, except in so far as is otherwise expressly provided, includes—

- (a) shares, stocks, bonds, notes, debentures, debenture stock and Treasury bills;

- (b) a deposit receipt in respect of the deposit of securities ; 2ND SCH
—cont.
- (c) a unit or a sub-unit of a unit trust ;
- (d) an annuity granted under the Government Annuities Act, 1929, or to which either Part I or Part II of that Act applies, and a life assurance policy or other contract entered into with an assurance company for securing the payment in the future of any capital sum or sums or of an annuity ;
- (e) a warrant conferring an option to acquire a security ;
- (f) a share in an oil royalty ;
- but does not include a bill of exchange or a promissory note ;

and references in these Regulations to the United Kingdom shall be construed as if the Channel Islands and the Isle of Man were part of the United Kingdom.

(2) Any consent or permission granted by or on behalf of the Treasury under any of these Regulations may be granted either absolutely or subject to conditions.

11. These Regulations may be cited as the Defence (Finance) Short title. Regulations, 1939.

PART C

THE DEFENCE (ARMED FORCES) REGULATIONS, 1939

1. These Regulations may be cited as the Defence (Armed Forces) Regulations, 1939.

6. The Admiralty, the Army Council or the Air Council may by order authorise officers and men of Her Majesty's naval, military or air forces under their respective control to be temporarily employed in agricultural work or such other work as may be approved in accordance with instructions issued by the Admiralty, the Army Council or the Air Council, as the case may be, as being urgent work of national importance, and thereupon it shall be the duty of every person subject to the Naval Discipline Act, military law or air-force law to obey any command given by his superior officer in relation to such employment, and every such command shall be deemed to be a lawful command within the meaning of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, as the case may be.

Section 2.

THIRD SCHEDULE

SUPPLEMENTARY PROVISIONS WITH RESPECT TO DEFENCE
REGULATIONS

1. Any order duly made in pursuance of any Defence Regulation continued in force by virtue of section two of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

2. Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any such Regulation as aforesaid shall—

(a) in so far as they specifically impose prohibitions or obligations in relation to vessels or aircraft, apply to all vessels or aircraft in or over the United Kingdom and to all British ships or aircraft, not being excepted ships or aircraft, wherever they may be ;

(b) in so far as they impose prohibitions, restrictions or obligations on persons, apply, subject to the foregoing sub-paragraph, to all persons in the United Kingdom and all persons on board any British ship or aircraft, not being an excepted ship or aircraft, and to all other persons, wherever they may be, who are citizens of the United Kingdom and Colonies or British protected persons and who are ordinarily resident in the United Kingdom.

3. In the last foregoing paragraph—

“ British aircraft ” means an aircraft registered in—

(a) any part of Her Majesty’s dominions ;

(b) any country outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction ;

(c) any country consisting partly of one or more colonies and partly of one or more such countries as are mentioned in the last foregoing sub-paragraph ;

“ British protected person ” has the same meaning as in the British Nationality Acts, 1948 and 1958 ;

“ excepted ship or aircraft ” means a ship or aircraft registered in Canada, Australia, New Zealand, the Union of South Africa, the Republic of Ireland, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana or the Federation of Malaya, or in any territory administered by the government of any of the countries aforesaid, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, Her Majesty’s Government in the United Kingdom.

4. Every document purporting to be an instrument made or issued by any Minister or other authority or person in pursuance of any provision contained in, or having effect under, any such Regulation as aforesaid, and to be signed by or on behalf of that Minister, authority or person, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or

issued by that Minister, authority or person; and prima facie evidence of any such instrument as aforesaid may, in any legal proceedings (including arbitrations), be given by the production of a document purporting to be certified to be a true copy of the instrument by or on behalf of the Minister or other authority or person having power to make or issue the instrument.

3RD SCH.
—cont.

FOURTH SCHEDULE

Section 10.

REPEALS

PART I

Repeals in Acts of Parliament as from the commencement of this Act

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 38.	The Ministry of Supply Act, 1939.	Sections seven to nine. In section ten, paragraph (b) of subsection (3). Sections eleven to thirteen. In section sixteen, paragraph (b) of subsection (1).
2 & 3 Geo. 6. c. 62.	The Emergency Powers (Defence) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 70.	The Ships and Aircraft (Transfer Restriction) Act, 1939.	Subsection (2) of section thirteen.
2 & 3 Geo. 6. c. 100.	The Government and other Stocks (Emergency Provisions) Act, 1939.	Section two and subsection (2) of section three.
9 & 10 Geo. 6. c. 10.	The Supplies and Services (Transitional Powers) Act, 1945.	The whole Act except section six and subsection (1) of section ten.
9 & 10 Geo. 6. c. 26.	The Emergency Laws (Transitional Provisions) Act, 1946.	The whole Act except sections fifteen, sixteen and twenty-four and the Second Schedule.
10 & 11 Geo. 6. c. 55.	The Supplies and Services (Extended Purposes) Act, 1947.	The whole Act.
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act, 1947.	Paragraph 6 of the Second Schedule.
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act, 1947.	The whole Act except sections two and eleven, subsection (1) of section twelve and the Second Schedule.
14 & 15 Geo. 6. c. 25.	The Supplies and Services (Defence Purposes) Act, 1951.	Sections one and four.
5 & 6 Eliz. 2. c. 6.	The Ghana Independence Act, 1957.	Paragraph 9 of the Second Schedule.
5 & 6 Eliz. 2. c. 60.	The Federation of Malaya Independence Act, 1957.	Paragraph 11 of the First Schedule.

4TH SCH.
—cont.

PART II

Repeals in Acts of Parliament as from the expiration of the Thirty-first Day of December, Nineteen Hundred and Sixty-four

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 38.	The Ministry of Supply Act, 1939.	Sections ten and fourteen.
2 & 3 Geo. 6. c. 70.	The Ships and Aircraft (Transfer Restriction) Act, 1939.	The whole Act.
9 & 10 Geo. 6. c. 10.	The Supplies and Services (Transitional Powers) Act, 1945.	The whole Act.
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act, 1947.	Paragraph 7 of the Second Schedule.
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act, 1947.	Section eleven.
5 & 6 Eliz. 2. c. 6.	The Ghana Independence Act, 1957.	Paragraph 10 of the Second Schedule.
5 & 6 Eliz. 2. c. 60.	The Federation of Malaya Independence Act, 1957.	Paragraph 12 of the First Schedule.

PART III

Repeals in Orders in Council as from the commencement of this Act

1. In the Defence Regulations (No. 9) Order, 1954, sub-paragraph (1) of paragraph 1, sub-paragraph (1) of paragraph 2 and sub-paragraph (1) of paragraph 3.
2. The Defence Regulations (No. 1) Order, 1955.
3. The Defence Regulations (No. 1) Order, 1956.
4. The Defence Regulations (No. 3) Order, 1956.
5. The Defence Regulations (No. 5) Order, 1956.
6. The Defence Regulations (No. 6) Order, 1956.
7. The Defence Regulations (No. 1) Order, 1957.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851... ..	14 & 15 Vict. c. 93.
Naval Discipline Act	29 & 30 Vict. c. 109.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Forgery Act, 1913	3 & 4 Geo. 5. c. 27.
Government Annuities Act, 1929	19 & 20 Geo. 5. c. 29.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Hire Purchase and Small Debts (Scotland) Act, 1932	22 & 23 Geo. 5. c. 38.
Ministry of Supply Act, 1939	2 & 3 Geo. 6. c. 38.
Emergency Powers (Defence) Act, 1939	2 & 3 Geo. 6. c. 62.
Ships and Aircraft (Transfer Restriction) Act, 1939	2 & 3 Geo. 6. c. 70.
Government and other Stocks (Emergency Pro- visions) Act, 1939	2 & 3 Geo. 6. c. 100.
Supplies and Services (Transitional Powers) Act, 1945	9 & 10 Geo. 6. c. 10.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6. c. 31.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Emergency Laws (Miscellaneous Provisions) Act, 1947	11 & 12 Geo. 6. c. 10.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.

CHAPTER 20

An Act to increase the statutory limits imposed on the amounts outstanding in respect of borrowings by the Electricity Council and Electricity Boards.

[25th March, 1959]

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 enactments limiting the borrowing powers of the Electricity Council and Electricity Boards by reference to the aggregate of amounts outstanding shall, as respects sums borrowed

Extension of borrowing powers.

before the end of March, nineteen hundred and sixty-five, be amended as follows:—

5 & 6 Eliz. 2.
c. 48.

(a) in subsection (5) of section fifteen of the Electricity Act, 1957 (which applies to the Electricity Council, the Central Electricity Generating Board and Area Electricity Boards) for the words “fourteen hundred million pounds” there shall be substituted the words “eighteen hundred million pounds or such greater sum, not exceeding two thousand three hundred million pounds, as the Minister may by order specify”; and

10 & 11 Geo. 6.
c. 54.

2 & 3 Eliz. 2.
c. 60.

(b) in subsection (7) of section forty-seven of the Electricity Act, 1947 (which applies to the North of Scotland Hydro-Electric Board and, by virtue of the Electricity Reorganisation (Scotland) Act, 1954, to the South of Scotland Electricity Board) there shall be substituted—

15 & 16 Geo. 6.
& 1 Eliz. 2.
c. 22.

(i) in relation to the North of Scotland Hydro-Electric Board, for the words (substituted by the Hydro-Electric Development (Scotland) Act, 1952) “two hundred million pounds” the words “two hundred and forty million pounds or such greater sum, not exceeding three hundred million pounds, as the Secretary of State may by order specify”; and

(ii) in relation to the South of Scotland Electricity Board, for the words (substituted by the said Act of 1954) “seventy-five million pounds” the words “one hundred and ten million pounds or such greater sum, not exceeding one hundred and thirty-five million pounds, as the Secretary of State may by order specify”.

(2) Any power conferred by this Act to make an order includes power to vary any such order by a subsequent order.

(3) Any power conferred by this Act to make an order shall be exercisable by statutory instrument, and no such order shall be made unless a draft thereof has been laid before the Commons House of Parliament and has been approved by a resolution of that House.

Short title
and repeal.

2.—(1) This Act may be cited as the Electricity (Borrowing Powers) Act, 1959.

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

SCHEDULE

Section 2.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 22.	The Hydro-Electric Development (Scotland) Act, 1952.	The whole Act.
2 & 3 Eliz. 2. c. 60.	The Electricity Reorganisation (Scotland) Act, 1954.	In section ten, in subsection (3), the words preceding the proviso, and subsection (4).

CHAPTER 21

An Act to increase the sum to which a surviving husband or wife is entitled by virtue of the Intestate Husband's Estate (Scotland) Acts, 1911 and 1919, and section five of the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940. [25th March, 1959]

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 Intestate Husband's Estate (Scotland) Acts, 1911 and 1919, and section five of the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940 (whereby a surviving husband or wife is entitled, subject to the provisions of those enactments, to receive, if the net value of the intestate estate of his or her deceased wife or husband does not exceed five hundred pounds, the whole estate, or, if it exceeds five hundred pounds, the sum of five hundred pounds thereout) shall have effect as if for the words "five hundred pounds" (wherever they occur) there were substituted the words "five thousand pounds".

(2) This section shall have effect in relation to any husband or wife whose death occurs after the expiration of a period of one month beginning with the date of the passing of this Act.

2. This Act may be cited as the Intestate Husband's Estate (Scotland) Act, 1959, and the Intestate Husband's Estate (Scotland) Acts, 1911 and 1919, section five of the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940, and this Act may be cited together as the Intestate Husband's Estate (Scotland) Acts, 1911 to 1959.

CHAPTER 22

County Courts Act, 1959

ARRANGEMENT OF SECTIONS

PART I

CONSTITUTION AND ADMINISTRATION

County Courts and Districts

Section

1. County courts to be held for districts.
2. Delimitation of districts.
3. Definition of Duchy of Lancaster districts.

Judges

4. Appointment of judges for districts.
5. Qualifications of judges.
6. Disqualification of judges.
7. Oaths to be taken by judges.
8. Removal and retirement of judges.
9. Salaries of judges.
10. Allowances to judges.
11. Inclusion of judges in commissions of the peace.

Deputy Judges

12. Appointment of deputy judges.
13. Qualifications of deputy judges and right to practise.
14. Removal of deputy judges.
15. Remuneration of deputy judges.
16. Powers of deputy judges.

Temporary Judges

17. Temporary appointment of persons to act as judges.

Registrars and Assistant Registrars

18. Appointment of registrars.
19. Appointment of assistant registrars.
20. Allocation of duties by registrars.
21. Qualifications of registrars and assistant registrars.
22. Whole-time registrars and assistant registrars.
23. Removal and retirement of registrars and assistant registrars.
24. Notification of vacancy in office of registrar.
25. Residence of registrars.
26. Records of proceedings to be kept by registrars.

Deputy Registrars

27. Deputy registrars.

Clerks, Bailiffs, Ushers and Messengers

28. Appointment and removal of clerks, bailiffs, ushers and messengers.

Miscellaneous Provisions as to Officers

29. Officers of court not to act as solicitors therein.
30. Penalty for assaulting officers.
31. Misconduct of officers.

Court Buildings and Offices

32. Use of public buildings for the holding of courts.
33. Provision of court-houses by Minister of Works.

Sittings

Section

- 34. Ordinary sittings.
- 35. Adjournment of court.
- 36. Additional courts.
- 37. Extraordinary sittings.
- 38. Closing of courts.

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Actions of Contract and Tort

- 39. General jurisdiction in actions of contract and tort.
- 40. Money recoverable by statute.
- 41. Abandonment of part of claim to give court jurisdiction.
- 42. Jurisdiction by agreement in certain actions.
- 43. Plaintiff's right to transfer action of contract or tort from county court to High Court so as to increase his claim.
- 44. Transfer of certain actions of contract or tort from county court to High Court at defendant's instance.
- 45. Transfer of actions of contract or tort from High Court to county court.
- 46. Transfer from High Court to county court of actions of tort where plaintiff impecunious.
- 47. Costs of actions of contract or tort commenced in High Court which could have been commenced in county court.

Recovery of Land and Cases where Title in Question

- 48. Jurisdiction in actions for recovery of land.
- 49. Transfer of actions for recovery of land from county court to High Court.
- 50. Transfer of actions for recovery of land from High Court to county court.
- 51. Jurisdiction where title in question.

Equity Proceedings

- 52. Equity jurisdiction.
- 53. Jurisdiction by agreement in certain equity proceedings.
- 54. Transfer of equity proceedings from High Court to county court.

Admiralty Proceedings

- 55. Districts for Admiralty purposes.
- 56. Admiralty jurisdiction.
- 57. Mode of exercise of Admiralty jurisdiction.
- 58. Transfer of Admiralty proceedings from county court to High Court.
- 59. Transfer of Admiralty proceedings from High Court to county court.
- 60. Costs of certain Admiralty proceedings commenced in High Court which could have been commenced in county court.
- 61. Supplementary provisions as to Admiralty proceedings.

Probate Proceedings

- 62. Probate jurisdiction.
- 63. Transfer of probate proceedings from High Court to county court.
- 64. Effect of order of judge in probate proceedings.

Miscellaneous Provisions as to Jurisdiction

- 65. Jurisdiction as to counterclaims.
- 66. Procedure where proceedings beyond jurisdiction are commenced in county court.

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- 67. Power of High Court as respects agreements to transfer proceedings commenced therein to county court.
- 68. Transfer of interpleader proceedings from High Court to county court.
- 69. Division of causes of action.
- 70. Restrictions on entertainment of actions in personam in collision and other similar cases.
- 71. No action on judgment of other courts.
- 72. Limitation of costs of action brought in local court which could have been brought in county court.

Exercise of Jurisdiction and ancillary Jurisdiction

- 73. Persons who may exercise jurisdiction of court.
- 74. General ancillary jurisdiction.
- 75. Ancillary powers of judge.

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- 76. Costs in cases transferred from one court to another.
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- 78. Proceedings by the Crown.
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- 80. Infants.
- 81. Persons jointly liable.
- 82. Bankruptcy of plaintiff.

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- 83. Arrest in Admiralty proceedings.

Witnesses and Evidence

- 84. Penalty for neglecting witness summons.
- 85. Examination of witnesses abroad.
- 86. Evidence of prisoners.
- 87. Persons who may take affidavits for use in county court.
- 88. Evidence in Admiralty proceedings.

Right of Audience and Mode of Trial

- 89. Right of audience.
- 90. Trial by judge or registrar.
- 91. Assessors.
- 92. Power of judge to refer to arbitration.
- 93. Power of judge to refer to registrar or referee.

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- 95. Summoning of jurors.
- 96. Impanelling, swearing and verdict of jury.
- 97. Duty of judge to determine foreign law in jury trials.

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- 98. Finality of judgments and orders.
- 99. Satisfaction of judgments and orders for payment of money.
- 100. Set-off in cases of cross judgments in county courts and High Court.
- 101. Register of judgments and orders.

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- 102. County court rules.
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- 105. Amount and conditions of security.
- 106. Removal of action of replevin to High Court at instance of defendant.

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- 109. Appeals on questions of fact: general provisions.
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- 111. Agreement not to appeal.
- 112. Judge's note on appeal.
- 113. Powers of Court of Appeal on appeal from county court.
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An Act to consolidate, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949, certain enactments relating to county courts.
[25th March, 1959]

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

PART I

CONSTITUTION AND ADMINISTRATION

County Courts and Districts

County courts to be held for districts.

1.—(1) For the purposes of this Act, England and Wales (excluding the City of London) shall be divided into districts, and a court shall be held under this Act for each of the said districts at one or more places therein, and throughout the whole of each district the court so held for the district shall have such jurisdiction and powers as are conferred by this Act and any other enactment for the time being in force.

(2) Every court so held shall be called a county court and shall be a court of record and shall have a seal.

Delimitation of districts.

2.—(1) Subject to any alterations made in pursuance of this Act, county courts shall continue to be held for the districts and at the places and by the names appointed at the commencement of this Act under the enactments repealed by this Act.

- (2) The Lord Chancellor may from time to time by order—
- (a) alter the number and boundaries of districts and the places at which courts are to be held ;
 - (b) discontinue the holding of any court, consolidate any two or more districts, or divide any district ;
 - (c) specify the name under which, and the places in which, a court is to be held in any district :

PART I
—cont.

Provided that no order shall be made under this subsection with respect to a Duchy of Lancaster district except with the consent of the Chancellor of that Duchy.

(3) The power to make orders under the last foregoing subsection shall be exercisable by statutory instrument ; and an order under that subsection—

- (a) if it provides for the discontinuance of the holding of any court may make provision with respect to proceedings commenced in that court before the order comes into operation ; and
- (b) may be revoked or varied by a subsequent order thereunder.

3.—(1) In this Act the expression “Duchy of Lancaster district” means a district wholly or partly within that Duchy, being a district the judge of which is not judge of any other district wholly outside that Duchy, or, in a case where there is more than one judge of the district, being a district no judge of which is judge of any other district wholly outside that Duchy :

Definition of
Duchy of
Lancaster
districts.

Provided that the Lord Chancellor may by order provide that a district adjacent to the said Duchy shall be treated for the purpose of this subsection as if it were wholly or partly within that Duchy.

(2) The power to make orders under the foregoing subsection shall be exercisable by statutory instrument ; and the Lord Chancellor may, with the consent of the Chancellor of the said Duchy, revoke an order under that subsection.

Judges

4.—(1) There shall be at least one judge for each district, and Her Majesty shall from time to time appoint to be judges such number of fit persons as is necessary ; but the number of judges shall not at any time exceed eighty.

Appointment
of judges for
districts.

(2) Every appointment of a person to be a judge shall be of a person recommended to Her Majesty by the Lord Chancellor :

Provided that when the judge of a Duchy of Lancaster district ceases to be the judge thereof, whether by reason of his vacating office or by reason of any alteration in the distribution of the

PART I
—cont.

districts among the judges made under subsection (5) of this section, the appointment of his successor shall, unless made under that subsection, be of a person recommended to Her Majesty by the Chancellor of that Duchy and not by the Lord Chancellor.

(3) The distribution of the districts among the judges, as existing at the commencement of this Act, shall continue, subject to any alterations made under subsection (5) of this section.

(4) The Lord Chancellor may from time to time direct that there shall be two judges for a district, and may make such regulations as to their respective sittings, or otherwise as to the division of their duties, as he thinks fit, and each of the judges when acting in pursuance of any such direction shall have all such powers as he would have had if he had been sole judge for the district.

(5) The Lord Chancellor may from time to time alter the distribution of the districts among the judges, and for that purpose may—

- (a) direct that any judge shall cease to be the judge of any district, or shall be transferred from all or any of the districts for which he is judge to any other district ;
- (b) appoint any judge to be judge for any district in addition to the district for which he is already judge ;
- (c) direct that any judge shall sit as an additional judge in any district.

(6) The Lord Chancellor shall not exercise his powers under either of the last two foregoing subsections with respect to a Duchy of Lancaster district except with the consent of the Chancellor of that Duchy.

(7) Any judge shall be capable of acting for any other judge within or without any district for which that other judge has been appointed.

Qualifications
of judges.

5.—(1) No person shall be qualified to be appointed a judge unless he is a barrister-at-law of at least seven years' standing.

(2) Before recommending any person to Her Majesty for appointment as a judge, the Lord Chancellor or the Chancellor of the Duchy of Lancaster, as the case may be, shall take steps to satisfy himself that the health of that person is satisfactory.

Disqualifica-
tions of judges.

6. No judge, so long as he holds office as such, shall—

- (a) practise at the bar, or be directly or indirectly concerned as a conveyancer, notary public or solicitor ; or
- (b) act as arbitrator or referee for any remuneration to himself.

7. Every judge appointed after the commencement of this Act shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath; and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the Second Part of the Schedule to that Act included judges so appointed.

PART I
—cont.
Oaths to be taken by judges.

8.—(1) The Lord Chancellor or, in the case of a judge of a Duchy of Lancaster district, the Chancellor of that Duchy, may, if he thinks fit, remove a judge for inability or misbehaviour.

Removal and retirement of judges.

(2) A judge shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that where the Lord Chancellor considers it desirable in the public interest to retain any judge in office after that judge attains the said age, he may from time to time authorise the continuance of that judge in office up to such later age (not exceeding seventy-five years) as he thinks fit.

9.—(1) There shall be paid to every judge a salary of three thousand seven hundred and fifty pounds a year.

Salaries of judges.

(2) Every salary payable under this section shall—

- (a) be charged on and paid out of the Consolidated Fund;
- (b) begin from the commencement of this Act or the date of appointment (whichever is the later) and accrue due from day to day; and
- (c) be payable at such intervals, not exceeding three months, as the Treasury think fit.

(3) If at any time it appears to the Lord Chancellor that the judges' salaries ought to be increased, he may, with the consent of the Treasury, by order direct that those salaries shall be increased to such amount as may be specified in the order:

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

(4) The power to make orders under the last foregoing subsection shall be exercisable by statutory instrument; and any order under that subsection—

- (a) may contain such transitional, supplementary or incidental provisions as may appear to the Lord Chancellor to be necessary or expedient for the purposes of the order; and
- (b) may be revoked or varied by a subsequent order under that subsection.

10. The Lord Chancellor may allow to any judge such sum as the Lord Chancellor in each case, with the approval of the Treasury, thinks reasonable for the purpose of defraying the

Allowances to judges.

PART I
—cont.

travelling expenses of the judge, regard being had to the size and circumstances of the district for which he is judge or in which he is directed under this Act to sit as judge.

**Inclusion of
judges in
commissions
of the peace.**

11. Her Majesty may include, in any commission of the peace for any county or borough where a county court is held, the judge for the time being of that court, and thereupon every person duly appointed to be the judge of that court shall (whether he has ceased to hold office as such or not) be deemed to be included in the commission as if he had been personally named therein.

Deputy Judges

**Appointment
of deputy
judges.**

12.—(1) In the event of the illness or unavoidable absence of a judge, it shall be lawful for him to appoint a person to act as his deputy during the illness or absence :

Provided that—

- (a) on the making of any such appointment, notice of the fact and of the name of the deputy shall be forthwith given to the Lord Chancellor ; and
- (b) no deputy so appointed shall be entitled to act for more than fourteen days at any time, except with the approval of the Lord Chancellor ; and
- (c) if the judge is unable to make any such appointment or requests the Lord Chancellor to make it, the Lord Chancellor may make it.

(2) It shall also be lawful for a judge, with the approval of the Lord Chancellor or, in the case of a judge for a Duchy of Lancaster district, with the approval of the Chancellor of that Duchy, to appoint a person to act as his deputy for any period or periods not exceeding in the aggregate two months in any consecutive period of twelve months.

(3) Where, in the absence of a judge, a person appointed to act as his deputy is by reason of illness or otherwise incapable of performing his duties as deputy, the Lord Chancellor may appoint another person to act as deputy of that judge.

(4) When a judge vacates his office from any cause whatsoever and no deputy has been appointed, the Lord Chancellor or, in the case of a judge of a Duchy of Lancaster district, the Chancellor of that Duchy, may appoint a deputy for any period not exceeding three months if the office so long remains vacant.

(5) A deputy judge may be appointed to act for a judge in all or any of the districts for which the judge was appointed, or at all or any of the places at which the court for any such district is held.

13.—(1) No person shall be qualified to be appointed to act as deputy of a judge unless he—

- (a) has previously held the office of judge under this Act or the County Courts Act, 1934 ; or
- (b) is a barrister-at-law of at least seven years' standing.

PART I
—cont.

Qualifications
of deputy
judges and
right to
practise.

(2) No person appointed to act as a deputy of a judge (other than the judge of the Westminster County Court) shall, during the period for which he so acts or is entitled so to act, practise as a barrister in any county court or other court within the district in which he so acts or is entitled so to act.

14. The Lord Chancellor or, in the case of a deputy of a judge of a Duchy of Lancaster district (other than a deputy appointed by the Lord Chancellor), the Chancellor of that Duchy, may, if he thinks fit, remove a deputy judge for inability or misbehaviour.

Removal of
deputy judges.

15.—(1) Where a deputy has been appointed in the case of the illness of any judge, the Lord Chancellor may, with the approval of the Treasury, allow the deputy such remuneration as he thinks fit.

Remuneration
of deputy
judges.

(2) Every deputy who is—

- (a) appointed to act for a judge who subsequently, during the period of the appointment, vacates his office from any cause whatsoever ; or
- (b) appointed under subsection (4) of section twelve of this Act to act during a vacancy in the office of a judge ;

shall receive in respect of the period for which he acts as deputy during the vacancy such remuneration as the Lord Chancellor may, with the approval of the Treasury, in any case determine.

16.—(1) Every deputy judge shall, during the period for which he is appointed, have all the powers and privileges of the judge for whom he is appointed to act and perform all the duties of the judge for whom he is appointed to act.

Powers of
deputy judges.

(2) Where the hearing of any proceedings duly commenced before a deputy judge is adjourned, or judgment is reserved therein, the deputy judge shall, notwithstanding that before the hearing is resumed or judgment is delivered the period of his appointment expires or a successor is appointed to the judge for whom he was acting as deputy, have power to resume the hearing and determine the proceedings, or to deliver as the judgment of the court the judgment which he has reserved, as the case may be.

(3) The appointment of a deputy of a judge shall not be avoided by the vacation of office by that judge from any cause

PART I
—cont.

whatsoever, and the acts of the deputy done thereafter shall be as valid as if the judge had not vacated office, and the deputy shall continue to act in every court to which he was appointed until—

- (a) the Lord Chancellor or, in the case of a deputy of a judge for a Duchy of Lancaster district (not being a deputy appointed by the Lord Chancellor), the Chancellor of that Duchy, otherwise orders; or
- (b) a successor to the judge is appointed.

(4) Subsection (1) of this section, in so far as it provides that during the period for which a deputy judge is appointed he shall perform all the duties of the judge for whom he is appointed to act, shall have effect subject to subsection (2) of the next following section.

Temporary Judges

Temporary
appointment
of persons to
act as judges.

17.—(1) If it appears to the Lord Chancellor, on representations made to him by the judge for any district, that it is expedient so to do in order to avoid delays in the administration of justice in that district, the Lord Chancellor may appoint a person to act for the judge in the despatch of business at any sitting of the court for that district, whether an ordinary sitting appointed under section thirty-four of this Act or an additional court.

(2) Any person appointed under this section shall, at the sitting for which he is appointed (including any adjournment thereof), have all the powers and privileges and may perform any of the duties of the judge he is appointed to act for, whether or not the judge is present, and on the day of the sitting or any adjournment thereof may exercise out of court any powers so exercisable by the judge.

(3) Where the judge is present, he may divide the judge's duties as he thinks fit between himself and the person appointed to act for him.

(4) Where the hearing of any proceedings duly commenced before a person appointed under this section is adjourned, or judgment is reserved therein, he shall have power at any subsequent sitting of the court to resume the hearing and determine the proceedings, or to deliver as the judgment of the court the judgment which he has reserved, as the case may be, as if his appointment had extended to the subsequent sitting.

(5) No person shall be qualified to be appointed under this section unless he—

- (a) has previously held the office of judge under this Act or the County Courts Act, 1934; or
- (b) is a barrister-at-law of at least seven years' standing.

(6) The Lord Chancellor may, with the approval of the Treasury, allow a person appointed under this section such remuneration as he thinks fit.

Registrars and Assistant Registrars

PART I

—cont.

18.—(1) Subject to the provisions of this section, there shall be a registrar for each district, who—

Appointment
of registrars.

- (a) shall be appointed by the Lord Chancellor ; and
- (b) shall be paid such salary, to be either exclusive or inclusive of the remuneration of any officers of the court and of any other expenses of his office, as the Lord Chancellor may, with the consent of the Treasury, direct.

Where the salary is inclusive of any such remuneration or expenses as aforesaid, the Lord Chancellor may, if he thinks fit and subject to the consent of the Treasury, specify what part of the salary is applicable to the payment of the said remuneration or expenses.

(2) The Lord Chancellor may, if he thinks fit, appoint a person to be registrar for two or more districts.

(3) The Lord Chancellor may, if he thinks fit, in the case of a populous district, appoint two persons to execute jointly the office of registrar for the district and may, in any case where joint registrars are appointed, give directions with respect to the division between them of the duties of the office, and may, as he thinks fit, on the death, resignation or removal of a joint registrar, either appoint another person to be joint registrar in his place or give directions that the continuing registrar shall act as sole registrar.

(4) The registrar for any district shall be capable of acting in any other district for the registrar of that other district, but shall not, by virtue of this subsection, act as registrar in relation to any proceedings in which he is, either by himself or his partner, directly or indirectly engaged as solicitor or agent for any party.

19.—(1) The Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint in connection with any court such assistant registrars as he considers necessary for carrying out the work of the court.

Appointment
of assistant
registrars.

(2) An assistant registrar shall be capable of discharging any of the functions of the registrar, and in so doing shall have the same powers and be subject to the same liabilities as if he were the registrar.

20. The registrar for any district where there is an assistant registrar, or where the registrar for some other district is acting for him under subsection (4) of section eighteen of this Act, may divide the registrar's duties as he thinks fit between himself and the assistant registrar or the registrar acting for him, as the case may be.

Allocation of
duties by
registrars.

C

PART I

—cont.

Qualifications
of registrars
and assistant
registrars.

21.—(1) No person shall be qualified to be appointed a registrar or assistant registrar unless he is a solicitor of at least seven years' standing.

(2) Nothing in this section shall disqualify any registrar appointed before the fourteenth day of July, nineteen hundred and twenty-four, from continuing to hold his office.

Whole-time
registrars and
assistant
registrars.

22.—(1) If in any case the Lord Chancellor thinks it expedient so to do, having regard to the amount of business to be performed by any registrar or assistant registrar in pursuance of this Act and of the amount of business (if any) to be performed by him as district registrar or assistant district registrar of the High Court, he may, with the concurrence of the Treasury, direct that that registrar or assistant registrar shall not directly or indirectly engage in practice as a solicitor or carry on any employment of such a nature as will, in the opinion of the Lord Chancellor, prevent him from properly performing his duties as registrar or assistant registrar, as the case may be.

A registrar with respect to whom a direction has been given under this subsection is in this Act referred to as a "whole-time registrar", and an assistant registrar with respect to whom a direction has been so given is so referred to as a "whole-time assistant registrar".

(2) The Lord Chancellor shall, before giving any direction under which a person will on appointment as registrar or assistant registrar be, or under which a person holding the office of registrar or assistant registrar will become, a whole-time registrar or assistant registrar, take steps to satisfy himself that the health of the person concerned is satisfactory.

Removal and
retirement of
registrars and
assistant
registrars.

23.—(1) The Lord Chancellor may, if he thinks fit, remove a registrar or assistant registrar from his office.

(2) A whole-time registrar or assistant registrar shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain any registrar or assistant registrar in office after that registrar or assistant registrar attains the said age, he may, with the approval of the Treasury, from time to time authorise the continuance of that registrar or assistant registrar in office up to such later age, not exceeding seventy-five years, as he thinks fit.

24. Notice of a vacancy occurring in the office of registrar for a district shall be forthwith given to the Lord Chancellor by the judge for that district.

Notification of vacancy in office of registrar.

25. A registrar shall not reside outside the district for which he is registrar, except with the consent of the Lord Chancellor and subject to such conditions as the Lord Chancellor may impose.

Residence of registrars.

26.—(1) The registrar for every district shall keep or cause to be kept such records of and in relation to proceedings in the court for that district as the Lord Chancellor may by regulations (made by statutory instrument) prescribe.

Records of proceedings to be kept by registrars.

(2) Any entry in a book or other document required by the said regulations to be kept for the purposes of this section, or a copy thereof purporting to be signed and certified as a true copy by the registrar, shall at all times without further proof be admitted in any court or place whatsoever as evidence of the entry and of the proceeding referred to thereby and of the regularity of that proceeding.

Deputy Registrars

27.—(1) The registrar for any district may from time to time, with the approval of the judge for that district, appoint a deputy to act for him at any time when he is prevented by illness or unavoidable absence from acting in his office:

Deputy registrars.

Provided that where the registrar is unable to make such an appointment, the judge may make it.

(2) The appointment of a deputy of a registrar under the foregoing provisions of this section shall not be avoided by the vacation of office by the registrar from any cause whatsoever, but the acts of the deputy done thereafter shall be as valid as if the registrar had not vacated office, and the deputy shall continue to act until a successor to the registrar is appointed.

(3) Where a registrar vacates his office from any cause whatsoever and has not appointed a deputy, the judge may provisionally appoint a deputy to act for any period not exceeding three months.

(4) No person shall be qualified to be appointed a deputy registrar unless he is a solicitor of at least seven years' standing.

(5) Any person appointing a deputy under this section may at his pleasure remove that deputy from office.

(6) A deputy registrar, while acting under his appointment, shall have the same powers and be subject to the same liabilities as if he were the registrar.

PART I
—cont.

(7) Every deputy who is—

(a) appointed to act for a registrar who subsequently, during the period of the appointment, vacates his office from any cause whatsoever; or

(b) provisionally appointed under subsection (4) of this section to act during a vacancy in the office of registrar;

shall receive in respect of the period for which he acts as deputy during the vacancy such remuneration as the Lord Chancellor may, with the approval of the Treasury, direct.

(8) Where a deputy has been appointed in the case of the illness or unavoidable absence of a whole-time registrar the Lord Chancellor may, with the approval of the Treasury, allow to the registrar such sums in respect of the remuneration and expenses of the deputy as he thinks fit.

Clerks, Bailiffs, Ushers and Messengers

Appointment and removal of clerks, bailiffs, ushers and messengers.

28.—(1) Subject as hereinafter provided, the Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint in connection with any court such clerks, bailiffs, ushers and messengers as he considers necessary for the purpose of carrying out the work of the court, and may from time to time direct what duties shall be performed by those officers respectively, and may, if he thinks fit, remove any such officer from his office:

Provided that where the registrar is paid a salary inclusive of the remuneration of any such officers (whether the part of the salary applicable to the payment of that remuneration is specified under section eighteen of this Act or not), those officers shall be appointed and be removable by the registrar.

(2) Where a bailiff is appointed by the registrar, his appointment, notwithstanding that no direction has been given in his case by the Lord Chancellor under section twenty-nine of the County Courts Act, 1934 (which relates to the status and pensions of persons employed as clerks, bailiffs, ushers or messengers in the service of a county court), shall not be vacated by the death or removal of the registrar, but his acts done thereafter shall be as valid as if the registrar had not died or been removed and had authorised those acts, and he shall continue to act until he is dismissed.

Miscellaneous Provisions as to Officers

Officers of court not to act as solicitors therein.

29.—(1) Subject to the provisions of this section, no officer of a court shall, either by himself or his partner, be directly or indirectly engaged as solicitor or agent for any party in any proceedings in that court.

(2) Every person who contravenes the provisions of this section shall, for each offence, be liable on summary conviction to a fine not exceeding fifty pounds.

(3) Subsection (1) of this section does not apply to a person acting as registrar of a court by virtue of subsection (4) of section eighteen of this Act.

PART I
—cont.

30.—(1) If any person assaults an officer of a court while in the execution of his duty, he shall be liable— Penalty for assaulting officers.

(a) on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding twenty pounds ; or

(b) on an order made by the judge in that behalf, to be committed for a specified period not exceeding one month to any prison to which the judge has power to commit or to such a fine as aforesaid,

and a bailiff of the court may take the offender into custody, with or without warrant, and bring him before the judge.

(2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

31.—(1) If any officer of a court is charged—

Misconduct of officers.

(a) with extortion or misconduct while acting under colour of the process of the said court ; or

(b) with not duly paying or accounting for any money levied by him under the authority of this Act or the County Courts Act, 1934 ;

it shall be lawful for the judge to inquire into the matter in a summary way.

(2) For the purpose of any such inquiry, the judge may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced.

(3) On any such inquiry the judge may make such order as he thinks just for the repayment of the money extorted or the due payment of the money levied, and for the payment of damages and costs, and also, if he thinks fit, may impose such fine upon the officer, not exceeding ten pounds for each offence, as appears to him to be adequate.

(4) If it is found by the judge that any officer, while employed in putting in execution this Act or any of the powers thereof or the County Courts Act, 1934, or any of the powers thereof, has wilfully and corruptly exacted or accepted any fee or reward whatsoever, other than such fees as are for the time being allowed by or under this Act or, as the case may be, were for the time being allowed under the said Act of 1934, that officer shall, in addition to being liable for damages as provided by the last foregoing subsection, be for ever incapable of being employed under this Act in any office of profit or emolument:

Provided that this subsection shall not apply in the case of an officer appointed by the Lord Chancellor, unless the finding of the judge is confirmed by the Lord Chancellor.

PART I
—*cont.*

Court Buildings and Offices

Use of public buildings for the holding of courts.

32.—(1) Where, in any place in which a county court is held, there is a building, being a town hall, court-house or other public building belonging to any local or other public authority, that building shall, with all necessary rooms, furniture and fittings therein, be used for the purpose of holding the court, without any charge for rent or other payment, except the reasonable and necessary charges for lighting, warming and cleaning the building when used for the purpose aforesaid.

(2) Where any such building is used for the purpose of holding any court, the sittings of the court shall be so arranged as not to interfere with the business of the local or other public authority usually transacted in the building or with any purpose for which the building may be used by virtue of any local Act.

(3) This section shall not apply to any place in which a building was erected before the first day of January, eighteen hundred and eighty-nine, for the purpose of holding and carrying on the business of a county court.

Provision of court-houses by Minister of Works.

33.—(1) The Minister of Works, on the representation of the Lord Chancellor made with the approval of the Treasury, shall from time to time build, purchase, hire or otherwise provide such court-house, offices and buildings as may be necessary for carrying on the business of any county court, and cause the court-house, offices and buildings to be furnished, cleaned, lighted and warmed.

(2) For the purpose of any such purchase, the Lands Clauses Acts (except so much thereof as relates to the purchase of land otherwise than by agreement) are hereby incorporated with this Act, and in construing those Acts for the purposes of this Act, this Act shall be deemed to be the special Act and the Minister of Works shall be deemed to be the promoter of the undertaking.

(3) The duties of the Minister of Works under this section shall be exercised, notwithstanding anything in the last foregoing section, as respects any place to which that section applies, if it appears to him on the representation of the Lord Chancellor made with the approval of the Treasury, that there is no town hall, court-house, or other public building in that place which is suitable for the purpose of holding and carrying on the business of the court.

(4) For the purpose of providing a court-house, offices and buildings under this section, it shall be lawful for the Minister of Works, with the approval of the Lord Chancellor, to contribute, on such terms as the Treasury may approve, to the expenses incurred by any local or other public authority in erecting or re-constructing a town hall, court-house or other public building.

Sittings

PART I
—cont.

34.—(1) The judge for each district shall attend and hold the court at each of the places at which the court is required by or under this Act to be held within the district, and at such times as the judge may appoint, so however that the court shall be held at every such place once at least in every month or at such other intervals as the Lord Chancellor may in each case order.

Ordinary
sittings.

(2) Notice of the days on which the court will be held shall be posted in some conspicuous place in the court-house and in the office of the registrar, and no other notice thereof shall be necessary.

(3) Whenever any day so appointed for the holding of the court is altered, notice of the intended alteration and of the time when it will take effect shall be posted in some such conspicuous place as aforesaid.

35.—(1) A judge may from time to time adjourn any court held by him.

Adjournment
of court.

(2) Where, by reason of death or unavoidable absence, a judge is not present at any sitting of a court, the registrar, after exercising any powers which he is authorised to exercise by or under this Act or any other enactment, shall, unless a person appointed to act for the judge is present at the sitting, adjourn the court to such day as he thinks convenient, and enter in the minute book the cause of the adjournment.

36.—(1) A judge may, and if so required by the Lord Chancellor shall, appoint additional courts to be held, and may appoint any such additional court to be held at any place within the district at which an office is kept open by the registrar.

Additional
courts.

(2) Subject to county court rules, the registrar at any such additional court may, notwithstanding that the judge is not present, exercise any powers which he is authorised by or under this Act or any other enactment to exercise, and adjourn the court.

37. A judge may, with the consent of the parties to any proceedings, hear and determine the proceedings or any question arising therein at any place either within or without any district for which he is judge.

Extraordinary
sittings.

38.—(1) No judge shall be obliged to hold any court during the month of September in any year unless he is ordered by the Lord Chancellor so to do.

Closing of
courts.

(2) If any judge desires to hold courts in the month of September and to be relieved from the obligation to hold courts during some other period of the year, the judge may, with the sanction of the Lord Chancellor, close the courts of which he is judge for any periods approved by the Lord Chancellor not exceeding in the aggregate four weeks in any year.

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Actions of Contract and Tort

General jurisdiction in actions of contract and tort.

39.—(1) A county court shall have jurisdiction to hear and determine any action founded on contract or tort where the debt, demand or damage claimed is not more than four hundred pounds, whether on balance of account or otherwise:

Provided that a county court shall not, except as in this Act provided, have jurisdiction to hear and determine,—

- (a) any action for the recovery of land ; or
- (b) any action in which the title to any hereditament or to any toll, fair, market or franchise is in question ; or
- (c) any action for libel, slander, seduction or breach of promise of marriage.

(2) A county court shall have jurisdiction to hear and determine any action where the debt or demand claimed consists of a balance not exceeding four hundred pounds after a set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, being a set-off admitted by the plaintiff in the particulars of his claim or demand.

Money recoverable by statute.

40.—(1) A county court shall have jurisdiction to hear and determine any action for the recovery of any penalty, expenses, contribution or other like demand which is recoverable by virtue of any enactment for the time being in force, if—

- (a) it is not expressly provided by that or any other enactment that the demand shall be recoverable only in some other court ; and
- (b) the amount claimed in the action does not exceed four hundred pounds.

(2) For the purposes of this section the expression “ penalty ” shall not include a fine to which any person is liable on conviction on indictment or on summary conviction.

Abandonment of part of claim to give court jurisdiction.

41.—(1) Where a plaintiff has a cause of action for more than four hundred pounds in which, if it were not for more than four hundred pounds, a county court would have jurisdiction, the plaintiff may abandon the excess, and thereupon a county court shall have jurisdiction to hear and determine the action, so, however, that the plaintiff shall not recover in the action an amount exceeding four hundred pounds.

(2) Where a court has jurisdiction to hear and determine an action by virtue of this section, the judgment of the court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.

42. If, with respect to any action other than an action which, if commenced in the High Court, would, under the Acts and rules applying to that court, have been assigned to the Chancery Division, or to the Probate, Divorce and Admiralty Division, the parties to the action agree, by a memorandum signed by them or by their respective solicitors, that a county court specified in the memorandum shall have jurisdiction in the action, that court shall have jurisdiction to hear and determine the action accordingly.

PART II
—cont.
Jurisdiction by agreement in certain actions.

43.—(1) Where there is commenced in the county court an action founded on contract or tort wherein the plaintiff claims damages, the plaintiff may at any time apply to the judge for an order to transfer the action to the High Court, on the ground that there is reasonable ground for supposing the amount recoverable in respect of his claim to be in excess of the amount recoverable in the action in the county court.

Plaintiff's right to transfer action of contract or tort from county court to High Court so as to increase his claim.

(2) If, on any such application, the judge is satisfied that there is reasonable ground as aforesaid, the judge shall make an order that the action be transferred to the High Court.

44.—(1) Where there is commenced in a county court any action founded on contract or tort wherein the plaintiff claims a sum exceeding forty pounds, the defendant may, within such time as may be prescribed, give notice that he objects to the action being tried in the court.

Transfer of certain actions of contract or tort from county court to High Court at defendant's instance.

(2) Where such a notice is given, the judge shall order that the action be transferred to the High Court, if—

(a) the defendant (unless exempted by section twenty of the Crown Proceedings Act, 1947) gives security approved by the registrar for the amount claimed and the costs of trial in the High Court, not exceeding in the aggregate the sum of four hundred and fifty pounds; and

(b) the judge certifies that in his opinion some important question of law or fact is likely to arise.

45.—(1) In any action commenced in the High Court to which this section applies, any party may at any time apply to the High Court or a judge thereof for an order that the claim and counterclaim (if any) or, if the only matter remaining to

Transfer of actions of contract or tort from High Court to county court.

©

PART II
—cont.

be tried is a counterclaim, the counterclaim, shall be transferred—

- (a) to any county court in which the action might have been commenced if the subject matter and the amount thereof had been within the jurisdiction of the court ;
or
- (b) if the only matter remaining to be tried is a counterclaim, to any county court in which the counterclaim might have been commenced if it had been an action and the subject matter thereof had been within the jurisdiction of the court ; or
- (c) to any county court to which the High Court or judge may deem the most convenient to the parties ;

and the High Court or judge may thereupon, if the court or judge thinks fit, order that the claim or counterclaim or both (as the case may be) be so transferred accordingly.

(2) This section applies to any action where—

- (a) the plaintiff's claim is founded either on contract or on tort and the amount claimed or remaining in dispute in respect thereof does not exceed four hundred pounds, whether the action could or could not have been commenced in a county court, and whether the defendant does or does not set up, or intend to rely on, a counterclaim, and whether the counterclaim (if any) is founded on contract or on tort, and whether the amount claimed on the counterclaim (if any) exceeds or does not exceed four hundred pounds ; or
- (b) the only matter remaining to be tried between the parties is a counterclaim founded either on contract or on tort and the amount claimed or remaining in dispute in respect of the counterclaim does not exceed four hundred pounds, whether the counterclaim, if it had been an action, could or could not have been commenced in a county court :

Provided that this section shall not apply to any action to which section fifty-four or section fifty-nine of this Act applies.

Transfer from High Court to county court of actions of tort where plaintiff impecunious.

46.—(1) Where any action founded on tort is commenced in the High Court, the defendant may, on an affidavit made by himself or by any person on his behalf showing that the plaintiff has no visible means of paying the costs of the defendant should judgment not be for the plaintiff, apply to the High Court or a judge thereof for an order to transfer the action to a county court.

(2) On any such application the High Court or judge, unless the plaintiff satisfies the court or judge that he has such means as aforesaid, may, if the court or judge having regard to all the

circumstances of the case thinks fit so to do, make an order that, unless the plaintiff within a time to be limited in the order gives security for the defendant's costs to the satisfaction of the court or a judge, the action shall be transferred to such county court, to be named in the order, as the court or judge may deem the most convenient to the parties.

PART II
—cont.

47.—(1) Where an action founded on contract or tort is commenced in the High Court which could have been commenced in the county court and the action is not referred for trial to an official referee, then, subject to subsections (3) and (4) of this section, the plaintiff—

Costs of actions of contract or tort commenced in High Court which could have been commenced in county court.

- (a) if he recovers a sum less than three hundred pounds, shall not be entitled to any more costs of the action than those to which he would have been entitled if the action had been brought in the county court; and
- (b) if he recovers a sum less than seventy-five pounds, shall not be entitled to any costs of the action;

so, however, that this section shall not affect any question as to costs if it appears to the High Court or a judge thereof (or where the matter is tried before a referee or officer of the Supreme Court, to that referee or officer) that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff's claim to be in excess of the amount recoverable in an action commenced in the county court.

For the purposes of paragraphs (a) and (b) of this subsection, a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of contributory negligence on his part or otherwise in respect of matters not falling to be taken into account in determining whether the action could have been commenced in the county court.

(2) Where a plaintiff is entitled to costs on a county court scale only, the taxing master shall have the same power of directing on what county court scale costs are to be allowed, and of allowing any item of costs, as the judge would have had if the action had been brought in a county court.

(3) In any such action as aforesaid, whether founded on contract or tort, the High Court or a judge thereof (or where the matter is tried before a referee or officer of the Supreme Court, that referee or officer), if satisfied—

- (a) that there was sufficient reason for bringing the action in the High Court; or

PART II
—cont.

(b) that the defendant or one of the defendants objected to the transfer of the action to a county court ;
may make an order allowing the costs or any part of the costs thereof on the High Court scale or on such one of the county court scales as he may direct.

(4) If in any action the claim is for a debt or liquidated demand only for a sum of forty pounds or upwards, and—

- (a) the defendant pays the amount claimed or a sum of not less than forty pounds within the time limited in that behalf in the notification made on the writ in accordance with the rules of the Supreme Court ; or
- (b) the plaintiff, within twenty-eight days after the service of the writ, or within such further time as may be allowed by the High Court or a judge thereof, obtains judgment in default of appearance or of defence for a sum of forty pounds or upwards ; or
- (c) the plaintiff, within twenty-eight days after service of the writ, or within such further time as may be allowed by the High Court or a judge thereof, obtains, under any rule of the Supreme Court providing for summary judgment without trial, an order empowering him to sign judgment for a sum of forty pounds or upwards, either unconditionally or unless that sum is paid into court or to the plaintiff's solicitor ;

the plaintiff shall, unless otherwise ordered by the High Court or a judge thereof, be entitled to costs on such scale as may be prescribed by the rules of the Supreme Court.

(5) This section applies only to the costs of the proceedings in the High Court, and shall have effect subject to the provisions of section sixty of this Act.

(6) This section shall not apply in the case of any proceedings by the Crown.

Recovery of Land and Cases where Title in Question

Jurisdiction in actions for recovery of land.

48.—(1) A county court shall have jurisdiction to hear and determine any action for the recovery of land where the net annual value for rating of the land in question does not exceed one hundred pounds.

(2) A reference in any enactment to section one hundred and thirty-eight or one hundred and thirty-nine of the County Courts Act, 1888, or to any provision which was repealed by that Act and re-enacted in either of those sections, shall be construed as a reference to this section.

49.—(1) Where an action for the recovery of land is commenced in a county court, the defendant or his landlord may, within such time as may be prescribed by county court rules, apply to a judge of the High Court at chambers for a summons to the plaintiff to show cause why the action should not be transferred to the High Court on the ground that the title to land having at the time when the action was commenced a net annual value for rating exceeding one hundred pounds would be affected by the decision in the action.

PART II
—cont.
Transfer of actions for recovery of land from county court to High Court.

(2) On the hearing of any such summons, the judge of the High Court, if satisfied that such a title as aforesaid would be so affected, may order that the action be transferred to the High Court.

(3) Where, in an action for the recovery of land commenced in a county court, no application is made to the High Court in accordance with this section, or where such an application is made but no order is made for the transfer of the action, the county court shall have jurisdiction to hear and determine the action notwithstanding the provisions of this Act relating to actions in which the title to hereditaments comes in question.

50.—(1) In any action commenced in the High Court to which this section applies, any party may at any time apply to the High Court or a judge thereof for an order that the action be transferred to any county court—

Transfer of actions for recovery of land from High Court to county court.

- (a) in which the action could have been commenced ; or
- (b) which the High Court or judge may deem the most convenient to the parties ;

and the High Court or judge may thereupon, if the court or judge thinks fit, order that the action be transferred accordingly.

(2) This section applies to any action where—

- (a) the plaintiff's claim is for recovery of land, with or without a claim for rent or mesne profits, by a landlord against a tenant, or any person holding or claiming by, through or under a tenant, whose term—
 - (i) has expired or has been duly determined by notice to quit ; or
 - (ii) has become liable to forfeiture for non-payment of rent ; and

- (b) the action could have been commenced in a county court.

PART II
—cont.
Jurisdiction
where title in
question.

51. A county court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, being an action which would otherwise be within the jurisdiction of the court—

- (a) in the case of an easement or licence, if the net annual value for rating of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which the easement or licence is claimed, does not exceed one hundred pounds ; or
- (b) in any other case, if the net annual value for rating of the hereditament in question does not exceed one hundred pounds.

Equity Proceedings

Equity
jurisdiction.

52.—(1) A county court shall have all the jurisdiction of the High Court to hear and determine any of the following proceedings, that is to say :—

- (a) proceedings for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the sum of five hundred pounds ;
- (b) proceedings for the execution of any trust or for a declaration that a trust subsists or proceedings under section one of the Variation of Trusts Act, 1958, being (in any case) proceedings where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the sum of five hundred pounds ;
- (c) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount owing in respect of the mortgage, charge or lien does not exceed the sum of five hundred pounds ;
- (d) proceedings for the specific performance, or for the rectification, delivery up or cancellation, of any agreement for the sale, purchase or lease of any property, where, in the case of a sale or purchase, the purchase money, or in the case of a lease, the value of the property, does not exceed the sum of five hundred pounds ;
- (e) proceedings relating to the maintenance or advancement of an infant, where the property of the infant does not exceed in amount or value the sum of five hundred pounds ;
- (f) proceedings for the dissolution or winding up of any partnership (whether or not the existence of the partnerships is in dispute), where the whole assets of the partnership do not exceed in amount or value the sum of five hundred pounds ;

(g) proceedings for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed in amount or value the sum of five hundred pounds.

PART II
—cont.

(2) In all such proceedings as aforesaid the judge shall, in addition to any other powers and authorities possessed by him, have all the powers and authorities for the purposes of this Act of a judge of the Chancery Division of the High Court.

(3) Without prejudice to the generality of the foregoing provisions of this section, a county court shall have jurisdiction (including power to receive payment of money or securities into court) under the enactments set out in the first column of the First Schedule to this Act in the cases respectively mentioned in the second column of that Schedule.

53.—(1) If, as respects any proceedings to which this section applies, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that a county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in any enactment, have jurisdiction to hear and determine the proceedings accordingly.

Jurisdiction
by agreement
in certain
equity
proceedings.

(2) This section applies to any proceedings in which a county court would have jurisdiction by virtue of the last foregoing section or subsection (3) of section one hundred and thirteen of the Settled Land Act, 1925, but for the limitation of the jurisdiction of the court provided in those enactments, other than proceedings under section one of the Variation of Trusts Act, 1958.

54.—(1) Where there is commenced in the High Court any action or matter to which this section applies, the court or judge may, if it or he thinks fit, whether upon the application of any party thereto or otherwise, order that the action or matter be transferred to any county court which the court or judge may deem the most convenient.

Transfer of
equity
proceedings
from High
Court to
county court.

(2) This section applies to any action or matter which is assigned for the time being to the Chancery Division of the High Court and is, by virtue of any enactment for the time being in force, within the jurisdiction of a county court.

Admiralty Proceedings

55.—(1) If at any time it appears expedient to the Lord Chancellor that any county court should have Admiralty jurisdiction, it shall be lawful for him by order—

Districts for
Admiralty
purposes.

(a) to appoint that court to have, as from such date as may be specified in the order, such Admiralty jurisdiction as is hereafter provided in this Act; and

PART II
—cont.

- (b) to assign to that court as its district for Admiralty purposes any part or parts of any county court district or of two or more county court districts :

Provided that no court except the Mayor's and City of London Court shall have Admiralty jurisdiction in the City of London.

(2) Where a district has been so assigned to a court as its district for Admiralty purposes, the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof shall be deemed to be included in that district, and the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district as if it were the district for the court for all purposes.

(3) Any order made under this section may be varied from time to time or revoked, as appears expedient, by a subsequent order made thereunder.

(4) Where an order is made under this section for the discontinuance of the Admiralty jurisdiction of any county court, whether wholly or within a part of the district assigned to it for Admiralty purposes, provision may be made in the order with respect to any Admiralty proceedings commenced in that court before the order comes into operation.

(5) The power to make orders under this section shall be exercisable by statutory instrument.

Admiralty
jurisdiction.

56.—(1) Subject to the limitations of amount specified in subsection (2) of this section, an Admiralty county court shall have the following Admiralty jurisdiction, that is to say, jurisdiction to hear and determine any of the following claims:—

- (a) any claim for damage done by a ship ;
- (b) any claim for damage received by a ship ;
- (c) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship ;

- (d) any claim for loss of or damage to goods carried in a ship ;
- (e) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship ;
- (f) any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section fifty-one of the Civil Aviation Act, 1949, of the law relating to salvage to aircraft and their apparel and cargo) ;
- (g) any claim in the nature of towage in respect of a ship or an aircraft ;
- (h) any claim in the nature of pilotage in respect of a ship or an aircraft ;
- (j) any claim in respect of goods or materials supplied to a ship for her operation or maintenance ;
- (k) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues ;
- (l) any claim by a master or member of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the Merchant Shipping Acts, 1894 to 1954, is recoverable as wages or in the court and in the manner in which wages may be recovered ;
- (m) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship.

(2) The limitations of amount referred to in subsection (1) of this section are as follows, that is to say, that the court shall not have jurisdiction to hear and determine any claim mentioned in that subsection for an amount exceeding one thousand pounds, except in the case of a claim in the nature of salvage where the value of the property saved does not exceed three thousand five hundred pounds.

(3) References in the foregoing provisions of this section to claims in the nature of salvage include references to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act, 1894, or any Order in Council made under section fifty-one of the Civil Aviation Act, 1949, are authorised to be made in connection with a ship or an aircraft.

PART II
—*cont.*

(4) The preceding provisions of this section apply—

- (a) in relation to all ships or aircraft whether British or not and whether registered or not and wherever the residence or domicile of their owners may be ; and
- (b) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land) :

Provided that nothing in this subsection shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the Merchant Shipping Acts, 1894 to 1954.

(5) If, as respects any proceedings as to any such claim as is mentioned in subsection (1) of this section, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that a particular county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in subsection (2) of this section or in any rules made under subsection (3) of section one hundred and two of this Act for prescribing the courts in which proceedings shall be brought, have jurisdiction to hear and determine the proceedings accordingly.

(6) Nothing in this section shall be taken to affect the jurisdiction of any county court to hear and determine any proceedings in which it has jurisdiction by virtue of section thirty-nine or forty-one of this Act.

(7) Nothing in this section, or in the last foregoing section or any order made thereunder, shall be taken to confer on a county court the jurisdiction of a prize court within the meaning of the Naval Prize Acts, 1864 to 1916.

(8) Section five hundred and fifty-five of the Merchant Shipping Act, 1894, shall have effect as if there were inserted after the word “agreement” the words “or by a county court in England or Wales”.

**Mode of
exercise of
Admiralty
jurisdiction.**

57.—(1) Subject to the following provisions of this Part of this Act, the Admiralty jurisdiction of a county court may in all cases be invoked by an action in personam.

(2) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, the Admiralty jurisdiction of a county court may be invoked by an action in rem against that ship, aircraft or property.

(3) In the case of any such claim as is mentioned in subsection (1) of the last foregoing section, being a claim arising in connection with a ship, where the person who would be liable on the claim in an action in personam was, when the cause of action arose, the owner or charterer of, or in possession or in control of, the ship, the Admiralty jurisdiction of a county court may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action in rem against—

- (a) that ship, if at the time when the action is brought it is beneficially owned as respects all the shares therein by that person; or
- (b) any other ship which, at the time when the action is brought, is beneficially owned as aforesaid.

(4) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, the Admiralty jurisdiction of a county court may be invoked by an action in rem against that aircraft if at the time when the action is brought it is beneficially owned by the person who would be liable on the claim in an action in personam.

(5) Notwithstanding anything in the preceding provisions of this section, the Admiralty jurisdiction of a county court shall not be invoked by an action in rem in the case of any such claim as is mentioned in paragraph (b) of subsection (1) of the last foregoing section unless the claim relates wholly or partly to wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages).

(6) Where, in the exercise of its Admiralty jurisdiction, a county court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.

(7) In determining for the purposes of subsections (3) and (4) of this section whether a person would be liable on a claim in an action in personam it shall be assumed that he has his habitual residence or a place of business within England and Wales.

58.—(1) The High Court, on the application of any party to Admiralty proceedings pending in a county court, may, if it thinks fit, after notice has been given to the other party, order that the proceedings be transferred to the High Court and order security for costs or impose such other terms as the court thinks fit. Transfer of Admiralty proceedings from county court to High Court.

(2) If, during the progress of any Admiralty proceedings in a county court, it appears to the county court that the proceedings could be more conveniently prosecuted in the High Court,

PART II
—*cont.*

the county court may order that the proceedings be transferred to the High Court.

Transfer of Admiralty proceedings from High Court to county court.

59.—(1) In any action commenced in the High Court to which this section applies—

- (a) any party may at any time apply to the High Court or a judge thereof for an order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, shall be transferred to an Admiralty county court; and
- (b) the High Court or judge may thereupon, if it or he thinks fit, order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, be transferred to any Admiralty county court which the court or judge may deem the most convenient to the parties.

(2) This section applies to any action where the plaintiff's claim is any such claim as is mentioned in subsection (1) of section fifty-six of this Act and the amount claimed or remaining in dispute does not exceed the amount specified in subsection (2) of that section—

- (a) whether the action could or could not have been commenced in a county court; and
- (b) whether the defendant does or does not set up or intend to rely on a counterclaim; and
- (c) whether the counterclaim (if any), if it had been a claim in an action, would or would not have been within the jurisdiction of a county court.

(3) Where an action is transferred to a county court under this section, any vessel or other property which has been arrested in the action before the transfer shall, notwithstanding the transfer, remain in the custody of the Admiralty Marshal who shall, subject to any directions of the High Court, comply with any orders made by the county court with respect to that vessel or property.

Costs of certain Admiralty proceedings commenced in High Court which could have been commenced in county court.

60.—(1) The following provisions of this section shall have effect in relation to the exercise by the High Court of the Admiralty jurisdiction of that Court.

(2) Subject to the provisions of subsection (5) of this section, if in any claim for salvage services the plaintiff does not recover more than one thousand pounds, he shall not be entitled to recover any costs of the proceedings unless it is certified by the court or a judge that the case was a fit one to be tried otherwise than in a county court.

(3) Subject to the provisions of subsection (5) of this section, if in any claim arising out of an agreement relating to the

use or hire of a ship, or any claim relating to the carriage of goods in a ship, or any claim in tort in respect of goods carried in a ship, the plaintiff recovers a less amount than seventy-five pounds, he shall not be entitled to any costs of the proceedings unless it is certified by the court or a judge that there was sufficient reason for bringing the proceedings in the High Court.

PART II
—cont.

(4) Subject to the provisions of the next following subsection, if in any such claim as is mentioned in subsection (3) of this section the plaintiff recovers a less amount than one thousand pounds, he shall not be entitled to any more costs than those to which he would have been entitled if the proceedings had been brought in a county court, unless it is certified by the court or a judge that there was sufficient reason for bringing the proceedings in the High Court.

(5) Subsections (2) to (4) of this section shall not affect any question as to costs in any case where it appears to the High Court or a judge thereof that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff's claim to be in excess of the amount recoverable in proceedings commenced in a county court; and for the purposes of the said subsections, a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of contributory negligence on his part or otherwise in respect of matters not falling to be taken into account in determining whether the action could have been commenced in the county court.

61.—(1) In the foregoing provisions of this Part of this Act relating to Admiralty proceedings, unless the context otherwise requires,—

Supplementary provisions as to Admiralty proceedings.

“goods” includes baggage;

“master” has the same meaning as in the Merchant Shipping Act, 1894, and accordingly includes every person (except a pilot) having command or charge of a ship;

“towage” and “pilotage”, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

(2) Nothing in the said provisions shall—

(a) be construed as limiting the jurisdiction of a county court to refuse to entertain an action for wages by the master or a member of the crew of a ship, not being a British ship;

PART II
—*cont.*

- (b) affect the provisions of section five hundred and fifty-two of the Merchant Shipping Act, 1894 (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim) ;
- (c) authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's ships or Her Majesty's aircraft, or of any cargo or other property belonging to the Crown ;
- (d) affect section five of the Mail Ships Act, 1891 (which protects certain mail ships from arrest in certain circumstances).

In this subsection " Her Majesty's ships " and " Her Majesty's aircraft " have the meanings assigned to them by subsection (2) of section thirty-eight of the Crown Proceedings Act, 1947.

Probate Proceedings

Probate
jurisdiction.

62.—(1) Where, on an application made under section one hundred and fifty of the Supreme Court of Judicature (Consolidation) Act, 1925, through the principal probate registry for the grant or revocation of probate or administration, a registrar of that registry is satisfied by affidavit that the value of the estate of the person in respect of whose estate the application is made was at the time of his death less than one thousand pounds, exclusive of what he was possessed of or entitled to as a trustee and not beneficially, but after making allowance for funeral expenses and for debts and incumbrances, the judge of the county court having jurisdiction in the place of abode of the deceased shall have the jurisdiction of the High Court in respect of any contentious matter arising in connection with the said grant or revocation.

(2) The statements in the affidavit aforesaid as to the place of abode and value of the estate of the deceased shall, subject as hereinafter provided, be conclusive for the purpose of authorising the exercise of the jurisdiction conferred on a judge of a county court by the foregoing provisions of this section and the grant or revocation of probate or administration in compliance with the order of the judge :

Provided that, where it is shown to the judge of a county court before whom any matter is pending under this section that the place of abode or value of the estate of the deceased has not been correctly stated in the affidavit, and, if correctly stated, would not have authorised him to exercise jurisdiction in the matter, he shall stay all further proceedings in the matter in his court and make such order as to the costs of the proceedings as he thinks just, and any party may apply to the High Court for the grant or revocation in question.

63. Where in any contentious matter arising out of an application for the grant or revocation of probate or administration made through the principal probate registry, the High Court is satisfied that the value of the estate and the place of abode of the deceased were such as to give jurisdiction in the matter to a county court, the High Court may order that the matter be transferred to that county court.

PART II
—cont.
Transfer of probate proceedings from High Court to county court.

64. Where an order is made by a judge of a county court for the grant or revocation of probate or administration in pursuance of any jurisdiction conferred upon him by the two last foregoing sections—

Effect of order of judge in probate proceedings.

- (a) the registrar of the county court shall transmit to the principal or a district probate registry, as he thinks convenient, a certificate under the seal of the court certifying that the order has been made; and
- (b) on the application of a party in favour of whom the order has been made, a probate or administration in compliance with the order shall be issued from the registry to which the certificate was sent or, as the case may require, the probate or letters of administration theretofore granted shall be recalled or varied by, as the case may be, a registrar of the principal probate registry or the district probate registrar according to the effect of the order.

Miscellaneous Provisions as to Jurisdiction

65.—(1) Where, in any action or matter commenced in a county court, any counterclaim or set off and counterclaim of any defendant involves matter beyond the jurisdiction of a county court, any party to the action or matter may, within such time as may be prescribed by rules of the Supreme Court, apply to the High Court or a judge thereof for an order that the whole proceedings, or the proceedings on the counterclaim or set off and counterclaim, be transferred to the High Court.

Jurisdiction as to counter-claims.

(2) On any such application the High Court or judge may, as it or he thinks fit, order either—

- (a) that the whole proceedings be transferred to the High Court; or
- (b) that the whole proceedings be heard and determined in the county court; or
- (c) that the proceedings on the counterclaim or set off and counterclaim be transferred to the High Court and that the proceedings on the plaintiff's claim and the defence

PART II
—cont.

thereto other than the set off (if any) be heard and determined in the county court:

Provided that, where an order is made under paragraph (c) of this subsection, and judgment on the claim is given for the plaintiff, execution thereon shall, unless the High Court or a judge thereof at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.

(3) If no application is made under this section within the time prescribed as aforesaid, or if on such an application it is ordered that the whole proceedings be heard and determined in the county court, the county court shall have jurisdiction to hear and determine the whole proceedings, notwithstanding any enactment to the contrary.

Procedure where proceedings beyond jurisdiction are commenced in county court.

66. Where any proceedings are commenced in a county court in which a county court has no jurisdiction, the court shall, unless it is given jurisdiction by an agreement made under the provisions of section forty-two or section fifty-three or subsection (5) of section fifty-six of this Act, order that the proceedings be transferred to the High Court:

Provided that where, on the application of any defendant, it appears to the court that the plaintiff or one of the plaintiffs knew or ought to have known that the court had no jurisdiction in the proceedings, the court may, if it thinks fit, instead of ordering that the proceedings be transferred as aforesaid, order that they be struck out.

Power of High Court as respects agreements to transfer proceedings commenced therein to county court.

67. If, where proceedings have been commenced in the High Court, an agreement is made under the provisions of section forty-two or section fifty-three or subsection (5) of section fifty-six of this Act, that a county court shall have jurisdiction in those proceedings, the High Court or a judge thereof shall, on the application of any party to the proceedings, order that the proceedings be transferred to that county court.

Transfer of interpleader proceedings from High Court to county court.

68. If it appears to the High Court or a judge thereof that any proceedings in the High Court by way of interpleader, in which the amount or value of the matter in dispute does not exceed the sum of five hundred pounds, may be more conveniently heard and determined in a county court, the High Court or judge may at any time order that the proceedings be transferred to any county court in which proceedings might have been brought by any party to the interpleader against any other party thereto if there had been a trust to be executed concerning the matter in question.

69. It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more actions in one or more of the county courts.

PART II
—cont.

Division of causes of action.

70.—(1) No county court shall entertain an action in personam to enforce a claim to which this section applies unless—

Restrictions on entertainment of actions in personam in collision and other similar cases.

- (a) the defendant has his habitual residence or a place of business within England and Wales ; or
- (b) the cause of action arose within inland waters of England and Wales or within the limits of a port of England and Wales ; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection—

“inland waters” includes any part of the sea adjacent to the coast of the United Kingdom, certified by the Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters ;

“port” means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under an Act to make charges in respect of ships entering it or using the facilities therein, and “limits of a port” means the limits thereof as fixed by or under the Act in question or, as the case may be, by the relevant charter or custom ;

“charges” means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

(2) No county court shall entertain an action in personam to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside England and Wales against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) The foregoing provisions of this section shall apply to counterclaims (not being counterclaims in proceedings arising out of the same incident or series of incidents) as they apply to

PART II
—*cont.*

actions in personam, but as if the references to the plaintiff and the defendant were respectively references to the plaintiff on the counterclaim and the defendant to the counterclaim.

(4) The foregoing provisions of this section shall not apply to any action or counterclaim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.

(5) Nothing in this section shall prevent an action or counterclaim which is brought in accordance with the provisions of this section in a county court being transferred, in accordance with the enactments in that behalf, to some other court (whether a county court or not).

(6) The claims to which this section applies are claims for damage, loss of life or personal injury arising out of a collision between ships or out of the carrying out of or omission to carry out a manoeuvre in the case of one or more of two or more ships or out of the non-compliance, on the part of one or more of two or more ships, with regulations under section four hundred and eighteen of the Merchant Shipping Act, 1894, or any such rules as are mentioned in subsection (1) of section four hundred and twenty-one of that Act or any rules made under subsection (2) of the said section four hundred and twenty-one.

(7) For the avoidance of doubt it is hereby declared that this section applies in relation to the jurisdiction of any county court not being Admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction, if any.

No action on judgment of other courts.

71. No action shall be brought in a county court on any judgment of the High Court or of any other court in England or Wales.

Limitation of costs of action commenced in local court which could have been brought in county court.

72. Where any action is brought in any court other than the High Court which could have been brought in a county court, and judgment is recovered for a sum less than ten pounds, the plaintiff shall not recover any more costs of the action than those to which he would have been entitled if the action had been brought in a county court.

Exercise of Jurisdiction and ancillary Jurisdiction

Persons who may exercise jurisdiction of court.

73. Any jurisdiction and powers conferred on any county court by this or any other Act may be exercised by any judge of the court or, to the extent authorised by this or any other Act or by county court rules, by any registrar of the court.

74. Every county court, as regards any cause of action for the time being within its jurisdiction, shall in any proceedings before it—

PART II
—cont.

General
ancillary
jurisdiction.

- (a) grant such relief, redress or remedy or combination of remedies, either absolute or conditional ; and
- (b) give such and the like effect to every ground of defence or counterclaim equitable or legal (subject to the provisions of section sixty-five of this Act) ;

as ought to be granted or given in the like case by the High Court and in as full and ample a manner.

75. A judge shall, whether within a district for which he is judge or not, have jurisdiction in any proceedings pending in any of the courts of which he is judge to make any order or to exercise on an ex parte application any authority or jurisdiction which, if it related to an action or proceeding pending in the High Court, might be made or exercised by a judge of the High Court in chambers.

Ancillary
powers of
judge.

General Provisions as to Transfer of Actions

76. Where an action, counterclaim or matter is ordered to be transferred—

Costs in cases
transferred
from one
court to
another.

- (a) from the High Court to a county court ; or
- (b) from a county court to the High Court ; or
- (c) from one county court to another county court ;

the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto and as to the scales on which the costs of the several parts of the proceedings are to be taxed, and the costs of the whole proceedings shall be taxed in that court :

Provided that, as regards so much of the proceedings in any action transferred from the High Court to a county court as takes place in the High Court before the transfer—

- (i) the costs thereof shall be subject to the provisions of section forty-seven of this Act ; and
- (ii) the powers of the High Court or judge thereof under subsection (3) of that section to make an order allowing costs on the High Court scale, or on any county court scale, shall, subject to any order of the High Court or the judge by whom the transfer was ordered, be exercisable by the county court.

PART II
—cont.

Procedure on
transfer of
cases from
High Court.

77.—(1) Where an action, counterclaim or matter is ordered to be transferred from the High Court to a county court—

(a) any party may lodge with the registrar of the county court named in the order, or cause to be lodged with him, the order and the writ, or copies thereof, and such other documents (if any) as the High Court or a judge thereof may direct; and

(b) the proper officer of the Supreme Court shall, on the application of that party and on production of the order and the filing of a copy thereof, send by post to the registrar of the county court all pleadings, affidavits and other documents filed in the High Court relating to the action, counterclaim or matter.

(2) On the documents aforesaid being so lodged or sent, the action and counterclaim (if any) or the counterclaim or matter shall be transferred to the said county court, and subject to county court rules all further proceedings therein shall be taken and tried as if the action, counterclaim or matter had been originally commenced in that county court, and the county court shall have jurisdiction to deal therewith, notwithstanding any enactment to the contrary:

Provided that the transfer shall not affect any right of appeal in the High Court or to the Court of Appeal from the order directing the transfer, or the right to enforce in the High Court any judgment signed, or order made, in that court before the transfer.

PART III

PROCEDURE

Parties

Proceedings by
the Crown.

78.—(1) Subject to the provisions of any enactment limiting the jurisdiction of a county court, whether by reference to the subject matter of the proceedings to be brought or the amount sought to be recovered in the proceedings or otherwise, proceedings by the Crown may be instituted in a county court.

(2) Subject as hereinafter provided, all rules of law and enactments regulating the removal or transfer of proceedings from a county court to the High Court and the transfer of proceedings in the High Court to a county court shall apply respectively to the removal or transfer of proceedings by the Crown in a county court and to the transfer of proceedings by the Crown in the High Court:

Provided that an order for the transfer to a county court of any proceedings by the Crown in the High Court shall not be made without the consent of the Crown.

(3) Nothing in this section shall apply to proceedings affecting Her Majesty in Her private capacity.

PART III
—cont.

79. Any executor or administrator may sue and be sued in a county court in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like case would be given or issued in the High Court. Executors and administrators.

80. Any person under the age of twenty-one years may prosecute any action in a county court for any sum of money not exceeding four hundred pounds which may be due to him for wages or piece work, or for work as a servant, in the same manner as if he were of full age. Infants.

81.—(1) Where a plaintiff has a demand recoverable under this Act against two or more persons jointly liable, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the court. Persons jointly liable.

(2) Where judgment is obtained against any person as aforesaid and is satisfied by that person, he shall be entitled to recover in the court contribution from any other person jointly liable with him.

82.—(1) The bankruptcy of the plaintiff in any action in a county court which the trustee might maintain for the benefit of the creditors shall not cause the action to abate if, within such reasonable time as the court orders, the trustee elects to continue the action and to give security for the costs thereof. Bankruptcy of plaintiff.

(2) The hearing of the action may be adjourned until such an election is made.

(3) Where the trustee does not elect to continue the action and to give such security as aforesaid within the time limited by the order, the defendant may avail himself of the bankruptcy as a defence to the action.

Arrest in Admiralty Proceedings

83.—(1) If, in any Admiralty proceedings in a county court, evidence is given to the satisfaction of the judge, or, in his absence, the registrar, that it is probable that the vessel, aircraft or property to which the proceedings relate will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied, the judge or registrar, as the case may be, may issue Arrest in Admiralty proceedings.

PART III
—cont.

a warrant for the arrest and detention of the vessel, aircraft or property, unless or until bail to the amount of the claim made in the proceedings and the reasonable costs of the plaintiff in the proceedings be entered into and perfected according to county court rules by or on behalf of the defendant.

(2) Except as in this section expressly provided, and notwithstanding anything in section seventy-four of this Act, no vessel, aircraft or property shall be arrested or detained in Admiralty proceedings in a county court otherwise than in execution.

Witnesses and Evidence

Penalty for neglecting witness summons.

84.—(1) Any person summoned in pursuance of county court rules as a witness in a county court who—

(a) refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced ; or

(b) refuses to be sworn or give evidence ;

shall forfeit such fine not exceeding ten pounds as the judge may direct :

Provided that no person so summoned shall forfeit a fine as aforesaid unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including, in such cases as may be prescribed, compensation for loss of time) as may be prescribed for the purposes of this section.

(2) Any person present in court who is required to give evidence but refuses to be sworn or give evidence shall forfeit such a fine as aforesaid.

(3) The judge may at his discretion direct that the whole or any part of any such fine, after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.

(4) This section does not apply to a debtor summoned to attend by a judgment summons.

Examination of witnesses abroad.

85.—(1) The High Court shall, on application made in manner prescribed by rules of the Supreme Court, have the same power to issue a commission, request or order to examine witnesses abroad for the purpose of proceedings in a county court as it has for the purpose of an action or matter in the High Court.

(2) Where such an application is made, the High Court may, if it thinks fit, order that the proceedings be transferred to the High Court.

86.—(1) In any proceedings pending before a county court, the judge may, if he thinks fit, upon application on affidavit by any party, issue an order under his hand for bringing up before the court any person (hereafter in this section referred to as a “prisoner”) confined in any place under any sentence or under commitment for trial or otherwise, to be examined as a witness in the proceedings:

PART III
—cont.
Evidence of
prisoners.

Provided that no such order shall be made with respect to a person confined under process in any civil action or matter.

(2) The prisoner mentioned in any such order shall be brought before the court under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the High Court and examined therein as a witness:

Provided that the person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from, the court.

87.—(1) An affidavit to be used in a county court may be sworn before—

- (a) the judge or registrar of any court ; or
- (b) any justice of the peace ; or
- (c) an officer of any court appointed by the judge of that court for the purpose ;

Persons who
may take
affidavits for
use in county
court.

as well as before any person authorised to take affidavits under the Commissioners for Oaths Acts, 1889 to 1891.

(2) An affidavit sworn before a judge or registrar or before any such officer as aforesaid, may be sworn without the payment of any fee.

88.—(1) In any Admiralty proceedings, evidence taken before a registrar of an Admiralty county court, in accordance with the directions of a judge or pursuant to county court rules, shall be received as evidence in any other Admiralty county court, saving all just exceptions.

Evidence in
Admiralty
proceedings.

(2) The registrar of any Admiralty county court shall, for the purpose of the examination of any witness within the district assigned to that court for Admiralty purposes, have all the power of an examiner of the High Court, and evidence taken by him in that capacity shall be received as evidence in the High Court, saving all just exceptions.

PART III

—cont.

Right of
audience.*Right of Audience and Mode of Trial*

89. In any proceedings in a county court any of the following persons may address the court, namely—

- (a) any party to the proceedings;
- (b) a barrister retained by or on behalf of any party;
- (c) a solicitor acting generally in the proceedings for a party thereto, but not a solicitor retained as an advocate by a solicitor so acting;
- (d) any other person allowed by leave of the court to appear instead of any party:

Provided that—

- (i) the right of a solicitor to address the court shall not be excluded by reason only that he is in the permanent and exclusive employment of any other solicitor; and
- (ii) a court may refuse to hear a person claiming to address the court as a solicitor unless that person has signed and delivered to the court a statement of his name and place of business and the name of the firm (if any) of which he is a member.

Trial by judge
or registrar.

90. Subject to the provisions of this Act, the judge of a county court shall be the sole judge in all proceedings brought in the court, and shall determine all questions of fact as well as of law:

Provided that nothing in this section shall affect the power to make county court rules authorising the registrar to exercise jurisdiction and powers conferred on the court by this or any other Act.

Assessors.

91.—(1) In any proceedings the judge may, if he thinks fit on the application of any party, summon to his assistance, in such manner as may be prescribed, one or more persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with the judge and act as assessors.

(2) The remuneration of assessors for sitting as aforesaid shall be at such rate as may be prescribed, and shall be costs in the proceedings unless otherwise ordered by the judge.

(3) Where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in the prescribed manner.

92.—(1) The judge may, with the consent of the parties to any proceedings, order the proceedings to be referred to arbitration (whether with or without other matters within the jurisdiction of the court in dispute between the parties) to such person or persons and in such manner and on such terms as he thinks just and reasonable.

PART III
—cont.
Power of judge to refer to arbitration.

(2) No such reference shall be revocable by any party except with the consent of the judge.

(3) On any such reference the award of the arbitrator, arbitrators or umpire shall be entered as the judgment in the proceedings and shall be as binding and effectual to all intents as if given by the judge:

Provided that the judge may, if he thinks fit, on application made to him within such time as may be prescribed, set aside the award, or may, with the consent of the parties, revoke the reference or order another reference to be made in the manner aforesaid.

(4) In this section the expression “award” includes an interim award.

93.—(1) Subject to county court rules, the judge may refer to the registrar or a referee for inquiry and report—

Power of judge to refer to registrar or referee.

- (a) any proceedings which require any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the judge, conveniently be made before him;
- (b) any proceedings where the question in dispute consists wholly or in part of matters of account;
- (c) with the consent of the parties, any other proceedings;
- (d) subject to any right to have particular cases tried with a jury, any question arising in any proceedings.

(2) Where any proceedings or question are referred as aforesaid, the judge may direct how the reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report may give such judgment or make such order in the proceedings as may be just.

(3) The judge may, after deciding or reserving any question of liability, refer to the registrar any mere matter of account which is in dispute between the parties, and after deciding the question of liability, may give judgment on the registrar's report.

PART III

—cont.

Trial by jury.

Juries

94.—(1) In the following proceedings in a county court the trial shall be without a jury, namely—

- (a) Admiralty proceedings;
- (b) proceedings arising under the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, or the Rent Act, 1957;
- (c) any appeal to the county court under the Housing Act, 1957.

(2) In all other proceedings in a county court the trial shall be without a jury unless the court otherwise orders on an application made in that behalf by any party to the proceedings in such manner and within such time before the trial as may be prescribed.

(3) In a case where the court is satisfied on any such application—

- (a) that a charge of fraud against the party making the application is in issue; or
- (b) that a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage is in issue;

the court shall order the proceedings to be tried with a jury, unless the court is of opinion that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury.

(4) In any other case the court on any such application may, as it thinks fit, either order the proceedings to be tried with a jury or dismiss the application.

(5) There shall be payable, in respect of the trial with a jury of proceedings in a county court, such fees as may be prescribed by the fees orders.

Summoning
of jurors.

95.—(1) On the first occasion in any year on which an order is made by a county court for the trial of any proceedings with a jury, the registrar of that court shall obtain copies of the last published electoral registers for all such registration areas as are comprised in whole or in part within the district of the court.

(2) For the purpose of complying with the order aforesaid, and with any other order made by the court during the same year for the trial of proceedings with a jury, the registrar shall cause the prescribed number of persons, being persons who are shown by the registers aforesaid to be residing or occupying property within the district of the court and are marked

in those registers as jurors in pursuance of section one of the Juries Act, 1922, to be summoned to attend on the jury at the time and place specified in the summons:

PART III
—cont.

Provided that no person shall be summoned to attend on a jury in the same county court more than twice in the same year.

(3) A summons issued in pursuance of this section may be served either by post or in such other manner as may be prescribed.

(4) If any person duly summoned to attend on a jury in a county court fails to attend at the time and place mentioned in the summons, he shall forfeit such sum not exceeding five pounds as the court may direct:

Provided that any person summoned as aforesaid to attend on a jury shall be excused from attending on that jury if he satisfies the court in the prescribed manner—

(a) that he has within the six months next before the service of the summons attended on a jury in some other court; or

(b) that there is any other good reason why he should be excused from attending on the jury.

(5) In this section “electoral registers” means registers kept under the Representation of the People Act, 1949, and “registration areas” means areas for which electoral registers are prepared.

96.—(1) At any county court where proceedings are to be tried with a jury, eight jurymen shall be impanelled and sworn as occasion requires to give their verdicts in the proceedings brought before them, and being once sworn need not be re-sworn in each trial.

Impanelling,
swearing and
verdict of jury.

(2) Any party to any such proceedings shall be entitled to challenge all or any of the jurors in like manner as he would be entitled in the High Court.

(3) A jury shall be required to give an unanimous verdict.

97. Where, for the purpose of disposing of any proceedings which are being tried in a county court by the judge with a jury, it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.

Duty of judge
to determine
foreign
law in jury
trials.

Judgments and Orders

98. Every judgment and order of a county court shall, except as provided by this or any other Act, or county court rules, be final and conclusive between the parties.

Finality of
judgments
and orders.

PART III

—cont.

Satisfaction of judgments and orders for payment of money.

99.—(1) Where a judgment is given or an order is made by a county court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the court may, as it thinks fit, order the money to be paid either—

- (a) in one sum, whether forthwith or within such period as the court may fix; or
- (b) by such instalments payable at such times as the court may fix.

(2) If at any time it appears to the satisfaction of the court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment thereof, the court may, in its discretion, suspend or stay any judgment or order given or made in the proceedings for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

(3) All moneys payable under a judgment or order shall be paid into court:

Provided that where no order is made as to payment by instalments, the money shall, if the court so directs, be paid by one party to the other party or his solicitor, subject to the lien, if any, of that solicitor.

Set-off in cases of cross judgments in county courts and High Court.

100.—(1) Where one person has obtained a judgment or order in a county court against another person, and that other person has obtained a judgment or order against the first-mentioned person in the same or in another county court or in the High Court, either such person may, in accordance with rules of court, give notice in writing to the court or the several courts as the case may be, and may apply to the court or any of the said courts in accordance with rules of court for leave to set off any sums, including costs, payable under the several judgments or orders.

(2) Upon any such application, the set-off may be allowed in accordance with the practice for the time being in force in the High Court as to the allowance of set-off and in particular in relation to any solicitor's lien for costs.

(3) Where the cross judgments or orders have not been obtained in the same court, a copy of the order made on any such application shall be sent by the proper officer of the court to which the application is made to the proper officer of the other court.

101.—(1) A register of—

PART III

—cont.

- (a) every judgment (other than a judgment in Admiralty proceedings) entered in a county court for the sum of ten pounds and upwards ; and
- (b) every such other judgment or order (including a judgment or order in Admiralty proceedings) as may be prescribed ;

Register of judgments and orders.

shall be kept in such manner and in such place as may be prescribed.

(2) The Lord Chancellor may, by statutory instrument, make regulations as to the keeping of the said register, and in this section the expression “prescribed” means prescribed by those regulations.

(3) The power of the Lord Chancellor to make the said regulations shall include power to make provision by the regulations—

- (a) for exempting from registration any judgment or order which is proved, in such manner and within such time as may be prescribed, to have been satisfied or complied with either wholly or to such an extent that the sum (if any) owing in respect thereof is less than ten pounds ; and
- (b) for cancelling the registration of any judgment or order which is proved in manner aforesaid to have been wholly satisfied or complied with.

(4) There shall be charged to persons desirous of inspecting the said register such fees for the inspection thereof as may be fixed by the Lord Chancellor with the concurrence of the Treasury.

(5) The proceeds of the said fees shall be applied in such manner as the Treasury may direct in paying the expenses incurred in maintaining the register, and the surplus thereof, after providing for the payment of those expenses, shall be paid to the credit of the Consolidated Fund.

General Rules of Procedure

102.—(1) The rule committee hereinafter mentioned may make county court rules regulating the practice of the courts and forms of proceedings therein and prescribing scales of costs to be paid to counsel and solicitors.

County court rules.

PART III
—cont.

(2) The power to make county court rules shall extend to all matters of procedure or practice, or matters relating to or concerning the effect or operation in law of any procedure or practice, in any case within the cognisance of county courts as to which rules of the Supreme Court have been or might lawfully be made for cases within the cognisance of the High Court.

(3) Without prejudice to the generality of the foregoing provisions of this section, the power to make county court rules shall extend to—

- (a) prescribing the court in which proceedings are to be commenced and the procedure to be adopted where proceedings are commenced in one court which should under the rules have been commenced in another court;
- (b) prescribing the circumstances in which proceedings may be transferred from one court to another and the procedure consequent on any such transfer;
- (c) authorising the registrar to hear and determine—
 - (i) any proceedings other than actions;
 - (ii) any actions in which the defendant fails to appear at the hearing or admits the claim;
 - (iii) by leave of the judge, and in the absence of objection made in accordance with the rules by any of the parties, any actions in which the sum claimed or the amount involved does not exceed thirty pounds;
 - (iv) by leave of the judge, and with the consent of the parties, any other actions;
- (d) authorising a judge of county courts to direct that the hearing in proceedings pending in the court for any district, being proceedings which are to be heard and determined by the judge, shall take place in the court for some other district for which he is the judge;
- (e) regulating or providing for any matters which were regulated or provided for by the county court rules in force on the first day of January, nineteen hundred and thirty-seven.

(4) The rules made under paragraphs (a) and (b) of the last foregoing subsection may make different provision as respects different kinds of proceedings and may make special provision as respects proceedings in courts for districts in or adjacent to the County of London and as respects proceedings by or against judges or officers of the courts.

(5) It is hereby declared that the foregoing provisions of this section authorise the making of rules providing for orders' being made at any stage of any proceedings directing that specified facts may be proved at the trial by affidavit with or without the attendance of the deponent for cross-examination, notwithstanding that a party desires his attendance for cross-examination and that he can be produced for that purpose.

PART III
—cont.

(6) The rule committee shall consist of five judges of county courts appointed by the Lord Chancellor and six other persons so appointed two of whom shall be barristers, two of whom shall be registrars and two of whom shall be solicitors.

(7) The Lord Chancellor may from time to time fill up any vacancies among the members of the rule committee.

(8) Any rules made by the rule committee shall be certified under the hands of the members of the committee, or any three or more of them, and submitted to the Lord Chancellor, who may allow or disallow or alter them.

(9) Any rules so made, as allowed or altered by the Lord Chancellor, shall—

- (a) come into operation on such day as the Lord Chancellor may direct ;
- (b) be embodied in a statutory instrument to which the Statutory Instruments Act, 1946, shall apply as if it embodied rules made by a Minister of the Crown.

103. In any case not expressly provided for by or in pursuance of this Act, the general principles of practice in the High Court may be adopted and applied to proceedings in a county court. Application of practice of High Court.

PART IV

REPLEVIN

104.—(1) The sheriff shall have no power or responsibility with respect to replevin bonds or replevins, but the registrar for the district in which any goods subject to replevin are taken shall have power, subject to the provisions of this Part of this Act, to approve of replevin bonds and to grant replevins and to issue all necessary process in relation thereto, and any such process shall be executed by a bailiff of the court. Replevins to be granted by registrar on security's being given.

(2) The registrar shall, at the instance of the party whose goods have been seized, cause the goods to be replevied to that party on his giving such security, as is provided in this Part of this Act.

PART IV
—*cont.*

Amount and
conditions
of security.

105.—(1) It shall be a condition of any security given under the last foregoing section that the replevisor will—

- (a) commence an action of replevin against the seizer in the High Court within one week from the date when the security is given ; or
- (b) commence such an action in a county court within one month from the said date.

(2) In either case—

(a) the replevisor shall give security, to be approved by the registrar having power in the matter, for such an amount as the registrar thinks sufficient to cover both the probable costs of the action and either—

(i) the alleged rent or damage in respect of which the distress has been made ; or

(ii) in a case where the goods replevied have been seized otherwise than under colour of distress, the value of the goods, and

(b) it shall be a further condition of the security that the replevisor will—

(i) prosecute the action with effect and without delay ; and

(ii) make a return of the goods, if the return thereof is ordered in the action.

(3) In a case where the action is to be brought in the High Court, it shall be a further condition of the security that the replevisor will, unless he obtains judgment by default, prove to that court that he had good ground for believing either—

(a) that the title to some hereditament of which the net annual value for rating at the time when the security was given exceeded twenty pounds, or to some toll, market, fair or franchise, was in question ; or

(b) that the alleged rent or damage in respect of which the distress was made, or the value of the goods seized, exceeded twenty pounds.

Removal of
action of
replevin to
High Court
at instance
of defendant.

106.—(1) Any action of replevin brought in a county court shall be removed into the High Court by order of certiorari if the defendant makes an application in that behalf to the High Court or a judge thereof and gives security approved by a master of the Supreme Court for such an amount, not exceeding one hundred and fifty pounds, as the master thinks fit.

(2) It shall be a condition of any security given under this section that the defendant will defend the action with effect, and will, unless the action is discontinued or dismissed for want of

prosecution, prove before the High Court that the defendant had good ground for believing either—

PART IV
—cont.

- (a) that the title to some hereditament of which the net annual value for rating at the time when the action was commenced exceeded twenty pounds, or to some toll, market, fair or franchise, was in question ; or
- (b) that the alleged rent or damage in respect of which the distress was made, or the value of the goods seized, exceeded twenty pounds.

(3) Where an action is removed to the High Court under this section, the provisions of section seventy-six of this Act shall apply as if the action had been transferred.

PART V

APPEALS, CERTIORARI, PROHIBITION AND MANDAMUS

General

107. Subject to the provisions of any other Act relating to county courts, no judgment or order of any judge of county courts, nor any proceedings brought before him or pending in his court, shall be removed by appeal, motion, certiorari or otherwise into any other court whatever, except in the manner and according to the provisions in this Act mentioned.

Removal of actions from county courts prohibited except as provided in Act.

Appeals

108. Subject to the following provisions of this Part of this Act, if any party to any proceedings in a county court is dissatisfied with the determination or direction of the judge in point of law or upon the admission or rejection of any evidence, the party aggrieved by the judgment, direction, decision or order of the judge may appeal therefrom to the Court of Appeal in such manner and subject to such conditions as may be for the time being provided by the rules of the Supreme Court:

Appeals on questions of law, &c.

Provided that, without the leave of the judge, there shall be no appeal under this section—

- (a) in any action founded on contract or tort where the debt or damage claimed does not exceed twenty pounds (not being an action for the recovery of land, an action in which the title to any hereditament has come in question or an action where the relief sought includes an injunction) ; nor
- (b) in any action of replevin where the amount of rent, or the damage or value of the goods seized, does not exceed twenty pounds ; nor

D*

PART V
—*cont.*

- (c) in proceedings in interpleader where the money claimed, or the value of the goods or chattels claimed or the proceeds thereof, does not exceed twenty pounds.

Appeals on
questions
of fact:
general
provisions.

109.—(1) Subject to the provisions of this section and to the following provisions of this Part of this Act, if any party to any such proceedings in a county court as are mentioned in the next following subsection is dissatisfied with the determination of the judge or jury on any question of fact, the party aggrieved by the judgment or order of the court may appeal therefrom to the Court of Appeal in such manner and subject to such conditions as may be for the time being provided by the rules of the Supreme Court.

(2) Subject as aforesaid, the proceedings in which a right of appeal is conferred by this section are—

- (a) any action founded on contract or tort, or for money recoverable by statute, where either—
- (i) the debt, demand or damage claimed exceeds two hundred pounds ; or
 - (ii) the relief sought includes an injunction ; or
 - (iii) the title to a hereditament comes in question, and the net annual value for rating of that hereditament (or, in the case of an easement or licence, that of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which it is claimed) exceeds sixty pounds ;
- (b) any action for the recovery of land of a net annual value for rating exceeding sixty pounds ;
- (c) any action where there is a counterclaim to which either of the foregoing paragraphs would apply if the counterclaim had been the subject of a separate action ;
- (d) any matter transferred to a county court from the High Court under the following provisions of this Act relating to transfers on applications to attach debts or levy execution against a member of a firm for a partnership debt, where the debt in question exceeds two hundred pounds ;
- (e) any proceedings in interpleader, or relating to any debt or thing in action paid into court under section one hundred and thirty-six of the Law of Property Act, 1925, where the amount or value of the money or property claimed or paid into court exceeds two hundred pounds ;
- (f) any probate proceedings, where the value of the estate (as stated in the affidavit made for the purposes of section sixty-two of this Act) exceeds five hundred pounds.

(3) Subject as aforesaid, in proceedings in which there is a right of appeal under this section by virtue of paragraph (a), (b) or (c) of the last foregoing subsection, an appeal may be brought thereunder in respect of any claim or counterclaim in the action, notwithstanding that there could be no such appeal if that claim or counterclaim had been the subject of a separate action.

(4) In proceedings in which either the plaintiff or the defendant is claiming possession of any premises, this section shall not confer any right of appeal if, by virtue of section three of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, as amended, extended and applied by subsequent enactments, or of subsection (4) of section thirteen of the Landlord and Tenant Act, 1954, the court can only grant possession on being satisfied that it is reasonable so to do, or if possession of the premises is claimed under section five of the Requisitioned Houses and Housing (Amendment) Act, 1955.

(5) This section shall not confer any right of appeal from any judgment or order where a right to appeal therefrom on questions of fact is conferred by some other enactment, and shall have effect subject to any enactment other than this Act, in so far as the enactment provides that a determination of the county court shall be final.

110.—(1) If any party to any Admiralty proceedings in a county court is dissatisfied with a determination of the judge on a question of fact, the party aggrieved by the judgment or order of the judge may appeal therefrom to the Court of Appeal: Appeals on questions of fact in Admiralty proceedings.

Provided that there shall be no appeal under this subsection unless the amount claimed in the proceedings exceeds two hundred pounds.

(2) Nothing in the foregoing provisions of this section shall be taken to affect the right of any party to Admiralty proceedings in a county court to appeal to the Court of Appeal under section one hundred and eight of this Act, and any such party may appeal under that section in like manner and subject to the like conditions as a party to an action founded on contract or tort.

(3) On an appeal by a party to any Admiralty proceedings, the Court of Appeal, if it appears to it expedient that any sale ordered to be made of the vessel, aircraft or property to which the proceedings relate should be conducted in the High Court instead of in the county court, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings, to the High Court.

PART V
—*cont.*

(4) Where, on an appeal by a party to any Admiralty proceedings which have been heard in a county court with the assistance of assessors, any party makes application to the Court of Appeal in that behalf, the court shall summon Trinity masters to assist on the hearing of the appeal if the court is of opinion that such assistance is necessary or desirable.

**Agreement
not to appeal.**

111.—(1) No appeal shall lie from any judgment, direction, decision or order of a judge of county courts if, before the judgment, direction, decision or order is given or made, the parties agree, in writing signed by themselves or their solicitors or agents, that it shall be final.

(2) No such agreement shall require a stamp.

**Judge's note
on appeal.**

112.—(1) At the hearing of any proceedings in a county court in which there is a right of appeal, the judge shall, at the request of any party, make a note—

- (a) of any question of law raised at the hearing ; and
- (b) of the facts in evidence in relation thereto ; and
- (c) of his decision thereon and of his determination of the proceedings.

(2) Where such a note has been taken, the judge shall (whether notice of appeal has been served or not), on the application of any party to the proceedings, and on payment by that party of such fee as may be prescribed by the fees orders, furnish him with a copy of the note, and shall sign the copy, and the copy so signed shall be used at the hearing of the appeal.

**Powers of
Court of
Appeal on
appeal from
county court.**

113.—(1) On the hearing of an appeal, the Court of Appeal may draw any inference of fact and either—

- (a) order a new trial on such terms as the court thinks just ; or
- (b) order judgment to be entered for any party ; or
- (c) make a final or other order on such terms as the court thinks proper to ensure the determination on the merits of the real question in controversy between the parties.

(2) Subject to any rules of the Supreme Court, on any appeal from a county court the Court of Appeal may reverse or vary, in favour of a party seeking to support the judgment or order of the county court in whole or in part, any determinations made in the county court on questions of fact, notwithstanding that the appeal is an appeal on a point of law only, or any such

determinations on points of law, notwithstanding that the appeal is an appeal on a question of fact only:

PART V
—cont.

Provided that this subsection shall not enable the Court of Appeal to reverse or vary any determination, unless the party dissatisfied with the determination would have been entitled to appeal in respect of it if aggrieved by the judgment or order.

114. No appeal shall lie from the decision of the Court of Appeal on any appeal from a county court in any probate proceedings.

Decision of Court of Appeal on probate appeals to be final.

Certiorari, Prohibition and Mandamus

115.—(1) The High Court or a judge thereof may order the removal into the High Court, by order of certiorari or otherwise, of any proceedings commenced in a county court, if the High Court or judge thereof thinks it desirable that the proceedings should be heard and determined in the High Court.

Certiorari.

(2) Where any proceedings are removed into the High Court under this section the provisions of section seventy-six of this Act shall apply as if the action had been transferred.

(3) Any such removal shall be upon such terms as to payments of costs, giving security or otherwise as the High Court or a judge thereof thinks fit to impose.

116.—(1) Where an application is made to the High Court or a judge thereof for an order of prohibition addressed to any county court, the matter shall be finally disposed of by order.

Prohibition.

(2) Upon any such application, the judge of the county court shall not be served with notice thereof, and shall not, except by the order of a judge of the High Court—

- (a) be required to appear or be heard thereon ; or
- (b) be liable to any order for the payment of the costs thereof ;

but the application shall be proceeded with and heard in the same manner in all respects as an appeal duly brought from a decision of the judge, and notice of the application shall be given to or served upon the same parties as in the case of an order made or refused by a judge in a matter within his jurisdiction.

PART V
—cont.

Stay of proceedings in case of certiorari or prohibition.

117.—(1) The grant by the High Court or a judge thereof of leave to make an application for an order of certiorari or prohibition to a county court shall, if the High Court or judge thereof so directs, operate as a stay of the proceedings in question until the determination of the application, or until the High Court or judge thereof otherwise orders.

(2) Where any proceedings are stayed as aforesaid, the judge of the county court shall from time to time adjourn the hearing thereof to such day as he thinks fit.

Mandamus.

118. Any party requiring any act to be done by a judge or officer of a county court relating to the duties of his office may apply to the High Court for an order of mandamus, and that court may make an order accordingly, and the judge or officer of the county court, on being served with the order, shall obey it on pain of attachment.

Refusal of order to be final.

119. Where the High Court or a judge thereof has refused to grant an order of certiorari or prohibition to a county court or an order of mandamus under the last foregoing section, no other court or judge shall grant it:

Provided that nothing in this section shall—

- (a) affect any right of appeal from the decision of the High Court or a judge thereof to the Court of Appeal, or any right of appeal from the decision of a judge of the High Court to the High Court; or
- (b) prevent a second application's being made for the order on grounds different from those on which the first application was founded.

PART VI

ENFORCEMENT OF JUDGMENTS AND ORDERS

Execution against Goods and Chattels

Execution of judgments or orders for payment of money.

120.—(1) Any sum of money payable under a judgment or order of a county court may be recovered, in case of default or failure of payment thereof forthwith or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the party against whom the judgment or order was obtained.

(2) The registrar, on the application of the party prosecuting any such judgment or order, shall issue a warrant of execution in the nature of a writ of fieri facias whereby the registrar shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels, wherever they may be found within

the district of the court (whether within or without a franchise as defined in section thirty-four of the Sheriffs Act, 1887), the money payable under the judgment or order and the costs of the execution.

PART VI
—cont.

(3) The precise time of the making of the application to the registrar to issue such a warrant shall be entered by him in the book prescribed for the purpose under section twenty-six of this Act, and on the warrant, and when more than one such warrant is issued they shall be executed in the order of the times so entered.

(4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such warrant.

121.—(1) Where the court has made an order for payment of any sum of money by instalments, execution on the order shall not be issued until after the default in payment of some instalment according to the order. Execution of orders for payment by instalments.

(2) County court rules may prescribe the cases in which execution is to issue if there is any such default and limit the amounts for which and the times at which execution may issue.

(3) Except so far as may be otherwise provided by county court rules made for the purposes aforesaid, execution or successive executions may issue if there is any such default for the whole of the said sum of money and costs then remaining unpaid or for such part thereof as the court may order either at the time of the original order or at any subsequent time:

Provided that, except so far as may be otherwise provided by such rules, no execution shall issue unless at the time when it issues the whole or some part of an instalment which has already become due remains unpaid.

122.—(1) In or upon every warrant of execution issued from a county court against the goods or chattels of any person, the registrar shall cause to be inserted or indorsed the total amount to be levied, inclusive of the fee for issuing the warrant but exclusive of the fees for its execution. Execution to be superseded on payment.

(2) If the person against whom the execution is issued, before the actual sale of the goods and chattels, pays or causes to be paid or tendered to the registrar of the court from which the warrant is issued, or to the bailiff holding the warrant, the amount inserted in, or indorsed upon, the warrant under the foregoing subsection, or such part thereof as the person entitled thereto agrees to accept in full satisfaction, together with the amount stated by the officer of the court to whom the payment or tender is made to be the amount of the fees for the execution of the

PART VI
—cont.

warrant, the execution shall be superseded, and the goods and chattels of the first-mentioned person shall be discharged and set at liberty.

Power to stay
execution.

123. If at any time it appears to the satisfaction of the court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), or any instalment thereof, the court may, in its discretion, stay any execution issued in the proceedings for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

Seizure of Goods, &c., and Custody thereof

Goods which
may be seized.

124.—(1) Every bailiff or officer executing any warrant of execution issued from a county court against the goods or chattels of any person may by virtue thereof seize—

- (a) any of the goods and chattels of that person, except the wearing apparel and bedding of that person or his family, and the tools and implements of his trade, to the prescribed value, which shall to that extent be protected from seizure ; and
- (b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to that person.

(2) The prescribed value for the purposes of the foregoing subsection shall be the same as that for the purposes of section eight of the Small Debts Act, 1845, namely, twenty pounds or such larger amount as is for the time being prescribed under subsection (2) of section thirty-seven of the Administration of Justice Act, 1956, by order of the Lord Chancellor.

Custody of
goods seized.

125. Goods seized in execution under process of a county court shall, until the sale thereof,—

- (a) be deposited by the bailiff in some fit place ; or
- (b) remain in the custody of a fit person approved by the registrar to be put in possession by the bailiff ; or
- (c) be safeguarded in such other manner as the registrar directs.

Disposal of
bills of
exchange, &c.,
seized.

126. The registrar shall hold any bills of exchange, promissory notes, bonds, specialties or other securities for money seized in execution under process of a county court as security for the amount directed to be levied by the execution, or for so much thereof as has not been otherwise levied or raised, for the benefit

of the plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum secured or made payable thereby, when the time of payment thereof arrives.

PART VI
—cont.

127.—(1) If any person rescues or attempts to rescue any goods seized in execution under process of a county court, he shall be liable—

Penalty for rescuing goods seized.

- (a) on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding twenty pounds ; or
- (b) on an order made by the judge in that behalf, to be committed for a specified period not exceeding one month to any prison to which the judge has power to commit or to such a fine as aforesaid ;

and a bailiff of the court may take the offender into custody, with or without warrant, and bring him before the judge.

(2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

Sale of Goods seized

128. No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution until the expiration of a period of at least five days next following the day on which the goods have been so seized unless—

Period to elapse before sale.

- (a) the goods are of a perishable nature ; or
- (b) the person whose goods have been seized so requests in writing.

129. No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution except by one of the brokers or appraisers appointed under this Part of this Act.

Goods not to be sold except by brokers or appraisers.

130.—(1) The registrar may from time to time as he thinks fit appoint such number of persons for keeping possession, and such number of brokers and appraisers for the purpose of selling or valuing any goods, chattels or effects seized in execution under process of the court, as appears to him to be necessary.

Appointment of brokers, appraisers, &c.

(2) The registrar may direct security to be taken from any broker, appraiser or other person so appointed for such sum

PART VI
—*cont.*

and in such manner as he thinks fit for the faithful performance of his duties without injury or oppression.

(3) The judge or registrar may dismiss any broker, appraiser or other person so appointed.

(4) There shall be payable to brokers and appraisers so appointed in respect of their duties, out of the produce of goods distrained or sold, such fees as may be prescribed by the fees orders.

Power to
appoint
bailiffs to act
as brokers and
appraisers.

131.—(1) The judge may appoint in writing any bailiff of the court to act as a broker or appraiser for the purpose of selling or valuing any goods, chattels or effects seized in execution under process of the court.

(2) A bailiff so appointed may, without other licence in that behalf, perform all the duties which brokers or appraisers appointed under the last foregoing section may perform under this Act.

Sales under
executions
to be public
unless
otherwise
ordered.

132.—(1) Where any goods are to be sold under an execution for a sum exceeding twenty pounds (including legal incidental expenses), the sale shall, unless the court from which the warrant of execution issued otherwise orders, be made by public auction and not by bill of sale or private contract, and shall be publicly advertised by the registrar on, and during three days next preceding, the day of sale.

(2) Where any goods are seized in execution and the registrar has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the prescribed notice has been given to the other execution creditor or creditors, who may appear before the court and be heard upon the application.

Protection
of registrar
selling goods
under
execution
without
notice of
claim by
third party.

133. Where any goods in the possession of an execution debtor at the time of seizure by a registrar or other officer charged with the enforcement of a warrant or other process of execution issued from a county court are sold by that registrar or other officer without any claim's having been made to them—

(a) the purchaser of the goods so sold shall acquire a good title to those goods ; and

(b) no person shall be entitled to recover against the registrar or other officer, or anyone lawfully acting under his authority, for any sale of the goods, or for paying over the proceeds thereof prior to the receipt of a claim to the said goods, unless it is proved that the

person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor:

PART VI
—cont.

Provided that—

- (i) nothing in this section shall affect the right of any claimant, who may prove that at the time of sale he had a title to any goods so seized and sold, to any remedy to which he may be entitled against any person other than the registrar or other officer;
- (ii) the provisions of this section shall have effect subject to the provisions of sections forty and forty-one of the Bankruptcy Act, 1914, and sections three hundred and twenty-five and three hundred and twenty-six of the Companies Act, 1948.

Claims in respect of Goods seized

134.—(1) When a writ against the goods of any person has issued from the High Court and a warrant against the goods of the same person has issued from a county court, the right to the goods seized shall be determined by the priority of the time of the delivery of the writ to the sheriff to be executed, or of the application to the registrar for the issue of the warrant to be executed.

Priority of High Court and county court executions.

(2) A sheriff shall on demand inform the registrar of a county court, by writing signed by any clerk in the office of the under-sheriff, of the precise time of the delivery of any such writ to him, and a bailiff of a county court shall on demand show his warrant to any sheriff's officer.

(3) Any writing purporting to be signed as aforesaid and the indorsement on any such warrant shall respectively be sufficient justification to any registrar or sheriff acting thereon.

135.—(1) Where a claim is made to or in respect of any goods seized in execution under process of a county court, the claimant may—

Sale of goods where claim made thereto.

(a) deposit with the bailiff either—

(i) the amount of the value of the goods claimed ;
or

(ii) the sum which the bailiff is allowed to charge as costs for keeping possession of the goods until the decision of the judge can be obtained on the claim ; or

(b) give the bailiff in the prescribed manner security for the value of the goods claimed.

PART VI
—*cont.*

(2) For the purpose of this section, the amount of the value of the goods claimed shall, in case of dispute, be fixed by appraisal, and where that amount is deposited as aforesaid it shall be paid by the bailiff into court to abide the decision of the judge upon the claim.

(3) In default of the claimant's complying with the foregoing provisions of this section, the bailiff shall sell the goods as if no such claim had been made, and shall pay into court the proceeds of the sale to abide the decision of the judge.

**Interpleader
by registrar.**

136.—(1) If a claim is made to or in respect of any goods or chattels seized in execution under process of a county court, or in respect of the proceeds or value thereof, the registrar may, as well before as after any action brought against him, issue a summons calling before the court the party at whose instance the process issued and the party making the claim.

(2) Upon the issue of the summons, any action brought in any county court or other court in respect of the claim or of any damage arising out of the execution of the warrant shall be stayed.

(3) On the hearing of the summons, the judge shall adjudicate upon the claim, and shall also adjudicate between the parties or either of them and the registrar upon any claim to damages arising or capable of arising out of the execution of the warrant by the registrar, and shall make such order in respect of any such claim and the costs of the proceedings as he thinks fit.

**Claims for
rent where
goods seized
in execution.**

137.—(1) Section one of the Landlord and Tenant Act, 1709, shall not apply to goods seized in execution under process of a county court, but the following provisions of this section shall apply in substitution therefor.

(2) The landlord of any tenement in which any goods are seized as aforesaid may claim the rent of the tenement in arrear at the date of the seizure, at any time within the five days next following that date, or before the removal of the goods, by delivering to the bailiff or officer making the levy a claim in writing, signed by himself or his agent, stating—

(a) the amount of rent claimed to be in arrear; and

(b) the period in respect of which the rent is due.

(3) Where such a claim is made, the bailiff or officer making the levy shall in addition thereto distrain for the rent so claimed and the cost of the distress, and shall not, within five

days next after the distress, sell any part of the goods seized, unless—

PART VI
—cont.

(a) the goods are of a perishable nature; or

(b) the person whose goods have been seized so requests in writing.

(4) The bailiff shall afterwards sell under the execution and distress such of the goods as will satisfy—

(a) first, the costs of and incidental to the sale;

(b) next, the claim of the landlord not exceeding—

(i) in a case where the tenement is let by the week, four weeks' rent;

(ii) in a case where the tenement is let for any other term less than a year, the rent of two terms of payment;

(iii) in any other case, one year's rent; and

(c) lastly, the amount for which the warrant of execution issued.

(5) If any replevin is made of the goods seized, the bailiff shall nevertheless sell such portion thereof as will satisfy the costs of and incidental to the sale under the execution and the amount for which the warrant of execution issued.

(6) In any event the surplus of the sale, if any, and the residue of the goods shall be returned to the execution debtor.

(7) The fees of the registrar and broker for keeping possession, appraisal and sale under any such distress shall be the same as would have been payable if the distress had been an execution of the court, and no other fees shall be demanded or taken in respect thereof.

(8) Nothing in this section shall affect the provisions of section thirty-five of the Bankruptcy Act, 1914, except that the reference therein to section one hundred and sixty of the County Courts Act, 1888, shall be construed as a reference to this section.

Execution out of Jurisdiction of Court

138.—(1) Where a warrant of execution has been issued from a county court (hereafter in this section referred to as a "home court") against the goods and chattels of any person and the goods and chattels are out of the jurisdiction of that court, the registrar of that court may send the warrant of execution to the registrar of any other county court within the jurisdiction of which the goods and chattels are or are believed to be, with a warrant thereon endorsed or thereto annexed requiring execution of the original warrant.

Execution out
of jurisdiction
of court.

PART VI
—cont.

(2) On the receipt of the warrant, the registrar of the other county court shall act in all respects as if the original warrant of execution had been issued by the court of which he is registrar and shall within the prescribed time—

- (a) report to the registrar of the home court what he has done in the execution of the warrant ; and
- (b) pay over all moneys received in pursuance of the warrant.

(3) Where a warrant of execution is sent by the registrar of a home court to the registrar of another court for execution under the provisions of this section, the judge of that other court shall have the same power as the judge of the home court of staying the execution under section one hundred and twenty-three of this Act as respects any goods or chattels within the jurisdiction of that other court.

*Execution in County Court of Judgments and Orders
of, or enforceable as Judgments and Orders of,
High Court and Judgments and Orders of inferior Courts*

Execution in
county court
of judgments
and orders of
High Court.

139. A judgment or order of the High Court for the payment of money to a person, and any judgment, order, decree or award (however called) of any court or arbitrator (including any foreign court or foreign arbitrator) being a judgment, order, decree or award for the payment of money to a person which is or has become enforceable (whether wholly or to a limited extent) as if it were a judgment or order of the High Court shall, on an application's being made to the county court by the party prosecuting the judgment, be enforceable under section one hundred and twenty of this Act as if it were a judgment of that court, and the remainder of the foregoing provisions of this Part of this Act (including the provisions thereof relating to the staying of execution) shall have effect accordingly in relation to the enforcement thereof under the said section one hundred and twenty.

Execution in
county court
of judgments
and orders of
inferior courts.

140.—(1) Any execution issued by a local court for the purpose of enforcing any judgment or order of that court for the payment of money (including a penalty), or for the delivery of property other than land or money (with or without an option to pay instead the value of the property), or for both, may outside the area in which the local court has jurisdiction, be enforced through a county court in the same way as an execution of the like nature issued by some other county court.

(2) Where an execution issued by a local court is sent to a county court to be enforced under this section, the judge and officers of the county court shall have the same powers and duties in connection therewith as they have where an execution of the like nature is sent for enforcement from another county

court, and this Act shall apply in relation to the enforcement of the execution under this section as if the execution had been issued by a county court:

PART VI
—cont.

Provided that this subsection shall not affect the period for which the execution is in force or the manner in which or period for which it may be extended or renewed.

(3) In this section “local court” means any inferior court of record for the trial of civil actions, other than a county court or any of the barmote courts held under the High Peak Mining Customs and Mineral Courts Act, 1851, or the Derbyshire Mining Customs and Mineral Courts Act, 1852, and includes the Mayor’s and City of London Court in relation to proceedings in which it is not regarded as a county court (but without prejudice to the application to the said court of the expression “county court” in relation to executions, attachments and committals issued by other courts).

Charges on Land, Receivers and Attachment of Debts

141.—(1) A county court may, for the purposes of enforcing a judgment or order thereof for the payment of money to a person, by order impose on any such land or interest in land of the debtor as may be specified in the order a charge for securing the payment of any moneys due or to become due under the judgment or order.

Power of court
to impose
charge on
land of
judgment
debtor.

(2) An order under the foregoing subsection may be made either absolutely or subject to conditions as to notifying the debtor as to the time when the charge is to become enforceable or as to other matters.

(3) The Land Charges Act, 1925, and the Land Registration Act, 1925, shall apply in relation to orders under subsection (1) of this section as they apply in relation to other writs or orders affecting land issued or made for the purpose of enforcing judgments, but, save as aforesaid, a charge imposed under the said subsection (1) shall have the like effect and shall be enforceable in the same courts and in the same manner as if it were an equitable charge created by the debtor by writing under his hand; and for the purposes of this provision the limit imposed by paragraph (c) of subsection (1) of section fifty-two of this Act on the jurisdiction of a county court shall be disregarded.

(4) The foregoing provisions of this section shall apply in relation to a judgment, order, decree or award (however called) of any court or arbitrator (including any foreign court or foreign arbitrator) which is, or has become, enforceable (whether wholly or to a limited extent) as if it were a judgment or order of the county court as they apply in relation to a judgment or order of the county court.

PART VI
—cont.
Receivers.

142.—(1) The power of the county court to appoint a receiver by way of equitable execution shall operate in relation to all legal estates and interests in land.

(2) The said power may be exercised in relation to an estate or interest in land whether or not a charge has been imposed on that land under the last foregoing section for the purpose of enforcing the judgment, decree, order or award in question, and the said power shall be in addition to and not in derogation of any power of any court to appoint a receiver in proceedings for enforcing such a charge.

(3) Where an order under the last foregoing section imposing a charge for the purpose of enforcing a judgment, decree, order or award has been registered under section six of the Land Charges Act, 1925, subsection (1) of section seven of that Act (which provides that, amongst other things, an order appointing a receiver and any proceedings pursuant to the order or in obedience thereto shall be void against a purchaser unless the order is for the time being registered under section six of that Act) shall not apply to an order appointing a receiver made either in proceedings for enforcing the charge or by way of equitable execution of the judgment, decree, order or award or, as the case may be, of so much thereof as requires payment of moneys secured by the charge.

Attachment
of debts.

143.—(1) A sum standing to the credit of a person in a deposit account in a bank shall, for the purposes of the jurisdiction of the county court to attach debts for the purpose of satisfying judgments or orders for the payment of money, be deemed to be a sum due or accruing to that person and, subject to county court rules, shall be attachable accordingly, notwithstanding that any of the following conditions applicable to the account, that is to say:—

- (a) any condition that notice is required before any money is withdrawn ;
- (b) any condition that a personal application must be made before any money is withdrawn ;
- (c) any condition that a deposit book must be produced before any money is withdrawn ; or
- (d) any other prescribed condition ;

has not been satisfied.

(2) This section shall not apply to any account in the Post Office Savings Bank, in any Trustee Savings Bank or in any Savings Bank maintained in pursuance of any enactment by any local authority or to any account in any bank with two or more places of business if the terms applicable to that account permit withdrawals on demand, on production of a deposit book, at more than one of those places of business, with or without restrictions as to the amount which may be withdrawn.

Miscellaneous Provisions as to Enforcement of Judgments and Orders

PART VI
—cont.

144.—(1) If a debtor summoned to attend a county court by a judgment summons fails to attend on the day and at the time fixed for any hearing thereof, the judge may adjourn or further adjourn the summons to a specified time on a specified day and order the debtor to attend at that time on that day. Penalty for non-attendance on judgment summons.

(2) If—

(a) a debtor, having been ordered under the foregoing subsection to attend at a specified time on a specified day, fails to do so ; or

(b) a debtor who attends for the hearing of a judgment summons refuses to be sworn or to give evidence ;

the judge may make an order committing him to prison for a period not exceeding fourteen days in respect of the failure or refusal :

Provided that a debtor shall not be committed to prison under this subsection for having failed to attend as required by an order under subsection (1) of this section unless there was paid to him at the time of the service of the judgment summons, or paid or tendered to him at the time of the service of the order under the said subsection (1), such sum in respect of his expenses as may be prescribed for the purposes of this section.

(3) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

145. Where a vessel, aircraft or property would or might be sold under an execution to enforce a judgment or order given or made by a county court in Admiralty proceedings, and the owner of the vessel, aircraft or property desires that the sale should be conducted in the High Court instead of in the county court, he shall be entitled, on giving security for costs, and subject to such other provisions as may be prescribed, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks fit) the transfer of any subsequent proceedings, to the High Court. Transfer of execution in Admiralty proceedings.

146.—(1) Where an application is made to the High Court—
(a) for the attachment of a debt not exceeding four hundred pounds to answer a judgment or order ; or
(b) for leave to issue execution for a debt not exceeding four hundred pounds against a person as being a member of a firm against which a judgment or order has been obtained ; Transfer from High Court of applications to attach debts or levy executions against member of firm.

the High Court or a judge thereof may make an order either—

(i) transferring the matter to ; or

PART VI
—cont.

(ii) directing that any issue necessary for determining the matter shall be tried in ;

such county court to be named in the order as the court or judge may deem the most convenient to the parties.

(2) Where, under the foregoing provisions of this section, an order is made directing an issue to be tried in a county court, the order shall define the issue to be tried, and any party may lodge or cause to be lodged the order, together with the affidavits (if any) filed in the matter, and such other documents (if any) as the High Court or judge may direct, with the registrar of the county court named in the order.

(3) On the documents' aforesaid being so lodged the issue shall, subject to county court rules, be tried in the county court so named, and the judge of that county court, after the issue has been so tried, shall certify the result of the trial and send his certificate to the High Court, together with the documents aforesaid and any report which he may think fit to make as to costs or otherwise.

Provisions as to warrants of possession.

147.—(1) For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods or chattels from those premises.

(2) The duration of any warrant of possession issued by a county court to enforce a judgment or order for the recovery of land or for the delivery of possession of land shall, notwithstanding anything in subsection (4) of section five of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, be such as may be fixed by or in accordance with county court rules.

PART VII

ADMINISTRATION ORDERS

Power to make administration order when debts less than £50.

148.—(1) Where a debtor—

- (a) is unable to pay forthwith the amount of a judgment obtained against him in a county court ; and
- (b) alleges that his whole indebtedness amounts to a sum not exceeding fifty pounds, inclusive of the debt for which the judgment was obtained ;

that court may make an order (hereafter in this Part of this Act referred to as an "administration order") providing for the administration of his estate.

(2) Where, in the opinion of the court in which the judgment was obtained, it would be inconvenient that that court should administer the estate, it shall cause a certificate of the judgment to be forwarded to the county court for the district in which the debtor resides or the majority of the creditors reside, and

thereupon the latter county court shall have all the powers which it would have under this Part of this Act, had the judgment been obtained in it.

PART VII
—cont.

(3) An administration order shall not be invalid by reason only that the total amount of the debts is found at any time to exceed fifty pounds, but in that case the court may, if it thinks fit, set aside the order.

(4) An administration order may provide for the payment of the debts of the debtor by instalments or otherwise, and either in full or to such extent as to the court under the circumstances of the case appears practicable, and subject to any conditions as to his future earnings or income which the court may think just.

(5) An administration order shall be carried into effect in such manner as may be prescribed by general rules made under this Part of this Act.

149. Where an administration order has been made the following provisions shall have effect:—

Notice of
order and
proof of debts.

- (a) notice of the order shall be sent to the registrar of county court judgments, and be posted in the office of the county court for the district in which the debtor resides, and sent to every creditor notified by the debtor, or who has proved;
- (b) any creditor of the debtor, on proof of his debt before the registrar, shall be entitled to be scheduled as a creditor of the debtor for the amount of his proof;
- (c) any creditor may, in the manner prescribed by general rules made under this Part of this Act, object to any debt scheduled, or to the manner in which payment is directed to be made by instalments;
- (d) any person who, after the date of the order, becomes a creditor of the debtor shall, on proof of his debt before the registrar, be scheduled as a creditor of the debtor for the amount of his proof, but shall not be entitled to any dividend under the order until the creditors who are scheduled as having been creditors before the date of the order have been paid to the extent provided by the order.

150.—(1) Subject to the provisions of the two next following sections, when an administration order is made, no creditor shall have any remedy against the person or property of the debtor in respect of any debt which the debtor has notified to a county court or which has been scheduled to the order, except with the leave of that county court, and on such terms as that court may impose.

Effect of
administration
order.

PART VII
—*cont.*

(2) Any county court or other inferior court in which proceedings are pending against the debtor in respect of any debt so notified or scheduled shall, on receiving notice of the administration order, stay the proceedings, but may allow costs already incurred by the creditor, and such costs may, on application, be added to the debt.

Execution by registrar.

151.—(1) Where it appears to the registrar of the county court at any time while an administration order is in force that property of the debtor exceeds in value ten pounds, he shall, at the request of any creditor, and without fee, issue execution against the debtor's goods.

(2) Section one hundred and twenty-four of this Act applies on an execution under this section as it applies on an execution under Part VI of this Act.

Right of landlord to distrain notwithstanding order.

152. A landlord or other person to whom any rent is due from a debtor in respect of whom an administration order is made, may at any time, either before or after the date of the order, distrain upon the goods or effects of the debtor for the rent due to him from the debtor, with this limitation, that if the distress for rent is levied after the date of the order, it shall be available only for six months' rent accrued due prior to the date of the order and shall not be available for rent payable in respect of any period subsequent to the date when the distress was levied, but the landlord or other person to whom the rent may be due from the debtor may prove under the order for the surplus due for which the distress may not have been available.

Appropriation of money paid under order.

153. Money paid into court under an administration order shall be appropriated—

- (a) first in satisfaction of the costs of the plaintiff in the action in respect of which the order was made;
- (b) next in satisfaction of the costs of administration (which shall not exceed two shillings in the pound on the total amount of the debts); and
- (c) then in liquidation of debts in accordance with the order.

Default in payment of instalments.

154. If the debtor makes default in payment of any instalment payable in pursuance of an administration order, he shall, unless the contrary is proved, be deemed to have had since the date of the order the means to pay the sum in respect of which he has made default and to have refused or neglected to pay that sum.

Discharge of order.

155. When the amount received under an administration order is sufficient to pay each creditor scheduled to the order to the extent thereby provided, and the costs of the plaintiff in the action in respect of which the order was made and the

costs of the administration, the order shall be superseded, and the debtor shall be discharged from his debts to the scheduled creditors.

PART VII
—cont.

156.—(1) The Lord Chancellor may from time to time make, by statutory instrument, general rules for carrying into effect the objects of this Part of this Act:

Rules for purposes of Part VII.

Provided that the said rules shall not extend the jurisdiction of the court.

(2) A statutory instrument containing rules made under this section shall be laid before Parliament after being made.

PART VIII

COMMITTALS

157.—(1) If any person—

Power to commit for contempt.

(a) wilfully insults the judge of a county court, or any juror or witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; or

(b) wilfully interrupts the proceedings of a county court or otherwise misbehaves in court;

any officer of the court, with or without the assistance of any other person, may, by order of the judge, take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit—

(i) make an order committing the offender for a specified period not exceeding one month to any prison to which the judge has power to commit; or

(ii) impose upon the offender a fine not exceeding twenty pounds for every offence.

(2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

158.—(1) Whenever any order or warrant for the committal of any person to prison is made or issued by a county court (whether in pursuance of this or any other Act or of county court rules), the order or warrant shall be directed to the registrar of the court, who shall thereby be empowered to take the body of the person against whom the order is made or warrant issued.

Issue and execution of orders of committal.

(2) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such order or warrant.

(3) The governor of the prison mentioned in any such order or warrant shall be bound to receive and keep the person therein mentioned until he is lawfully discharged.

PART VIII
 —cont.
 Prisons to
 which
 committals
 may be made.

159. Any person committed to prison by the judge of any county court, in pursuance of this or any other Act or of county court rules, shall be committed to such prison as may from time to time be directed in the case of that court by order of the Secretary of State.

Power of
 judge to order
 discharge.

160. If at any time it appears to the satisfaction of a judge of a county court that any debtor arrested or confined in prison by order of the court is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of a claim or counterclaim or by way of costs or otherwise), or any instalment thereof, and ought to be discharged, the judge may order his discharge upon such terms (including liability to re-arrest if the terms are not complied with) as the judge thinks fit.

Execution of
 committal
 orders out of
 jurisdiction
 of court.

161.—(1) Where any order or warrant for the committal of any person to prison has been made or issued (whether in pursuance of this or any other Act or of county court rules) by a county court (hereafter in this section referred to as a “home court”) and that person is out of the jurisdiction of that court, the registrar may send the order or warrant to the registrar of any other county court within the jurisdiction of which that person is or is believed to be, with a warrant thereon indorsed or thereto annexed requiring execution of the original order or warrant.

(2) On receipt of the warrant, the registrar of the other county court shall act in all respects as if the original order or warrant had been issued by the court of which he is registrar and shall within the prescribed time—

- (a) report to the registrar of the home court what he has done in the execution of the order or warrant; and
- (b) pay over all moneys received in pursuance of the order or warrant.

(3) Where a person is apprehended under the order or warrant, he shall be forthwith conveyed, in custody of the officer apprehending him, to the prison of the court within the jurisdiction of which he was apprehended and kept therein—

- (a) in a case where he is apprehended under a warrant of attachment, until further order of the home court; and
- (b) in a case where he is apprehended under any other order or warrant, until the expiration of the period mentioned in the order or warrant, unless sooner discharged by law.

(4) It shall be the duty of every constable within his jurisdiction to assist in the execution of any such order or warrant.

(5) Where an order of committal under the Debtors Act, 1869, is sent by the registrar of a home court to the registrar of another court for execution under the provisions of this section, the judge of that other court shall have the same power as the judge of the home court of ordering the debtor's discharge under the last foregoing section and where an order of committal under section one hundred and forty-four of this Act is sent by the registrar of a home court to the registrar of another court for the purpose aforesaid, the judge of that other court shall have the same power as the judge of the home court of revoking the order and ordering the debtor's discharge under that section.

PART VIII
—cont.

162.—(1) Any writ, warrant or order for a person's attachment or committal to prison which is issued by a local court may, outside the area in which the local court has jurisdiction, be executed through a county court in the same way as an instrument of the like nature issued by some other county court.

Execution through county court of committal orders of inferior courts.

(2) Where any such writ, warrant or order as aforesaid issued by a local court is sent to a county court to be executed under this section, the judge and officers of the county court shall have the same powers and duties in connection therewith as they have where an instrument of the like nature is sent for execution from another county court and this Act shall apply in relation to the execution of the instrument under this section as if it had been issued by a county court.

(3) In this section "local court" has the same meaning as in section one hundred and forty of this Act.

PART IX

RESPONSIBILITY AND PROTECTION OF OFFICERS

163. Every registrar shall be responsible for the acts and defaults of himself and of the bailiffs appointed to assist him in like manner as the sheriff of any county in England is responsible for the acts and defaults of himself and his officers.

Registrar to have same responsibilities as sheriff.

164.—(1) Where a bailiff of a county court, being employed to levy any execution against goods and chattels, loses the opportunity of levying the execution by reason of neglect, connivance or omission, any party aggrieved thereby may complain to the judge of that court.

Liability of bailiff for neglect to levy execution.

(2) On any such complaint the judge, if the neglect, connivance or omission is proved to his satisfaction, shall order

PART IX
—*cont.*

the bailiff to pay such damages as it appears that the complainant has sustained by reason thereof, not exceeding in any case the sum for which the execution issued.

**Irregularity in
executing
warrants.**

165. No officer of a county court in executing any warrant of a court, and no person at whose instance any such warrant is executed, shall be deemed a trespasser by reason of any irregularity or informality—

(a) in any proceeding on the validity of which the warrant depends; or

(b) in the form of the warrant or in the mode of executing it;

but any person aggrieved may bring an action for any special damage sustained by him by reason of the irregularity or informality against the person guilty thereof:

Provided that no costs shall be recovered in such an action unless the damages awarded exceed forty shillings.

**Actions against
bailiffs acting
under
warrants.**

166.—(1) No action shall be commenced against any bailiff for anything done in obedience to a warrant issued by the registrar, unless—

(a) a demand for inspection of the warrant and for a copy thereof is made or left at the office of the bailiff by the party intending to bring the action, or his solicitor or agent, in writing signed by the person making the demand; and

(b) the bailiff refuses or neglects to comply with the demand within six days after it is made.

(2) If an action is commenced against a bailiff in a case where such a demand has been made and not complied with, judgment shall be given for the bailiff if the warrant is produced or proved at the trial, notwithstanding any defect of jurisdiction or other irregularity in the warrant; but the registrar who issued the warrant may be joined as a defendant in the action, and if the registrar is so joined and judgment is given against him, the costs to be recovered by the plaintiff against the registrar shall include such costs as the plaintiff is liable to pay to the bailiff.

(3) In this section (except in paragraph (a) of subsection (1) thereof) the expression “bailiff” includes any person acting by the order and in aid of a bailiff.

**Warrants
evidence of
authority.**

167. In any action commenced against a person for anything done in pursuance of this Act, the production of the warrant of the county court shall be deemed sufficient proof of the authority of the court previous to the issue of the warrant.

PART X

FUNDS IN COURT

168. The Lord Chancellor, with the concurrence of the Treasury, may make rules regulating the deposit, payment, delivery and transfer in, into and out of a county court of money and securities, which belong to suitors, or are otherwise capable of being deposited in or paid or transferred into a county court or are under the custody of a county court, and regulating the evidence of such deposit, payment, delivery or transfer, and the manner in which money and securities in court are to be dealt with, and in particular—

Rules as to
funds in
county courts.

- (a) regulating the placing of money in court (with such exceptions as may be prescribed) to deposit accounts or investment accounts and prescribing the rate of interest on money placed to such accounts, so however that the rate of interest on money placed to a deposit account shall be equal to the rate of interest for the time being payable on deposits in the Post Office Savings Bank ;
- (b) requiring registrars to pay from time to time to the Accountant General all money in court which is not required by them for meeting current demands, and requiring the Accountant General to pay to the Commissioners all money received by him under the rules which is not required by him for meeting current demands ;
- (c) requiring the annual publication of lists of accounts which have not been dealt with for such period as may be prescribed (not being less than fifteen years in the case of deposit and investment accounts or five years in the case of other accounts), and requiring the closing of any account included in any such list if the money standing to the credit of the account is not claimed within such period after the publication of the list as may be prescribed ;
- (d) regulating the investment of money paid to the Commissioners under the rules and (subject to the provisions of this Part of this Act) prescribing the manner in which the interest received by the Commissioners on money so invested is to be dealt with ;
- (e) regulating the payment or crediting of interest on money placed to deposit accounts and investment accounts respectively ;
- (f) prescribing the smallest amount which is to be placed to an investment account (unless ordered by the court to be invested notwithstanding the smallness of the amount), the smallest amount which is to be placed to

PART X
—*cont.*

- or remain in a deposit account and the smallest amount of money placed to a deposit account on which interest is to be credited ;
- (g) prescribing the time at which money in court is to be placed to a deposit account or investment account, and at which interest on money placed to any such account is to begin and cease, and the mode of computing any such interest ;
 - (h) prescribing the circumstances in which interest on money placed to a deposit account or investment account, or interest on any securities in court, is to be placed to a deposit account or an investment account ;
 - (i) prescribing the manner in which money is to be furnished to registrars by the Accountant General, and to the Accountant General by the Commissioners, for the purpose of enabling registrars and the Accountant General to comply with orders of court as to the payment of money out of court ;
 - (j) prescribing the accounts to be kept by registrars for the purposes of the rules ;
 - (k) providing for the vesting of money and securities in court in the holders of such offices as may be prescribed and their successors in office without any conveyance, assignment or transfer ;
 - (l) providing for the discharge of the functions of the Accountant General under the rules by deputy ;
 - (m) prescribing the manner in which money in court which, at the beginning of the year nineteen hundred and thirty-five, was invested in stock registered in the Post Office register, is to be dealt with ;
 - (n) providing for such matters as are incidental to or consequential on the foregoing provisions of this section or are necessary for giving effect to those provisions.

Rules as to funds in Mayor's and City of London Court.

169. The County Court Funds Rules shall not apply to the Mayor's and City of London Court, but the Lord Chancellor may make separate rules for that court regulating or making provision for any matter which may be regulated, or for which provision may be made, by the County Court Funds Rules, with the substitution of the Chamberlain of the City of London for the Accountant General and the Commissioners.

Parliamentary control of rules.

170. The powers to make rules conferred by the foregoing provisions of this Part of this Act on the Lord Chancellor shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

171.—(1) If the Lord Chancellor, whether on a representation made to him by any person interested or not, certifies that the Accountant General—

PART X
—cont.

Liability of
Consolidated
Fund for funds
in court.

- (a) has failed to pay any money received by him under the County Court Funds Rules, or to transfer or deliver any securities vested in him under those rules whether solely or jointly with any other person, being money or securities required by any order of a county court to be paid, transferred or delivered by him; or
- (b) has been guilty of any default with respect to any such money or securities;

the Treasury shall cause to be paid out of the Consolidated Fund such sum as may be certified by the Lord Chancellor to be necessary for the purpose of paying the money so required to be paid, or of replacing the securities so required to be transferred or delivered, or of making good such default.

(2) If at any time the money in the hands of the Commissioners under the County Court Funds Rules is insufficient to pay any amount payable by them in pursuance of those rules, the Treasury shall either direct the Commissioners to realise a sufficient portion of the securities purchased by them under the rules and to apply the proceeds of such realisation in paying the amount so payable by them, or cause the required sum to be issued to the Commissioners out of the Consolidated Fund.

(3) If in any year the aggregate sum received by the Commissioners by way of interest on the money invested by them under the County Court Funds Rules exceeds the aggregate amount of the interest due to be paid or credited in respect of that year on money placed to deposit and investment accounts, the surplus, or such part thereof as the Treasury may direct, shall either be paid into the Exchequer or be applied as an appropriation in aid of the moneys provided by Parliament for the salaries and expenses connected with the county courts, and if in any year the said sum is less than the said amount, the deficiency shall, if not otherwise provided for, be made good out of the Consolidated Fund.

172. All moneys standing to the credit of accounts which are closed in pursuance of the County Court Funds Rules shall be paid to the Commissioners and applied by them in redemption of debt:

Provision as
to closed
accounts.

Provided that where, after any account has been closed as aforesaid, any person proves to the satisfaction of the court on behalf of which the account was kept that, if the account had not been closed, he would have been entitled to the money standing to the credit of the account or any part thereof, the court shall make an order for the payment to that person of the

PART X
—cont.

money to which he would have been entitled, together (if the court so directs) with all or any part of the interest on that money which would have been credited to the account if the account had not been closed, and the amount required to comply with the order of the court shall, if not otherwise provided for, be paid out of the Consolidated Fund to the Accountant General.

**Accounts to
be kept for
purpose of
County Court
Funds Rules.**

173. The Accountant General and the Commissioners shall keep such accounts of their transactions under the County Court Funds Rules as the Treasury may direct, and those accounts shall be examined from time to time by the Comptroller and Auditor General, and copies of the accounts certified by the Comptroller and Auditor General, together with his report thereon, shall be laid by the Lord Chancellor before both Houses of Parliament.

**Transfer to
county court
of money
recovered in
High Court by
infants, &c.**

174.—(1) Where, in any cause or matter in the High Court, money is in any manner recovered by or on behalf of, or adjudged or ordered to be paid to or for the benefit of, a person who is an infant or of unsound mind, the High Court or a judge thereof may order the money or any part thereof to be paid into or transferred to the county court of the district in which that person resides or such other county court as the High Court or judge may order.

(2) On the making of any such order, the money or the part thereof to which the order relates shall be paid or transferred according to the order, and shall, subject to any special order or direction of the High Court or a judge thereof, and to county court rules and to the County Court Funds Rules, or the Mayor's and City of London Court Funds Rules, as the case may be, be invested, applied or otherwise dealt with for the benefit of the person to whom the order relates in such manner as the county court in its discretion thinks fit.

(3) The provisions of this section shall apply to money which in proceedings under the Fatal Accidents Acts, 1846 to 1908, is recovered by or adjudged or ordered to be paid to the widow of the person killed as they apply to money recovered by or adjudged or ordered to be paid to an infant.

**Amendment
of certain
enactments.**

175. Section sixty-three of the Trustee Act, 1925, and paragraphs 1 and 3 of the Second Schedule to the Workmen's Compensation Act, 1925, shall have effect as if references to rules of court included references to the County Court Funds Rules or the Mayor's and City of London Court Funds Rules, as the case may be.

176. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

PART X
—cont.

Interpretation
of Part X.

- “the Accountant General” means the Accountant General of the Supreme Court;
- “the Commissioners” means the National Debt Commissioners;
- “County Court Funds Rules” means rules made under section one hundred and sixty-eight of this Act;
- “Mayor’s and City of London Court Funds Rules” means rules made under section one hundred and sixty-nine of this Act;
- “money in court” and “securities in court” means money or securities, as the case may be, deposited, paid, delivered or transferred in or into a county court in pursuance of this or any other Act or in pursuance of county court rules;
- “prescribed” means prescribed by the County Court Funds Rules.

PART XI

MISCELLANEOUS AND GENERAL

Financial Provisions

177.—(1) The Lord Chancellor may from time to time, with the concurrence of the Treasury, make (by statutory instrument) orders as to the fees to be paid on any proceedings which are for the time being authorised to be taken in a county court. Fees orders.

(2) Every such order shall be laid before both Houses of Parliament.

(3) A copy of the fees orders for the time being in force shall be posted in some conspicuous place in every court-house and registrar’s office.

178. In default of the payment of any fees as provided by the fees orders for the time being in force, payment thereof shall be enforced, by order of the court, in like manner as payment of any debt adjudged by the court to be paid. Enforcement of liability for fees.

179. Payment of any fine imposed by any court under this Act may be enforced upon the order of the judge— Enforcement of fines.

- (a) in like manner as payment of any debt adjudged by the court to be paid may be enforced under this Act:
or
- (b) in like manner as payment of a sum adjudged to be paid by a conviction of a magistrates’ court may be enforced under the Magistrates’ Courts Act, 1952.

PART XI

—cont

Registrar to
take charge
of fees, &c.

180.—(1) There shall be paid to the registrar—

(a) all fees payable under this Act ;

(b) all forfeitures imposed thereunder ; and

(c) all fines so imposed, except fines imposed on summary conviction and except so much of a fine as, by virtue of subsection (3) of section eighty-four of this Act, is applicable towards indemnifying a party injured.

(2) All fees, fines, penalties and forfeitures paid to a registrar (other than the registrar of the Mayor's and City of London Court) under this Act or any other Act, shall be dealt with by him in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.

.1:

Provisions as
to fines
imposed on
summary
conviction.

181. Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine imposed under this Act on summary conviction shall be deemed to be Exchequer moneys within the meaning of that section.

Security for
money in
hands of
officers.

182.—(1) Every registrar, other than a whole-time registrar, shall give security for such sum, and in such manner and form, as the Treasury may from time to time direct for the due performance of his duties and for the due accounting for, and payment of, all moneys received by him under this Act or which he may become liable to pay for any misbehaviour in his office.

(2) Subject to the provisions of the foregoing subsection, the Lord Chancellor, with the concurrence of the Treasury, shall from time to time make such rules as he thinks fit for securing the balances and other sums of money in the hands of any officers of a county court, and for the due accounting for and application of those balances and sums.

Accounts of
registrar.

183.—(1) A registrar shall, in addition to the accounts required to be kept by him under the County Court Funds Rules, keep such accounts as the Lord Chancellor, after consultation with the Treasury, may direct.

(2) All accounts kept by a registrar shall be audited at such times and in such manner as the Lord Chancellor, after consultation as aforesaid, may direct.

(3) This section shall not apply to the registrar of the Mayor's and City of London Court.

Central
accounts.

184. The Lord Chancellor may, subject to the consent of the Treasury as to numbers and salaries, appoint as officers in his department such auditors and other officers as he may consider necessary for the purpose of controlling the accounts of county courts.

185. There shall be paid out of moneys provided by Parliament—

PART XI
—cont.

- (a) all salaries, remuneration and other sums payable under Part I of this Act (except where otherwise expressly provided) or under the last foregoing section ; and
- (b) the expenses of supplying the courts and offices with law and office books and stationery and postage stamps ; and
- (c) expenses incurred in conveying to prison persons committed by the courts ; and
- (d) all other expenses arising out of any jurisdiction for the time being conferred on the courts or any officer thereof.

Payment of salaries and expenses.

Summonses and other Documents

186.—(1) Where any summons or other process issued from a county court is served by an officer of a court, the service may be proved by endorsement on a copy of the summons or process under the hand of that officer showing the fact and mode of the service.

Proof of service of summonses, &c.

(2) Any officer of a court wilfully and corruptly endorsing any false statement on a copy of a summons or other process shall be guilty of an offence and, on conviction thereof, shall be removed from his office or employment and shall be liable—

- (a) on conviction on indictment, to imprisonment for any term not exceeding two years ; or
- (b) on summary conviction, to imprisonment for any term not exceeding six months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

187.—(1) All summonses issuing out of a county court, and all such other documents so issuing as may be prescribed, shall be sealed or stamped with the seal of the court.

Summonses and other process to be under seal.

(2) All such summonses and other documents purporting to be sealed as aforesaid shall, in England and Wales, be received in evidence without further proof thereof.

188. Any person who—

- (a) delivers or causes to be delivered to any other person any paper falsely purporting to be a copy of any summons or other process of a county court, knowing it to be false ; or

Penalty for falsely pretending to act under authority of court.

PART XI
—cont.

(b) acts or professes to act under any false colour or pretence of the process or authority of a county court; shall be guilty of felony, and shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding seven years.

Penalty for falsely representing document to have been issued from county court.

189.—(1) It shall not be lawful to deliver or cause to be delivered to any person any document which, not having been issued under the authority of a county court, has, by reason of its form or contents or both, the appearance of having been issued under such authority.

(2) If any person contravenes the provisions of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(3) Nothing in this section shall be taken to prejudice the provisions of the last foregoing section.

Lessee to give notice of summons for recovery of land.

190. Every lessee to whom there is delivered any summons issued from a county court for the recovery of land demised to or held by him, or to whose knowledge any such summons comes, shall forthwith give notice thereof to his lessor or his bailiff or receiver, and if he fails so to do, he shall be liable to forfeit to the person of whom he holds the land an amount equal to the value of three years' improved or rack rent of the land, to be recovered by action in any county court or other court having jurisdiction in respect of claims for such an amount.

Forfeiture for Non-Payment of Rent

Provisions to forfeiture for non-payment of rent.

191.—(1) Where a lessor is proceeding by action in a county court (being an action in which a county court has jurisdiction) to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent, the following provisions shall have effect :—

- (a) if the lessee pays into court not less than five clear days before the return day all the rent in arrear and the costs of the action, the action shall cease, and the lessee shall hold the land according to the lease without any new lease ;
- (b) if the action does not cease as aforesaid and the court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture, the court shall order possession of the land to be given to the lessor at the expiration of such period, not being less than four weeks from the date of the order, as the court thinks fit, unless within that period the lessee pays into court all the rent in arrear and the costs of the action ;

(c) if, within the period specified in the order, the lessee pays into court all the rent in arrear and the costs of the action, he shall hold the land according to the lease without any new lease, but if the lessee does not, within the said period, pay into court all the rent in arrear and the costs of the action, the order shall be enforced in the prescribed manner, and so long as the order remains unreversed the lessee shall be barred from all relief:

PART XI
—cont.

Provided that, where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent, paragraph (a) of this subsection shall not apply, and nothing in this subsection shall be taken to affect the power of the court to make any order which it would otherwise have power to make as respects the right of re-entry or forfeiture on that other ground.

(2) Where any such action as aforesaid is brought in a county court and, at the time of the commencement of the action, one half-year's rent is in arrear and the lessor has a right to re-enter for non-payment thereof and no sufficient distress is to be found on the premises countervailing the arrears then due, the service of the summons in the action in the prescribed manner shall stand in lieu of a demand and re-entry.

(3) Where a lessor has enforced against a lessee, by re-entry without action, a right of re-entry or forfeiture as respects any land for non-payment of rent, the lessee may, if the net annual value for rating of the land does not exceed one hundred pounds, at any time within six months from the date on which the lessor re-entered apply to the county court for relief, and on any such application the court may, if it thinks fit, grant to the lessee such relief as the High Court could have granted.

(4) Nothing in this section shall be taken to affect the provisions of subsection (4) of section one hundred and forty-six of the Law of Property Act, 1925.

(5) For the purposes of this section—

- (a) the expression "lease" includes an original or derivative under-lease, also an agreement for a lease where the lessee has become entitled to have his lease granted, also a grant at a fee farm rent, or securing a rent by condition;
- (b) the expression "lessee" includes an original or derivative under-lessee and the persons deriving title under a lessee, also a grantee under any such grant as aforesaid and the persons deriving title under him;

E*

PART XI
—cont.

- (c) the expression “lessor” includes an original or derivative under-lessor and the persons deriving title under a lessor, also a person making such grant as aforesaid and the persons deriving title under him;
- (d) the expression “under-lease” includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted;
- (e) the expression “under-lessee” includes any person deriving title under an under-lessee.

Power to raise Limits of Jurisdiction

Power of
Her Majesty
to raise limits
of jurisdiction
of courts.

192.—(1) If Her Majesty by Order in Council so directs, the enactments referred to in the next following subsection shall have effect with the substitution for the references to three hundred pounds, to four hundred pounds and to four hundred and fifty pounds of references to four hundred pounds, to five hundred pounds and to five hundred and fifty pounds respectively.

(2) The said enactments are sections thirty-nine, forty, forty-one, forty-four, forty-five, forty-seven, eighty and one hundred and forty-six of this Act and the entry in the First Schedule thereto relating to section one hundred and thirty-six of the Law of Property Act, 1925, and subsection (2) of section seventy-three of the Solicitors Act, 1957.

(3) An Order in Council under this section may, in relation to the coming into force of the Order, make such provision as might, by virtue of subsection (2) of section eight of the County Courts Act, 1955, have been made by an Order in Council under subsection (5) of section one of that Act.

(4) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

Provisions as to Solicitors

No privilege
allowed to
solicitors.

193. No privilege shall be allowed to any solicitor to exempt him from the jurisdiction of the court.

No roll of
solicitors
to be kept.

194. No roll of solicitors shall be kept in a county court.

Power to
enforce
undertakings
of solicitors.

195. A county court shall have the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking so given in relation to any proceedings in the High Court.

PART XI
—cont.

196. No person other than a solicitor shall be entitled to have or recover any fee or reward for appearing or acting on behalf of any other party in any proceedings in a county court :

Prohibition on persons other than solicitors receiving remuneration for business done in county court.

Provided that nothing in this Act shall affect the right of any barrister to appear or act in any court, or of any solicitor to recover costs in respect of his employment of a barrister to appear or act as aforesaid.

Provisions as to other Local Courts

197.—(1) For the purposes of all proceedings within the jurisdiction of a county court, the Mayor's and City of London Court shall be deemed to be a county court, and shall, subject to the provisions of the Mayor's and City of London Court Act, 1920, be governed by the statutes and rules for the time being applicable to county courts so far as they do not conflict with the London (City) Small Debts Extension Act, 1852.

Mayor's and City of London Court.

(2) Nothing in this Act shall be taken to diminish any of the powers, rights or privileges of the judges of the Mayor's and City of London Court or the authority of the mayor, aldermen and commons of the City of London in common council assembled in relation to that court or in relation to the judge or officers thereof, or in relation to the fees taken therein, as the said powers, rights, privileges and authority existed immediately before the commencement of this Act.

198.—(1) Where—

- (a) any court of local jurisdiction other than a county court (hereinafter in this section referred to as a "local court") is established within the limits of any city, borough or parish ; or
- (b) the jurisdiction of any local court extends into the limits of a city, borough or parish ;

Exclusion of jurisdiction of local courts in certain cases.

the council of the city or borough, or a majority of the rate-payers of the parish, as the case may be, may present a petition to Her Majesty in Council praying that the jurisdiction of the local court in any proceedings whereof a county court has cognisance shall be excluded.

(2) At least two months before any such petition is presented, notice thereof shall be given by public advertisement in the city, borough or parish, as the case may be, and in some newspaper circulating therein.

(3) If such a petition is duly presented, Her Majesty, by Order in Council, may, if no counter petition has been presented, and if no caveat has been entered at the Privy Council Office, declare the exclusion of the jurisdiction of the local court throughout the whole or any part of any county court district.

PART XI
—cont.

(4) If a counter petition is presented, or any caveat so entered, Her Majesty may refer the petition and the counter petition (if any) to the Judicial Committee of the Privy Council, and upon the report of that Committee may—

- (a) make such Order in Council with respect to the matter of the petition as She is advised to make ; and
- (b) award compensation to any person entitled to appoint officers of the local court.

(5) The Treasury shall have power to pay any compensation so awarded.

Actions for Price of Beer, &c.

Prohibition of actions for price of beer, &c., consumed on premises.

199. No action shall be brought in any county court or any other court to recover any debt or sum of money alleged to be due—

- (a) in respect of the sale of any ale, porter, beer, cider or perry which was consumed on the premises where it was sold or supplied ; or
- (b) in respect of any money or goods lent or supplied, or of any security given for, in or towards the obtaining of any such ale, porter, beer, cider or perry.

Interpretation

Construction of references to net annual value for rating.

200.—(1) For the purposes of this Act, the net annual value for rating of any property shall be determined as at the time when the relevant proceedings are commenced, except in a case where it is otherwise expressly provided, and, subject to the following subsection, by reference to the valuation list in force at the time in question.

(2) Where the property of which the value is in question does not consist of one or more hereditaments having at the time in question a separate net annual value for rating, the property or such part of it as does not so consist shall be taken to have a net annual value for rating equal to three fifths of its value by the year.

General interpretation provisions.

201. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

“action” includes a suit, and means any proceedings in a county court which may be commenced as prescribed by plaint ;

“Admiralty county court” means a county court appointed to have Admiralty jurisdiction by order under this Act ;

- “Admiralty proceedings” means proceedings in which the claim would not be within the jurisdiction of a county court but for the provisions of sections fifty-five and fifty-six of this Act ;
- “bailiff” includes a registrar ;
- “county court rules” means rules made under section one hundred and two of this Act ;
- “court” and “county court” mean a court held for a district under this Act ;
- “district” and “county court district” mean a district for which a court is to be held under section two of this Act ;
- “fees orders” means orders made under section one hundred and seventy-seven of this Act ;
- “hearing” includes trial, and the expressions “hear” and “heard” shall be construed accordingly ;
- “hereditament” includes both a corporeal and an incorporeal hereditament ;
- “judge” and “judge of county courts” mean a judge appointed for a district under this Act ;
- “judgment summons” means a summons issued on the application of a person entitled to enforce a judgment or order under section five of the Debtors Act, 1869, requiring a person, or where two or more persons are liable under the judgment or order, requiring any one or more of them, to appear and be examined on oath as to his or their means ;
- “landlord”, in relation to any land, means the person entitled to the immediate reversion of that land or, if the property therein is held in joint tenancy, any of the persons entitled to the immediate reversion ;
- “Lord Chancellor” includes the First Commissioner for the custody of the Great Seal ;
- “matter” means every proceeding in a county court which may be commenced as prescribed otherwise than by plaint ;
- “officer”, in relation to a court, means any registrar, deputy registrar or assistant registrar of that court, and any clerk, bailiff, usher or messenger in the service of that court ;
- “party” includes every person served with notice of, or attending, any proceeding, whether named as a party to that proceeding or not ;

PART XI
—cont.

- “prescribed” means prescribed by the county court rules for the time being in force ;
- “proceedings” includes both actions and matters ;
- “probate proceedings” means proceedings brought in a county court by virtue of section sixty-two of this Act or transferred to that court under section sixty-three of this Act ;
- “registrar” and “registrar of a county court” mean a registrar appointed for a district under this Act, or in a case where two registrars are appointed jointly, either of those registrars ;
- “return day” means the day appointed in any summons or proceeding for the appearance of the defendant or any other day fixed for the hearing of any proceedings ;
- “ship” includes any description of vessel used in navigation ;
- “solicitor” means solicitor of the Supreme Court ;
- “whole time registrar” and “whole-time assistant registrar” have the meanings assigned to them by subsection (1) of section twenty-two of this Act.

Supplemental

Amendments of other Acts.

202. The enactments specified in the Second Schedule to this Act shall have effect subject to the amendments specified in that Schedule.

Validation of past acts of assistant registrars and previous effect of s. 43 of the County Courts Act, 1934.
Repeal.

203.—(1) An assistant county court registrar shall be deemed always to have been capable of discharging any of the functions of the registrar.

(2) Section forty-three of the County Courts Act, 1934, shall be deemed always to have had effect as if it had been in the like terms as section forty-two of this Act.

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

Savings.

205.—(1) In so far as any Order in Council, order, rule, regulation or scale of fees made, direction given, instrument issued or other thing done under any former enactment relating to county courts, could have been made, given, issued or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the last foregoing section,

but shall have effect as if it had been made, given, issued or done under that corresponding provision.

PART XI
—cont.

(2) Any person appointed to any office under or by virtue of any former enactment relating to county courts shall be deemed to have been appointed to that office under or by virtue of this Act.

(3) Any inquiry under section thirty-two of the County Courts Act, 1934, which is uncompleted at the commencement of this Act may be carried on and completed in all respects as if this Act had not passed, and a person disqualified under that section shall be deemed for the purposes of section thirty-one of this Act to have been disqualified under subsection (4) thereof.

(4) References in any enactment or document to a county court constituted under the County Courts Act, 1888, or the County Courts Act, 1934, shall be construed as references to a county court constituted under this Act and any act done or proceedings taken in respect of any action or matter whatsoever before the commencement of this Act in a county court constituted under either of the Acts aforesaid shall be deemed to have been done or taken in a county court constituted under this Act.

(5) Save as therein otherwise expressly provided, nothing in this Act shall affect the operation of any enactment which came into force after the first day of January, eighteen hundred and eighty-nine, and is in force at the commencement of this Act, and is not expressly repealed by this Act, except that references in any such enactment to any enactment repealed by this Act or the County Courts Act, 1934, shall be construed as references to the corresponding enactment in this Act, and nothing in section one hundred and seven or one hundred and eight of this Act shall be taken to affect the following enactments, namely:—

- (a) sections thirty-seven to forty of the Charitable Trusts Act, 1853 ;
- (b) section thirty-six of the Building Societies Act, 1874 ;
- (c) section four of the Telegraph Act, 1878, as amended by the Railway and Canal Commission (Abolition) Act, 1949 ;
- (d) section ten of the Guardianship of Infants Act, 1886 ;
- (e) section one of the Parliamentary Elections (Returning Officers) Act, (1875) Amendment Act, 1886.

(6) Nothing in the provisions of this Act which relate to any matter with respect to which rules of the Supreme Court may be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, as amended by any other Act, shall affect the power to make any such rules as to that matter,

PART XI
—*cont.*

and any power to repeal any enactment repealed by the County Courts Act, 1934, conferred by paragraph (g) of subsection (1) of the said section ninety-nine shall include power to repeal so much of this Act as re-enacts that enactment.

(7) Any document referring to any former enactment relating to county courts shall be construed as referring to the corresponding enactment in this Act.

(8) Nothing in this Act shall affect the rights or privileges of the chancellor, masters and scholars of the universities of Oxford and Cambridge, or the jurisdiction of the courts of the chancellors or vice chancellors of the said universities held under their respective charters or otherwise.

(9) The repeal by the County Courts Act, 1934, of the County Court (Buildings) Act, 1870, shall be deemed never to have affected the title of the Commissioners of Works to any property vested in them under the said Act of 1870.

(10) In this section “former enactment relating to county courts” means any enactment repealed by this Act, by the County Courts Act, 1934, or by the County Courts Act, 1888.

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

Transitional provisions.

206. The Fourth Schedule to this Act shall have effect to provide for transitional matters arising out of the coming into operation of sections one to four of the County Courts Act, 1955, and Parts I and IV of the Administration of Justice Act, 1956.

Construction of references to high bailiffs.

207. References to a high bailiff in any enactment, Order in Council, order, rule, regulation or any document whatsoever shall be construed as a reference to a registrar.

Short title, extent and commencement.

208.—(1) This Act may be cited as the County Courts Act, 1959.

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

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

SCHEDULES

FIRST SCHEDULE

Section 52.

CASES IN WHICH COUNTY COURT HAS JURISDICTION UNDER CERTAIN ENACTMENTS

<i>Enactment</i>	<i>Cases in which court has jurisdiction</i>
The Law of Property Act, 1922—	
Subsection (1) of section one hundred and twenty-nine, paragraph (v) of subsection (1) of section one hundred and thirty-nine and paragraphs (6) and (8) of the Twelfth Schedule.	In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds.
The Trustee Act, 1925—	
Subsection (1) of section forty-one, sections forty-two, fifty-one, fifty-seven, sixty, sixty-one and sixty-two.	In a case where the trust estate or fund to be dealt with in the court does not exceed in amount or value five hundred pounds.
Sections forty-four, forty-five and forty-six.	In a case where the land or the interest or contingent right in land which is to be dealt with in the court forms part of a trust estate which does not exceed in amount or value five hundred pounds.
Sections forty-seven and forty-eight.	In a case where the judgment is given or order is made by the court.
Sections fifty and fifty-six.	In a case where a vesting order can be made by the court.
Section fifty-three.	In a case where the amount or value of the property to be dealt with in the court does not exceed five hundred pounds.
Section fifty-nine.	In the case of any proceedings before the court.
Section sixty-three.	In a case where the money or securities to be paid into court do not exceed in amount or value five hundred pounds.

1ST SCH.
—cont.

Enactment

*Cases in which court has
jurisdiction*

The Law of Property Act, 1925—

Subsections (4) and (5) of section three, sections thirty, forty - nine and sixty - six, proviso (iii) to paragraph 3 of Part III of the First Schedule, and proviso (v) to sub-paragraph (3) and provisos (iii) and (iv) to sub-paragraph (4) of paragraph 1 of Part IV of the First Schedule.

In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds.

Subsection (1) of section eighty-nine, subsection (1) of section ninety and sections ninety-one and ninety-two.

In a case where the amount owing in respect of the mortgage or charge at the date of the commencement of the proceedings does not exceed five hundred pounds.

The proviso to subsection (1) of section one hundred and thirty-six.

In a case where the amount or value of the debt or thing in action does not exceed four hundred pounds.

Section one hundred and forty-six.

In a case where the lessor is proceeding by action in the court to enforce the right of entry or forfeiture, or, if the lessor is proceeding to enforce the said right otherwise than by action, in a case where the net annual value for rating of the property comprised in the lease does not exceed one hundred pounds.

Section one hundred and forty-seven.

In a case where the net annual value for rating of the house or other building does not exceed one hundred pounds.

Sections one hundred and sixty-nine, one hundred and eighty-one and one hundred and eighty-eight.

In a case where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed five hundred pounds.

The Land Charges Act, 1925—

Subsection (6) of section two.

In a case where the action was brought or the petition in bankruptcy was filed in the court.

*Enactment**Cases in which court has jurisdiction*1st Sch.
—cont.**The Land Charges Act, 1925—cont.**

Subsection (5) of section six. In a case where the order affecting land has been made by the court.

Subsection (3) of section eight. In a case where an application under section twenty-three of the Deeds of Arrangement Act, 1914, could be entertained by the court.

Subsection (8) of section ten. In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class C (i), C (ii) or D (i), if the amount does not exceed five hundred pounds.

In a case where the land charge is within Class C (iii), if the charge is for a specified capital sum of money not exceeding five hundred pounds, or, where the charge is not for a specified capital sum, if the land affected does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds.

In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class A, Class B, Class C (iv), Class D (ii), Class D (iii) or Class E, if the land affected does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds.

The Administration of Estates Act, 1925—

Subsection (2) of section thirty-eight, proviso (ii) to subsection (1) of section forty-one, and subsection (2) of section forty-three. In a case where the estate in respect of which the application is made does not exceed in amount or value five hundred pounds.

Section seventeen. In a case where the legal proceeding is pending in the court.

The Leasehold Property (Repairs) Act, 1938—

Subsection (3) of section one. In all cases other than a case in which any proceedings by action for which leave may be given would have to be taken in a court other than the county court.

Section 202.

SECOND SCHEDULE

AMENDMENTS OF OTHER ACTS

1.—(1) In subsection (3) of section one hundred and thirteen of the Settled Land Act, 1925 (which relates to the jurisdiction of the county court under that Act) for the words “annual rateable value” there shall be substituted the words “net annual value for rating”.

(2) Section two hundred of this Act shall apply for the purposes of the enactment aforesaid as amended by this paragraph as it applies for the purposes of this Act.

2.—(1) Subsection (1) of section nine of the County Courts Act, 1934 (which relates to the pensions of judges) shall have effect as if the reference, in paragraph (a) thereof, to subsection (2) of section seven of that Act included a reference to subsection (2) of section eight of this Act, and for the purposes of the said subsection (1), “judge” shall mean a judge appointed for a district under that Act or this.

(2) For the purposes of section twenty-one of the said Act of 1934 (which relates to the pensions of whole-time registrars), “whole-time registrar” shall mean a county court registrar in whose case a direction has been given under section seventeen of that Act or section twenty-two of this Act.

(3) For the purposes of section twenty-nine of the said Act of 1934 (which relates to the status and pensions of persons employed in court service), “registrar” shall mean county court registrar and “court” shall mean county court.

3. In subsection (1) of section fifty-three of the Landlord and Tenant Act, 1954 (which confers unlimited jurisdiction on the county court to make a declaration that a landlord’s licence or consent was unreasonably withheld in certain cases), for the words “whatever the value of the demised property or the rent payable under the tenancy” there shall be substituted the words “whatever the net annual value for rating of the demised property is to be taken to be for the purposes of the County Courts Act, 1959”.

4. For the purposes of section twenty-five of the Administration of Justice Act, 1956 (which relates to the status and pensions of assistant registrars), “assistant registrar” shall mean a county court assistant registrar, and “whole-time assistant registrar” shall mean a county court assistant registrar in whose case a direction has been given under section seventeen of the County Courts Act, 1934, or section twenty-two of this Act.

5. An Order in Council under subsection (1) or (3) of section fifty-six of the Administration of Justice Act, 1956 (which subsections enable provisions of Part I of that Act to be extended to countries and territories outside the United Kingdom) may make any provision which might have been made but for the repeals effected by this Act in the said Part I.

THIRD SCHEDULE

Section 204.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
24 & 25 Geo. 5. c. 53.	The County Courts Act, 1934.	The whole Act except sections nine, twenty-one and twenty-nine, section one hundred and ninety-one (so far as it relates to the definition of "Superannuation Acts"), section one hundred and ninety-three and the First Schedule.
1 & 2 Geo. 6. c. 28.	The Evidence Act, 1938	In section five, the words "and section ninety-nine of the County Courts Act, 1934."
1 & 2 Geo. 6. c. 34.	The Leasehold Property (Repairs) Act, 1938.	In section six, subsection (2).
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	Section seventeen. In the Second Schedule, the entries relating to the County Courts Act, 1934.
12 & 13 Geo. 6. c. 27.	The Juries Act, 1949...	Section seventeen.
4 & 5 Eliz. 2. c. 8.	The County Courts Act, 1955.	Sections one to six. In section seven, in subsection (1) the words from the beginning to "this Act". In section eight, subsection (1), and, in subsection (2), the words "as from the day so appointed", and the words "and any Order in Council" onwards. Sections nine to twelve. In section thirteen, in subsection (1), the words from "and this Act" onwards, and subsections (2) to (4). In the First Schedule, paragraphs 1 to 15. The Second Schedule.
4 & 5 Eliz. 2. c. 46.	The Administration of Justice Act, 1956.	In section two, in subsection (1) the words "and any county court with Admiralty jurisdiction", in subsection (3) the words "or a particular county court specified in the memorandum" and the words "or in any rules made under subsection (3) of section ninety-nine of the County Courts Act, 1934 for prescribing the courts in which proceedings shall be brought", in subsection (4) the words from "the jurisdiction of any county court" to "1934, or", subsection (5) and in

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 46—cont.	The Administration of Justice Act, 1956— cont.	<p>subsection (6) the words “ or in section fifty-five of the County Courts Act, 1934 or any order made thereunder ” and the words “ or on a county court ”.</p> <p>In section three in subsection (1) the words “ and any county court ”, in subsection (3) the words “ and any county court ”, in subsection (4) the words “ or any county court ”, in subsection (5) the words “ and any county court ”, in subsection (6) the words “ or any county court ” and, in subsection (7) the words “ or any county court ”.</p> <p>In section four, subsections (1) to (4) so far as regards county courts and, in subsection (6) the words “ or a county court ”.</p> <p>In section seven, in subsection (2), the words from “ and, as respects ” to “ 1934 ”.</p> <p>In section twelve, in subsection (7), paragraph (a).</p> <p>In section twenty-one, subsections (1) to (3), and, except as respects judges appointed before the commencement of this Act, subsection (4).</p> <p>Sections twenty-two to twenty-four.</p> <p>In section twenty-five, in subsection (3), the words from the beginning to “ registrar, and ”.</p> <p>Sections twenty-six to thirty.</p> <p>In section thirty-one, subsections (1), (3) and (4).</p> <p>Section thirty-two.</p> <p>In section thirty-three, subsection (3).</p> <p>In section thirty-five, in subsection (1), the words “ and any county court ”, in subsection (3), the proviso and, in subsection (4), the words “ or the county court ” in both places where they occur.</p> <p>In section thirty-six, in subsection (1), the words “ and of the county court ”.</p> <p>In section thirty-seven, in subsection (1), the words “ and section one hundred and twenty-one of the County Courts Act, 1934 ”, in subsection (2) the</p>

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 46— <i>cont.</i>	The Administration of Justice Act, 1956— <i>cont.</i>	words “and one hundred and twenty-one” and the words from “and section four” onwards and subsection (4). In section thirty-eight, in subsection (1), the words “and the county court”. Sections thirty-nine and forty-one. In section fifty-four, in subsection (1), paragraph (a).
5 & 6 Eliz. 2. c. 46.	The Judicial Offices (Salaries and Pensions) Act, 1957.	In section one, in subsection (1), paragraph (b), and in subsection (2), the words “to a county court judge or”.
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957	In the Tenth Schedule, the entry relating to the County Courts Act, 1934.
6 & 7 Eliz. 2. c. 53.	The Variation of Trusts Act, 1958.	In section one, in subsection (3), the words “Subject as hereinafter provided”, and subsection (4).

FOURTH SCHEDULE

Section 206.

TRANSITIONAL PROVISIONS

1. Section forty-four of this Act shall apply to proceedings begun before, as well as on or after the first day of January, nineteen hundred and fifty-six, and, in relation to proceedings begun before that day, a county court judge may, if he sees fit, refuse to make an order under the proviso to subsection (2) of section sixty-two or section sixty-six of this Act if, by virtue of this Act, the proceedings are within the jurisdiction of the court; but nothing in this Act shall affect any order made before the said first day of January under any of the following provisions of the County Courts Act, 1934, namely, section forty-four, the proviso to subsection (2) of section sixty or section sixty-four.

2. Sections forty-five and one hundred and forty-six of this Act shall apply to proceedings begun before, as well as on or after, the first day of January, nineteen hundred and fifty-six, and, in relation to proceedings begun before that day, the High Court or a judge thereof shall have the same powers under section fifty, fifty-four, fifty-nine or sixty-three of this Act as he would have if the proceedings had been begun after the commencement of this Act.

4TH SCH.
—cont.

3. As regards proceedings begun before the first day of January, nineteen hundred and fifty-six, this Act shall have effect as if sections forty-seven and fifty-nine of the County Courts Act, 1934, as originally enacted, had been re-enacted herein in lieu of sections forty-seven and sixty of this Act.

4. As regards proceedings in respect of any cause of action arising before the first day of January, nineteen hundred and fifty-seven this Act shall have effect as if sections fifty-six and fifty-eight of the County Courts Act, 1934, as originally enacted, had been enacted herein in lieu of sections fifty-six, fifty-seven and fifty-nine of this Act and as if sections sixty-one and seventy of this Act had been omitted.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Landlord and Tenant Act, 1709	8 Ann. c. 18.
Small Debts Act, 1845	8 & 9 Vict. c. 127.
High Peak Mining Customs and Mineral Courts Act, 1851	14 & 15 Vict. c. 94.
London (City) Small Debts Extension Act, 1852	15 & 16 Vict. c. lxxvii.
Derbyshire Mining Customs and Mineral Courts Act, 1852	15 & 16 Vict. c. clxiii.
Charitable Trusts Act, 1853	16 & 17 Vict. c. 137.
Promissory Oaths Act, 1868	31 & 32 Vict. c. 72.
Debtors Act, 1869	32 & 33 Vict. c. 62.
County Court (Buildings) Act, 1870	33 & 34 Vict. c. 15.
Building Societies Act, 1874	37 & 38 Vict. c. 42.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Guardianship of Infants Act, 1886	49 & 50 Vict. c. 27.
Parliamentary Elections (Returning Officers) Act, 1875 Amendment Act, 1886	49 & 50 Vict. c. 57.
Sheriffs Act, 1887	50 & 51 Vict. c. 55.
County Courts Act, 1888	51 & 52 Vict. c. 43.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Mail Ships Act, 1891	54 & 55 Vict. c. 31.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Mayor's and City of London Court Act, 1920	10 & 11 Geo. 5. c. cxxxiv.
Juries Act, 1922	12 & 13 Geo. 5. c. 11.
Law of Property Act, 1922	12 & 13 Geo. 5. c. 16.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Registration Act, 1925	15 & 16 Geo. 5. c. 21.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Administration of Estates Act, 1925	15 & 16 Geo. 5. c. 23.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Workmen's Compensation Act, 1925	15 & 16 Geo. 5. c. 84.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.

Short Title	Session and Chapter
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Leasehold Property (Repairs) Act, 1938	1 & 2 Geo. 6. c. 34.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Railway and Canal Commission (Abolition) Act, 1949	12, 13 & 14 Geo. 6. c. 11.
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Requisitioned Houses and Housing (Amendment) Act, 1955	3 & 4 Eliz. 2. c. 24.
County Courts Act, 1955	4 & 5 Eliz. 2. c. 8.
Administration of Justice Act, 1956	4 & 5 Eliz. 2. c. 46.
Rent Act, 1957	5 & 6 Eliz. 2. c. 25.
Solicitors Act, 1957	5 & 6 Eliz. 2. c. 27.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Variation of Trusts Act, 1958	6 & 7 Eliz. 2. c. 53.

CHAPTER 23

Overseas Resources Development Act, 1959

ARRANGEMENT OF SECTIONS

The Colonial Development Corporation and its Functions

Section

1. The Colonial Development Corporation, and its purpose.
2. Powers of the Corporation.
3. Extension of powers of Corporation to additional enterprises.
4. Removal of doubts as to original purpose, and powers, of Corporation.
5. Special provisions as to the Federation of Rhodesia and Nyasaland.
6. Exercise of powers of Corporation where country or territory ceases to be a colonial territory.
7. Powers of Corporation as to Commonwealth countries which are not colonial territories.

Provisions as to Exercise of Corporation's Functions

8. Local interests to be consulted.
9. Interests of employees to be consulted.
10. Powers of the Secretary of State.
11. Disposal of capital assets.

Financial Provisions

12. Borrowing powers.
13. Advances, and guarantee of borrowings, by the Government of the United Kingdom.
14. Repayment of, and interest on, advances and sums issued to meet guarantees.

Section

15. Reserve fund.
16. Balancing of revenue account, and surplus revenue.
17. Accounts and audit.
18. Issues out of the Consolidated Fund.
19. Accounting for receipts of the Secretary of State.

Interpretation, Repeal, Savings and Short Title

20. Interpretation.
21. Repeal and savings.
22. Short title.

SCHEDULES:

First Schedule—Provisions relating to the constitution, &c., of the Colonial Development Corporation.

Second Schedule—Enactments repealed.

An Act to consolidate the Overseas Resources Development Acts, 1948 to 1958, other than the provisions thereof relating to the Overseas Food Corporation.

[25th March, 1959]

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 Colonial Development Corporation
and its Functions*

The Colonial Development Corporation, and its purpose.

1.—(1) The body established by the Overseas Resources Development Act, 1948, by the name of the Colonial Development Corporation shall continue in existence by that name and for the purpose of assisting colonial territories, in accordance with the provisions of this Act, in the development of their economies.

(2) The Corporation shall consist of a chairman, a deputy chairman and such number of other members, not being less than four or more than ten, as the Secretary of State may from time to time determine.

(3) The chairman, the deputy chairman and the other members of the Corporation shall be appointed by the Secretary of State from amongst persons appearing to him to be qualified as having had experience of, and having shown capacity in, matters relating to primary production, industry or trade, finance, science, administration, organisation of workers or welfare; and in making such appointments the Secretary of State shall have particular regard to the need for securing that adequate experience of those matters obtained in colonial territories is at the disposal of the Corporation.

(4) The provisions of the First Schedule to this Act shall have effect with respect to the Corporation.

2.—(1) For the purpose for which it exists, the Corporation shall (subject to the following provisions of this section) have power either alone or in association with other bodies or persons, or as managing agent or otherwise on behalf of other bodies or persons,— Powers of the Corporation.

- (a) to investigate and formulate projects for the promotion or expansion in colonial territories of new or existing enterprises to which this section applies, and to carry out any such projects;
- (b) to carry on undertakings in colonial territories which appear to the Corporation to be needed for or in connection with the promotion or expansion in those territories of new or existing enterprises to which this section applies;
- (c) to carry on any activities incidental to a project falling within paragraph (a) of this subsection or to an undertaking falling within paragraph (b) thereof which appear to the Corporation to be requisite, advantageous or convenient for or in connection with that project or undertaking;
- (d) to assist other bodies or persons, either financially or in any other way, to perform any functions which the Corporation is empowered to perform by virtue of any of the foregoing paragraphs;
- (e) to establish or expand, or promote the establishment or expansion of, other bodies to carry on (either under the control or partial control of the Corporation or independently) any such functions as are mentioned in the last foregoing paragraph.

(2) This section applies to any enterprise falling within one or more of the following classes, that is to say,—

- (a) agricultural enterprises, including any enterprise concerned with the livestock industry, with horticulture, or with forestry;
- (b) enterprises concerned with fisheries, including any enterprise relating to the taking of marine mammals;
- (c) enterprises for the working or getting of minerals;
- (d) industrial enterprises;
- (e) enterprises for providing, maintaining or improving the supply of water, electricity or gas;
- (f) enterprises for providing, maintaining or improving transport facilities or transport services, or for providing, maintaining or improving telegraph or telephone

services, including wireless services other than broadcasting, but not including broadcast relay services;

(g) enterprises for the provision or improvement of houses or other dwellings;

(h) enterprises for the keeping of hotels;

(i) enterprises for processing, storing or marketing any products of one or more enterprises falling within any of the foregoing paragraphs;

(j) enterprises for the carrying out of building, engineering or other operations in, on, over or under land.

(3) Notwithstanding anything in subsection (1) of this section the Corporation shall not have power, except—

(a) in the course of carrying on an undertaking as a building or engineering contractor, or

(b) in connection with an enterprise falling within any of paragraphs (a) to (i) of the last foregoing subsection,

to investigate, formulate or carry out any project for providing schools, colleges, hospitals, government offices, or other buildings or works for the public service, and shall not have power to give financial assistance to any other body or person for the investigation, formulation or carrying out of any such project, except in the course of the carrying on by that body or person of an undertaking as a building or engineering contractor, or in connection with an enterprise falling within any of the said paragraphs.

(4) In relation to any project for promoting or expanding an enterprise falling within paragraph (f) of subsection (2) of this section, where the facilities or services in question are, or will be, for purposes of communication with a colonial territory, but are, or will be, located or carried on wholly or partly outside that territory, and—

(a) those facilities or services are, or will be, wholly for communication between that colonial territory and one or more other colonial territories, or

(b) the project is approved by the Secretary of State for the purposes of this subsection,

the provisions of subsection (1) of this section shall apply as those provisions would apply if the facilities or services were wholly within that colonial territory.

(5) For the purposes of this section any such enterprise as is mentioned in paragraph (b) of subsection (2) of this section, which is carried on wholly or mainly from a base in a colonial territory, shall be deemed to be an enterprise in that territory.

(6) In this section—

(a) the expression “minerals” includes any substance in or under land of a kind ordinarily worked for removal by underground or by surface working;

- (b) the expression "transport" means transport by land, by water or by air, and references to transport facilities include roads, bridges, railways, waterways and other transport installations;
- (c) references to the giving of financial assistance are references to the giving of such assistance by the taking up of share or loan capital, or by grant, loan or otherwise;
- (d) any reference to bodies or persons includes a reference to government authorities.

3.—(1) If it appears to the Secretary of State to be expedient to add to the classes of enterprises specified in subsection (2) of the last foregoing section, the Secretary of State, with the consent of the Treasury, may by order direct that that subsection shall have effect with the addition of such one or more classes of enterprises as may be specified in the order.

Extension of powers of Corporation to additional enterprises.

(2) An order under this section may be revoked or varied by a subsequent order thereunder.

(3) The power to make orders under this section shall be exercisable by statutory instrument, and an instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.—(1) It shall be assumed that the Corporation existed from the time of its establishment for the purpose mentioned in subsection (1) of section one of this Act and that, for that purpose, it always had the powers which it has by virtue of section two of this Act.

Removal of doubts as to original purpose, and powers, of Corporation.

(2) Without prejudice to the foregoing subsection, any project, undertaking or activity in which the Corporation engaged, or agreed to engage, before the thirty-first day of December, nineteen hundred and fifty-five, and which was specified as such a project, undertaking or activity in a report of the Corporation made and laid before Parliament under subsection (2) of section nine of the Overseas Resources Development Act, 1948 (which is re-enacted in subsection (2) of section ten of this Act) in respect of any financial year of the Corporation ending not later than that day, shall be deemed to have been within the powers of the Corporation under the provisions re-enacted in the said section two, if apart from this subsection it would not have been within those powers, and, if not completed before the passing of this Act, may be carried out or carried on by the Corporation accordingly.

5.—(1) The provisions of this section shall have effect as to the powers of the Corporation in relation to the Federation of Rhodesia and Nyasaland (in this section referred to as "the Federation") and the territories comprised therein.

Special provisions as to the Federation of Rhodesia and Nyasaland.

(2) Any agreement made by the Corporation before the passing of the Overseas Resources Development Act, 1956 (that is to say, the second day of August, nineteen hundred and fifty-six), which would have been within its powers under the provisions re-enacted in section two of this Act if Southern Rhodesia had been a colonial territory, shall be deemed to have been within the said powers of the Corporation, if apart from this subsection it would not have been within those powers, and may be carried out by the Corporation accordingly.

(3) Without prejudice to the last foregoing subsection, where apart from this subsection a project or undertaking would be within the powers of the Corporation under section two of this Act if Southern Rhodesia were a colonial territory, the Secretary of State may authorise the Corporation to exercise those powers in relation to that project or undertaking as if Southern Rhodesia were a colonial territory:

Provided that the Secretary of State shall not give such an authorisation in the case of a project or undertaking unless—

- (a) he is satisfied that the project or undertaking is needed for or in connection with the promotion, in a part of the Federation outside Southern Rhodesia, of new enterprises to which section two of this Act applies, or for or in connection with the expansion in such a part of the Federation of existing enterprises to which that section applies, and
- (b) having regard to the purpose for which the Corporation exists, he is satisfied that it is expedient that it should be authorised so to exercise its powers in that case.

(4) Nothing in the last foregoing subsection shall be construed as affecting the exercise of any powers of the Corporation, in cases where those powers are to be exercised in relation to a part of the Federation outside Southern Rhodesia, but not in relation to any part of Southern Rhodesia.

Exercise of powers of Corporation where country or territory ceases to be a colonial territory.

6. Where a country or territory ceases or has ceased to be a colonial territory, that shall not affect the powers exercisable by the Corporation in or in relation to the country or territory for any purpose for which the approval of the Secretary of State had been obtained while it was a colonial territory, except that the Corporation shall not apply to any such purpose any capital sum in excess of the amount for which the approval of the Secretary of State had been so obtained and such further amounts, if any, as are shown to his satisfaction to be expedient:

Provided that where it appears to the Secretary of State to be expedient for the powers exercisable by the Corporation by virtue of this section in or in relation to any country or territory

to be enlarged by modifying or extending any such purpose as aforesaid, he may approve the modification or extension notwithstanding that the country or territory is no longer a colonial territory, and this section shall apply as if that approval had been obtained while it was a colonial territory.

7.—(1) The Corporation may undertake, in or in relation to any Commonwealth country which is not a colonial territory, or any territory administered by the government of such a country, to act as managing agent or perform advisory functions for any purpose for which it could do so in a colonial territory, and having undertaken to act as managing agent or perform advisory functions for any purpose in or in relation to any country or territory by virtue of this subsection the Corporation may exercise in that behalf the same powers as in the case of a colonial territory:

Powers of Corporation as to Commonwealth countries which are not colonial territories.

Provided that, except as may be agreed between the Corporation and the Secretary of State in relation to the performance of advisory functions,—

- (a) the Corporation shall not undertake under this subsection to act for any purpose in or in relation to any country or territory without the prior approval of the Secretary of State given by agreement with the government of that country or the government by which that territory is administered, as the case may be; and
- (b) the Corporation shall make for any services rendered by it in the exercise of the powers conferred by this subsection charges estimated to be not less than sufficient to defray any additional expense falling on it by reason of its rendering those services.

(2) The agreement required by proviso (a) to the foregoing subsection to approval of activities in or in relation to any part of a country which has a central government, but comprises separate provinces, states or other territories having their own government in addition to the central government, shall be agreement with the central government.

(3) The Secretary of State may direct the Corporation to cease any activity under subsection (1) of this section, and the Corporation shall comply with any such direction.

(4) The Secretary of State shall not make any agreement with the Corporation under subsection (1) of this section, or give any approval under subsection (1) or direction under subsection (3) of this section, except with the consent of the Treasury.

Provisions as to Exercise of Corporation's Functions

8.—(1) In determining its policy as to the activities to be carried on by it in any territory and the manner in which they are to be carried on, and as to assisting or participating in the

Local interests to be consulted.

carrying on by others of activities in any territory, the Corporation shall have particular regard to the interests of the inhabitants of the territory, and shall appoint committees charged with the duty of studying and keeping the Corporation informed as to the circumstances and requirements of the inhabitants in cases in which the appointment of such a committee appears to the Corporation to be needed for the proper discharge of the duty imposed on it by this subsection.

A committee appointed for the purposes of this subsection shall, unless it appears to the Corporation to be impracticable, include persons having knowledge of the circumstances and requirements of the inhabitants of the territory obtained by their being or having been themselves inhabitants thereof or residents therein.

(2) The Corporation shall not establish, or assist or participate in the establishment of, a new undertaking in any territory until such measures for consultation with the government of the territory as appear to the Secretary of State to be appropriate have been taken.

(3) This section shall not apply to any activity of the Corporation under section six or seven of this Act.

Interests of employees to be consulted.

9.—(1) The Corporation shall take all practicable steps to secure—

- (a) the safety, health and welfare of persons in its employment or in the employment of others in activities carried on with the assistance of the Corporation or in association with it; and
- (b) the benefit of practical knowledge and experience of such persons in the organisation and conduct of the activities in which they are employed.

(2) In the performance of its duty under the foregoing subsection, and in dealing with matters affecting terms or conditions of employment, the Corporation shall seek consultation—

- (a) with persons or bodies appearing to it to represent, or to have qualifications to speak on behalf of, substantial numbers of the employees affected;
- (b) where the matter in question arises in connection with the carrying on of activities in a colonial territory, with the government of the territory.

Powers of the Secretary of State.

10.—(1) The Secretary of State may, after consultation with the Corporation, give to it directions of a general character as to the exercise and performance of its functions in relation to matters appearing to him to concern the public interest, and the Corporation shall give effect to any such directions.

(2) The Corporation shall, as soon as possible after the end of each financial year of the Corporation, make a full report to the Secretary of State on the exercise and performance by it of its functions during that year, and he shall lay a copy thereof before each House of Parliament.

(3) The report for any year shall set out any direction given to the Corporation under subsection (1) of this section during that year, unless the Secretary of State has notified to the Corporation his opinion that it is against the interests of national security so to do.

(4) The Corporation shall furnish to the Secretary of State such information and returns relating to the property or activities or proposed activities of the Corporation or of others by whom activities are carried on or are proposed to be carried on with its assistance or in association with it (being information which is in the possession of the Corporation or can be obtained by it with reasonable facility or being returns giving such information) as the Secretary of State may from time to time require, and shall afford to him facilities for the verification of information furnished by it in such manner and at such times as he may require.

11. The power of the Secretary of State to give directions to the Corporation shall extend to the giving to it of directions— Disposal of capital assets.

(a) as to the disposal of capital assets, or

(b) as to the application of proceeds of such disposals, notwithstanding that the directions may be of a specific character:

Provided that directions as to the application of proceeds of disposal shall be given by the Secretary of State with the approval of the Treasury.

Financial Provisions

12.—(1) Subject to the provisions of this section, the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions. Borrowing powers.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Secretary of State, given with the consent of the Treasury, as to the amount (within the maximum specified in the next following subsection), as to the sources of the borrowing and as to the terms on which the borrowing may be effected.

An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) The Corporation shall not borrow so as to have outstanding at any time—

- (a) in respect of sums borrowed temporarily, by way of overdraft or otherwise, an aggregate amount exceeding ten million pounds; or
- (b) in respect of sums borrowed otherwise (whether by way of advance from the Secretary of State under the next following section or from other sources) an aggregate amount exceeding one hundred and fifty million pounds.

(4) 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.

Advances, and guarantee of borrowings, by the Government of the United Kingdom.

13.—(1) For the purpose of enabling the Corporation to defray expenditure properly chargeable to capital account, including provision of working capital, the Secretary of State may, with the consent of the Treasury, make advances to the Corporation up to amounts such that the aggregate outstanding at any time in respect of the advances shall not exceed one hundred and thirty million pounds.

(2) 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 and other charges on, any authorised borrowings of the Corporation made otherwise than by way of advance under the foregoing subsection.

(3) Immediately after any guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(4) 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.

Repayment of, and interest on, advances and sums issued to meet guarantees.

14.—(1) The Corporation shall make to the Secretary of State, at such times and in such manner as he may with the approval of the Treasury direct, payments of such amounts as he may so direct in or towards repayment of advances made to the Corporation under the last foregoing section, and of any sums issued in fulfilment of any guarantee given thereunder, and payments of interest on what is outstanding for the time being in respect of such advances and of any sums so issued at such rate as he may so direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

(2) The Secretary of State may, with the consent of the Treasury, remit the payment by the Corporation under the foregoing subsection of interest in respect of so much of any such advances as aforesaid as may be determined by him, with the approval of the Treasury, to be equivalent to net losses incurred for the purposes of an undertaking of the Corporation which was abandoned before the twenty-fifth day of November, nineteen hundred and fifty-four, or which was on or after that day, or may hereafter be, abandoned with his approval.

(3) The Secretary of State shall lay before each House of Parliament a statement of any payment due from the Corporation under subsection (1) of this section which is not duly paid to him as required thereunder.

15.—(1) The Corporation shall establish a reserve fund. Reserve fund.

(2) The management of the said fund, the sums to be carried from time to time to the credit thereof, and the application thereof, shall be as the Corporation may determine:

Provided that—

- (a) no part of the said fund shall be applied otherwise than for the purposes of the Corporation; and
- (b) the power of the Secretary of State to give directions to the Corporation shall extend to the giving to it, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

16.—(1) It shall be the duty of the Corporation so to exercise Balancing of and perform its functions as to secure that its revenues are revenue not less than sufficient to meet all sums properly chargeable account, and to its revenue account (including, without prejudice to the surplus generality of that expression, provisions in respect of its revenue. obligations under the two last foregoing sections), taking one year with another.

(2) Any excess of the revenues of the Corporation for any financial year thereof over the sums properly chargeable to its revenue account for that year (including as aforesaid) shall be applied by the Corporation for such purposes as it may determine with the approval of the Secretary of State given with the consent of the Treasury.

17.—(1) The Corporation shall keep proper accounts and Accounts and other records in relation thereto, and shall prepare in respect of audit. each financial year of the Corporation a statement of accounts

in such form as the Secretary of State may with the approval of the Treasury direct, being a form which shall conform with the best commercial standards.

(2) The form of the accounts and of the statement shall be such as to secure the provision of separate information as respects each of the main activities of the Corporation.

(3) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Secretary of State:

Provided that no person shall 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 Society of Incorporated Accountants;

The Institute of Chartered Accountants of Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland.

(4) So soon as the accounts of the Corporation for any financial year thereof have been audited, it shall send a copy of the statement of accounts prepared in respect of that year to the Secretary of State together with a copy of any report made by the auditors on the statement or on the accounts.

(5) The Secretary of State shall lay a copy of every such statement and report before each House of Parliament.

Issues out of
the Consoli-
dated Fund.

18.—(1) The Treasury may issue out of the Consolidated Fund of the United Kingdom (hereafter in this Act referred to as “the Consolidated Fund”) to the Secretary of State such sums as are necessary to enable him to make advances to the Corporation under this Act.

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

(3) For the purpose of providing sums, or any part of sums, to be issued under this section, 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 be created and issued under that Act.

Accounting
for receipts of
the Secretary
of State.

19.—(1) Sums received by the Secretary of State under section fourteen of this Act 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 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.

(2) 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 subsection (1) of the last foregoing section and of sums received by him under section fourteen of this Act, and of the disposal by him of those sums respectively.

(3) Any account prepared under this section shall, on or before the thirtieth day of November next following the expiration of the financial year in question, be transmitted to the Comptroller and Auditor General who shall examine and certify the account and lay copies thereof, together with his report thereon, before each House of Parliament.

Interpretation, Repeal, Savings and Short Title

20. In this Act—

Interpretation.

- (a) the expression “ colonial territory ” means a territory to which section one of the Colonial Development and Welfare Act, 1940, applied at the commencement of the Overseas Resources Development Act, 1948 (that is to say, the eleventh day of February, nineteen hundred and forty-eight) except a country or territory which since that date and before the passing of this Act has become, or which after the passing of this Act becomes, an independent sovereign country, or which for the time being forms part of an independent sovereign country or is administered by the government of any such country outside the United Kingdom; and
- (b) the expression “ the Corporation ” means the Colonial Development Corporation.

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

(2) In so far as any order, regulations, appointment or advance made, approval, consent, direction or guarantee given, requirement imposed, or other thing done, under an enactment repealed by this Act could have been made, given, imposed or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if it had been made, given, imposed or done under that corresponding provision.

(3) Any document referring to an Act or enactment repealed by this Act shall (so far as may be necessary to preserve the effect thereof) be construed as referring or as including a reference to this Act or the corresponding enactment therein.

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

Short title.

22. This Act may be cited as the Overseas Resources Development Act, 1959.

SCHEDULES

Section 1.

FIRST SCHEDULE

PROVISIONS RELATING TO THE CONSTITUTION, &C., OF THE COLONIAL DEVELOPMENT CORPORATION

1. The Corporation shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

2.—(1) The Secretary of State shall have power, exercisable by statutory instrument, to make regulations with respect to—

- (a) the appointment of the members of the Corporation, and their tenure and vacation of office;
- (b) the execution of instruments and the mode of entering into contracts by and on behalf of the Corporation, and the proof of documents purporting to be executed, issued or signed by the Corporation or a member or officer thereof;

and, subject to the provisions of any such regulations as aforesaid, the Corporation shall have power to regulate its own procedure (including the manner in which matters subject to the determination of the Corporation are to be determined by or on behalf of the Corporation).

(2) Regulations made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3. The validity of any proceeding of the Corporation shall not be affected by any vacancy amongst the members thereof, or by any defect in the appointment of a member thereof.

1ST SCH.
—cont.**4. The Corporation shall—**

- (a) pay to each member of the Corporation, in respect of his office as such, such remuneration and allowances as may be determined by the Secretary of State with the consent of the Treasury, and to the chairman and to the deputy chairman, in respect of his office as such, such remuneration and allowances (in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as may be so determined; and
- (b) as regards any member in whose case it may be determined by the Secretary of State with the consent of the Treasury to make provision for the payment on his death or retirement of a pension, gratuity, or other like benefit, pay, or provide for the payment of, such pension, gratuity or other like benefit to him or to others by reference to his service as may be so determined.

5. If any member of the Corporation, other than the chairman or the deputy chairman, is employed about the affairs of the Corporation otherwise than as a member thereof, the Corporation may pay to that member such remuneration and allowances (in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as the Corporation may determine.

6. The Corporation shall—

- (a) pay to its officers, servants and agents such remuneration as the Corporation may determine; and
- (b) as regards any officers, servants or agents in whose case it may be determined by the Corporation with the approval of the Secretary of State to make provision for the payment on their death, injury or retirement of pensions, gratuities or other like benefits, pay, or provide for the payment of, such pensions, gratuities or other like benefits to them or to others by reference to their service as may be so determined.

7. Provision for pensions, gratuities or other like benefits under this Schedule may be made either by contributory or by non-contributory arrangements or partly by the one and partly by the other.

8. The Corporation shall have power to do any thing and to enter into any transaction (whether or not involving expenditure, borrowing in accordance with the provisions of this Act in that behalf, lending or investment of money, the acquisition of any property or rights, or, subject to the provisions of section eleven of this Act, the disposal of any property or rights) which is incidental or conducive to the exercise of its powers under this Act.

9. It is hereby declared that nothing in this Act exempts the Corporation from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

Section 21.

SECOND SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 15.	The Overseas Resources Development Act, 1948.	The whole Act.
12 & 13 Geo. 6. c. 65.	The Overseas Resources Development Act, 1949.	The whole Act.
14 & 15 Geo. 6. c. 20.	The Overseas Resources Development Act, 1951.	The whole Act.
2 & 3 Eliz. 2. c. 71.	The Overseas Resources Development Act, 1954.	Section five.
4 & 5 Eliz. 2. c. 71.	The Overseas Resources Development Act, 1956.	The whole Act.
6 & 7 Eliz. 2. c. 15.	The Overseas Resources Development Act, 1958.	The whole Act.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Colonial Development and Welfare Act, 1940 ...	3 & 4 Geo. 6. c. 40.
Overseas Resources Development Act, 1948 ...	11 & 12 Geo. 6. c. 15.
Overseas Resources Development Act, 1956 ...	4 & 5 Eliz. 2. c. 71.

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## CHAPTER 24

### *Building (Scotland) Act, 1959*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### BUILDINGS AUTHORITIES

##### Section

1. Constitution of buildings authorities.
2. General provisions relating to buildings authorities.

##### PART II

##### BUILDING STANDARDS AND BUILDING OPERATIONS

3. Building standards regulations.
4. Relaxation of building standards regulations in particular cases.
5. Building operations regulations.
6. Application of building standards regulations and building operations regulations to construction or demolition, and to change<sup>1</sup> of use, of buildings.

**Section**

7. Minor works.
8. Occupation of parts of roads for deposit of materials, etc.
9. Certificates of completion.
10. Powers in relation to buildings constructed without warrant or in contravention of conditions of warrant, and buildings whose life has expired.
11. Power of local authorities to require buildings to conform to building standards regulations.
12. Building Standards Advisory Committee.

**PART III****DANGEROUS BUILDINGS**

13. Action to be taken in respect of buildings found to be dangerous.
14. Power of local authorities to sell materials from demolished buildings.
15. Power of local authorities to purchase buildings and sites where owner cannot be found.

**PART IV****SUPPLEMENTARY**

16. Appeals.
17. Supplementary provisions as to operations required to be carried out.
18. Inspection and tests.
19. Penalties.
20. Fees chargeable by buildings authorities.
21. Provisions as to masters of works.
22. Information.
23. Inquiries.
24. Regulations.
25. Service of notices, etc.
26. Crown rights.
27. Transitional provisions.
28. Financial provisions.
29. Interpretation.
30. Local Act provisions.
31. Minor and consequential amendments and repeals.
32. Short title, extent and commencement.

**SCHEDULES:**

First Schedule—Enactments relating to dean of guild court functions unaffected by this Act.

Second Schedule—General provisions relating to buildings authorities which are not dean of guild courts.

Third Schedule—Matters which may be provided for by Regulations under paragraph (a) of subsection (4) of section 2.

Fourth Schedule—Matters in regard to which building standards regulations may be made.

Fifth Schedule—Procedure for directions under section 4.

Sixth Schedule—Recovery of expenses by charging order.

Seventh Schedule—Evacuation of dangerous buildings.

Eighth Schedule—Transitional Provisions.

Ninth Schedule—Minor and consequential amendments of enactments.

Tenth Schedule—Enactments repealed.

An Act to make as respects Scotland new provision for safety, health and other matters in respect of the construction of buildings and for safety in respect of the conduct of building operations; for these purposes to establish buildings authorities for burghs and landward areas of counties and to amend the law relating to dean of guild courts; to amend the powers of local authorities in relation to buildings which are below prescribed standards or dangerous; and for purposes connected with the matters aforesaid.

[30th April, 1959]

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

## PART I

### BUILDINGS AUTHORITIES

Constitution  
of buildings  
authorities.

1.—(1) For every burgh and the landward area of every county there shall be an authority (in this Act referred to as “the buildings authority”) who shall have in relation to that burgh or, as the case may be, the landward area of that county the jurisdiction and functions conferred on them by this Act.

(2) For a burgh having a dean of guild court which immediately before the commencement of this Act exercised jurisdiction in respect of the construction of buildings throughout the burgh, and for any burgh constituted after the commencement of this Act, the buildings authority shall be the dean of guild court of the burgh.

(3) For a burgh not falling within the last foregoing subsection and for the landward area of a county the buildings authority shall consist of not less than three persons appointed by the local authority from among their own number.

(4) The jurisdiction and functions conferred by this Act on a buildings authority which is a dean of guild court shall be in lieu of any jurisdiction or functions which would be exercisable by the court apart from this Act, whether by custom or by virtue of any enactment, except so far as—

(a) conferred by the enactments specified in the First Schedule to this Act, or

(b) relating to matters of private right ;  
and in relation to the area of any such buildings authority the provisions of this Act shall be in lieu of any enactment or rule of law in force immediately before the commencement of this Act making it unlawful to erect, alter, repair or otherwise deal with a building, or occupy a building in any particular way, without the sanction of the dean of guild court for that area.

(5) References in this Act to—

- (a) the area of a buildings authority are references to the burgh or, as the case may be, the landward area of the county for which the buildings authority is constituted under this Act ;
- (b) the buildings authority in relation to any particular building or place are references to the buildings authority whose area includes the building or place.

2.—(1) The following provisions of the Local Government (Scotland) Act, 1947, that is to say, subsections (5) to (9) of section three hundred and twenty-one, subsection (5) of section three hundred and twenty-two and section three hundred and twenty-three (which relate to the proceedings of dean of guild courts), section three hundred and twenty-six (which relates to the clerks of such courts), section three hundred and twenty-seven (which relates to the holding of meetings of such courts) and section three hundred and twenty-eight (which relates to the expenses of such courts) shall have effect for the purposes of this Act in relation to a buildings authority which is a dean of guild court (being a court to which, immediately before the commencement of this Act, these provisions applied) as they have effect in relation to that court for purposes other than those of this Act:

General provisions relating to buildings authorities.

Provided that the said section three hundred and twenty-six as applied by this subsection shall have effect with the omission, in subsection (1) thereof, of the words “and the burgh prosecutor shall act as prosecutor in the dean of guild court”.

(2) In relation to a buildings authority which is a dean of guild court to which immediately before the commencement of this Act the said provisions of the Local Government (Scotland) Act, 1947, did not apply, the foregoing subsection shall have effect with the substitution for references to the said provisions of references to the corresponding provisions, if any, of any local Act which immediately before the commencement of this Act applied to that court.

(3) The provisions of the Second Schedule to this Act shall have effect in relation to a buildings authority which is not a dean of guild court.

**PART I**  
—*cont.*

(4) The Secretary of State may by regulations make supplementary provision with respect to the constitution of buildings authorities which are not dean of guild courts and with respect to the procedure of buildings authorities, whether dean of guild courts or not; and such regulations may, without prejudice to the foregoing generality,—

(a) provide for the matters specified in the Third Schedule to this Act, and

(b) in relation to a buildings authority which is a dean of guild court, provide that where, in the case of any building, matters come before the court both under this Act and otherwise than under this Act they may be dealt with by the court in conjunction.

(5) Regulations made under this section may provide for a combination in one document of—

(a) any application required or authorised under this Act to be made, and

(b) any application such as is mentioned in subsection (2) of section ninety-eight of the Town and Country Planning (Scotland) Act, 1947;

for the making of such combined application in such form and manner, and to such authority, as may be prescribed by the regulations; and for the transmission of copies of the application by that authority to such other authorities or persons as may be so prescribed.

(6) Subsections (3) and (4) of the said section ninety-eight shall have effect in relation to regulations made under the last foregoing subsection as they have effect in relation to regulations made under subsection (2) of the said section ninety-eight.

**PART II****BUILDING STANDARDS AND BUILDING OPERATIONS****Building standards regulations.**

3.—(1) For the purposes of this Act the Secretary of State may (subject to the subsequent provisions of this Act) by regulations prescribe standards (expressed in terms of performance, types of material, methods of construction or otherwise) in relation to any or all of the matters specified in the Fourth Schedule to this Act, and such other matters relating to buildings as appear to him after consultation with the Building Standards Advisory Committee to be relevant to the said purposes.

Regulations made under this subsection are in this Act referred to as “building standards regulations”, and references to the building standards regulations in relation to a building of any particular class are references to so much of the regulations as apply to a building of that class.

(2) The standards prescribed under the foregoing subsection shall be such as in the opinion of the Secretary of State can reasonably be expected to be attained in buildings of the classes to which they relate, having regard to the need for securing the health, safety and convenience of the persons who will inhabit or frequent such buildings and the safety of the public generally.

(3) Without prejudice to the generality of the foregoing provisions of this section building standards regulations may—

- (a) prescribe different standards for buildings of different classes ;
- (b) make special provision for buildings intended to have a life not exceeding such period, being a period of ten years or less, as may be specified in the regulations ;
- (c) provide for buildings constructed with materials of such types or by such methods of construction as may be specified in the regulations to be deemed to satisfy such standards as may be so specified in relation to those types of material, or, as the case may be, those methods of construction.

(4) Building standards regulations shall not apply to—

- (a) buildings belonging to, or in the occupation of, the United Kingdom Atomic Energy Authority, being buildings other than dwelling houses or offices ; or
- (b) buildings of such other classes as may be specified in the regulations as exempted classes.

(5) For the purposes of this Act and any regulations made thereunder buildings may be classified by reference to size, description, design, purpose, location or any other characteristic whatsoever.

(6) Before making any regulations under this section the Secretary of State shall—

- (a) consult the Building Standards Advisory Committee as to the contents of the proposed regulations ;
- (b) publish in such manner as he thinks expedient a draft of the proposed regulations, together with a notice stating that representations as to the draft may be lodged with him in such manner and within such time as may be stated in the notice ;
- (c) if required by any person who has duly lodged representations with him under the last foregoing paragraph, direct the holding of a public inquiry with respect to any representations so lodged ;
- (d) consider and representations duly lodged under paragraph (b) of this subsection, and the report of the

**PART II**  
—*cont.*

person holding the inquiry, if any, under paragraph (c) of this subsection ; and

- (e) consult the Building Standards Advisory Committee as to any alteration that he may propose to the said draft.

Relaxation of building standards regulations in particular cases.

4.—(1) If it appears to the Secretary of State, on application made to him in the prescribed manner in relation to any particular building, that it is unreasonable that any provision of the building standards regulations (being a provision which apart from this section applies, or by reason of a proposed change of use will apply, to that building) should apply to the building, or apply to it without modification, he may, subject to the next following subsection, direct that the provision shall not apply to that building or, as the case may be, shall so apply subject to such modifications as may be specified in the direction.

(2) No direction under the foregoing subsection shall be given in respect of any provision of the building standards regulations which is described in the regulations as not being subject to a direction under this section.

(3) A direction given under this section may be given either unconditionally or subject to such conditions as may be specified in the direction.

(4) The provisions of the Fifth Schedule to this Act shall have effect as respects the procedure to be followed in connection with directions under this section.

Building operations regulations.

5.—(1) The Secretary of State may make such regulations (in this Act referred to as “building operations regulations”) for the conduct of operations for the construction, repair, maintenance or demolition of buildings as he considers expedient to secure the safety of the public ; and regulations under this subsection may make different provision for different classes of operations.

(2) Any person who contravenes any provision of the building operations regulations shall be guilty of an offence against this Act.

Application of building standards regulations and building operations regulations to construction or demolition, and to change of use, of buildings.

6.—(1) No person shall—

- (a) in any place conduct any operations for the construction or demolition of a building of a class to which the building standards regulations apply, or
- (b) change the use of any building,

unless there has been obtained from the buildings authority a warrant for the construction, demolition or change of use, as the case may be, and any person who contravenes this subsection shall be guilty of an offence against this Act :



Provided that nothing in this subsection shall apply to any operations for the alteration of a building which consist solely of the fitting of a fixture of any such kind as may be prescribed for the purposes of this subsection.

PART II

—cont.

(2) A buildings authority shall, subject to subsection (8) of this section, grant a warrant such as is mentioned in the foregoing subsection on application being made therefor in the prescribed manner—

(a) in the case of a warrant for the construction or demolition of a building, if, but only if, they are satisfied that the operations involved will be conducted in accordance with the building operations regulations, and (in the case of operations for the construction of a building) that nothing in any plan, specification or other information submitted with the application shows that the building when constructed will fail to conform to the building standards regulations ; and

(b) in the case of a warrant for the change of use of a building, if, but only if, they are satisfied that after the change of use the building will conform to so much of the building standards regulations as will become applicable, or will apply more onerously, to the building by reason of the change of use.

(3) A warrant for the construction of a building shall be subject to the condition that the building shall be constructed as described in the warrant (including any relative plans and specifications) and in accordance with the building standards regulations, and, in a case where a direction has been given under section four of this Act, subject also to the condition that such conditions, if any, as are specified in the direction are observed.

(4) In relation to a building to be constructed in accordance with any special provisions of the building standards regulations relating to buildings intended to have a limited life (as mentioned in paragraph (b) of subsection (3) of section three of this Act) any application for a warrant shall state the period of intended life of the building (being not greater than that specified in the said provisions of the building standards regulations) and, without prejudice to the last foregoing subsection and subject to the next following subsection, the warrant shall be subject to the condition that the building will be demolished on or before the expiration of the period so stated.

(5) Where a warrant contains such a condition as is mentioned in the last foregoing subsection application may be made to the buildings authority, before the expiration of the period specified in the warrant, for an extension of the said period and the authority may, if they are satisfied that it is proper to do so, having regard to the special provisions mentioned in the last

**PART II**  
**—cont.**

foregoing subsection, extend the period, and further extend it from time to time, so however that no such extension by itself shall exceed the period for the time being specified in the said provisions in the building standards regulations.

(6) A warrant for the demolition of a building shall be subject to the condition that the demolition shall be completed within such period from the commencement of the operations for the demolition as may be specified in the warrant.

(7) If, after a warrant has been granted for the construction of a building and before any certificate of completion has been granted in respect of the building, the person holding the warrant desires to deviate from any plans or specifications to which he is required by the warrant to adhere he may apply to the buildings authority for an amendment of the terms of the warrant to cover the proposed deviation, and that authority shall then (subject to the next following subsection) make the amendment if, but only if, they are satisfied that the proposed deviation is in conformity with the building standards regulations.

(8) Notwithstanding anything in this section it shall be competent for—

- (a) a buildings authority which is a dean of guild court to refuse to grant a warrant (or an amendment of the terms of a warrant) if in the exercise of any jurisdiction exercisable by them apart from this Act they have determined that the operations or change of use in respect of which the warrant or amendment has been applied for would result in an infringement of a private right or otherwise be contrary to law, or
- (b) any buildings authority to refuse to grant a warrant (or an amendment of the terms of a warrant) if the application for it has not been duly made in the prescribed manner, or if, where the application relates to an extension to, or alteration of, a building, they consider that, as a direct result of the extension or, as the case may be, the alteration, the building as extended or altered will fail to conform with the building standards regulations ;

and nothing in this section shall be taken to prejudice the operation of section seventeen of the Restriction of Ribbon Development Act, 1935, or sections two, three or six of the Thermal Insulation (Industrial Buildings) Act, 1957 (which sections in their application to Scotland relate to the power of buildings authorities to refuse to grant warrants in certain circumstances).

(9) Where under any provision of this Act or any other enactment a person is required or authorised—

(a) by a buildings authority to carry out any operations for the construction or demolition of any building, or

(b) by a local authority to demolish any building,  
a warrant shall be deemed to have been granted in respect of the construction or, as the case may be, the demolition.

(10) For avoidance of doubt it is hereby declared that, in respect of any building, subsection (1) of this section applies to any such deviation as is mentioned in subsection (7) of this section as it applies to the construction of the building.

7.—(1) In relation to such construction of buildings as may be prescribed, being construction of a minor character, a buildings authority shall, subject to the provisions of this section, delegate their functions under the last foregoing section— Minor works.

(a) to their clerk, or

(b) with the consent of the local authority, to the master of works appointed by the local authority.

(2) An application shall not be dealt with under a delegation made by virtue of the foregoing subsection unless it is shown in the prescribed manner that there is no objection to the granting of the application—

(a) in a case where the delegation has been made to the clerk of the buildings authority, on the part of the master of works, and

(b) in any case, on the part of any person other than the master of works on whom the application is required by regulations made under section two of this Act to be served ;

and in any case where it is not so shown the application shall be dealt with as if this section had not passed.

(3) If any person is aggrieved by a refusal of the clerk of a buildings authority or a master of works to grant a warrant applied for by him he may require his application to be referred to, and dealt with by, the buildings authority.

(4) Regulations made under section two of this Act may include provision for procedural matters in connection with applications which could be dealt with under a delegation made by virtue of this section, including the making of reports to the buildings authority by the clerk or, as the case may be, the master of works as to any applications dealt with under such a delegation.

## PART II

—cont.

Occupation  
of parts of  
roads for  
deposit of  
materials, etc.

8.—(1) A buildings authority, on application made to them, may grant permission in writing to any person conducting operations for the construction, repair, maintenance or demolition of any building to occupy temporarily, for the purpose of depositing materials or otherwise in connection with those operations, such portion of any road, whether public or private, adjoining the building as may be specified in the permission, and may by such permission authorise the erection of staging or scaffolding so as to project over that portion of the road or such other portion of the road as may be so specified; and notwithstanding anything in any enactment or rule of law, any person who complies with any permission granted under this section (including any conditions to which the permission is subject by virtue of the next following subsection) shall not thereby be guilty of an offence.

(2) Any permission granted under this section may be granted either unconditionally or subject to such conditions as may be specified in the permission.

(3) A buildings authority may delegate their functions under this section, as respects such cases and subject to such conditions as they may determine,—

(a) to their clerk, or

(b) with the consent of the local authority, to the master of works appointed by the local authority:

Provided that where by virtue of any regulations made under section two of this Act an application for permission under this section is combined with an application for a warrant the application for permission under this section shall be dealt with by the same authority (whether the buildings authority, the clerk or the master of works) as the application for the warrant.

Certificates of  
completion.

9.—(1) After the completion of the construction of any building in respect of which a warrant has been granted by a buildings authority any person having an interest to do so may apply to the buildings authority for a certificate under this section (in this Act referred to as a “certificate of completion”), and within such period as may be prescribed the buildings authority shall, in accordance with the following provisions of this section, either grant the certificate or notify the applicant of their refusal to do so.

(2) A buildings authority shall grant a certificate of completion in respect of any building if, but only if, they are satisfied that the building complies with the conditions on which the relative warrant was granted.

(3) In respect of so much of a building as consists of an electrical installation a buildings authority shall not be satisfied as mentioned in the last foregoing subsection unless there is

produced to them a certificate granted by the person who installed the installation certifying that the installation complies with such of the said conditions as relate to it:

PART II  
—cont

Provided that this subsection shall not apply in a case where it is shown to the satisfaction of the buildings authority that for some reasonable cause such a certificate cannot be produced.

(4) If any person, for the purpose of procuring the grant of a certificate of completion, grants or produces under the last foregoing subsection a certificate which he knows to be false or misleading in a material particular, or recklessly grants or produces such a certificate which is false or misleading in a material particular, he shall be guilty of an offence against this Act.

(5) Subject to the next following subsection, no person shall occupy or use a building (being a building which has been constructed by virtue of a warrant granted under this Act) before a certificate of completion in respect of the building has been issued by the buildings authority, and any person who wilfully contravenes this subsection shall be guilty of an offence against this Act:

Provided that nothing in this subsection shall apply to any occupation or use which is solely for the purpose of the construction of the building.

(6) Where on application made to them it appears to a buildings authority that, because of exceptional circumstances, it is reasonable that a building to which the last foregoing subsection applies should be temporarily occupied or used before a certificate of completion in respect of it has been issued they may (whether or not the construction of the building has been completed) grant written permission for such occupation or use during such period as may be specified in the permission (which period may be extended from time to time by a like permission); and while any permission under this subsection is in force in relation to any building the last foregoing subsection shall not have effect in relation to that building.

(7) A buildings authority shall, subject to the provisions of this section, delegate their functions under this section—

(a) to their clerk, or

(b) with the consent of the local authority, to the master of works appointed by the local authority.

(8) Subsections (2) to (4) of section seven of this Act shall have effect in relation to a delegation made by virtue of the last foregoing subsection as they have effect in relation to delegations made by virtue of that section.

**PART II**  
—*cont.*

Powers in relation to buildings constructed without warrant or in contravention of conditions of warrant, and buildings whose life has expired.

**10.—(1)** If it appears to the master of works that any building of a class to which the building standards regulations apply—

- (a) has been or is being constructed without a warrant in respect of the construction having been obtained, or in contravention of the conditions on which a warrant was obtained, or
- (b) remains in existence after the expiration of any period limited for it by the conditions on which the warrant for its construction was obtained,

he may serve upon—

- (i) the person by whom, or on whose behalf, the building has been or is being constructed, or
- (ii) if that person no longer has an interest in the building, any other person who at the material time is entitled to the interest in the building which that person formerly had, or, if at the material time there is no such other person, the owner of the building,

a notice requiring him within such period as may be specified in the notice, being a period of not less than twenty-one days from the service of the notice, to show cause to the buildings authority why he should not be required to execute such operations as may be specified in the notice, being operations for the removal of the building or operations necessary to make the building conform to the building standards regulations; and if the person upon whom the notice has been served fails to show cause as aforesaid to the satisfaction of the buildings authority they may order him within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative, to execute the operations aforesaid or such other operations for the same purpose as may be specified in the order.

(2) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the foregoing subsection the person against whom the order has been made has not complied therewith, he shall be guilty of an offence against this Act, and the buildings authority may authorise the local authority to execute the operations which the said person has failed to execute; and the local authority shall thereupon be entitled to act accordingly and any expenses thereby incurred by them shall be recoverable from the said person as a debt.

(3) The provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under the last foregoing subsection from any person, if that person is the owner of the building.

(4) An order served under subsection (1) of this section shall become operative only in accordance with subsection (4) of section sixteen of this Act.

(5) A master of works may include in a notice served by him under subsection (1) of this section in respect of a building which is being constructed a requirement that the person on whom the notice is served shall cause the work thereon to be suspended until the matters raised in the notice have been determined, or until the expiration of the period of one month from the date of service of the notice, whichever first occurs.

(6) References in this section to the period limited for a building by the conditions on which the warrant for its construction was obtained are references to that period together with any extension thereof authorised by virtue of subsection (5) of section six of this Act.

(7) This section shall apply in relation to a part of a building, being a fixture the fitting of which is excluded from the operation of subsection (1) of section six of this Act by virtue of the proviso thereto, which—

(a) has been fitted, and

(b) either in itself or in the manner of its fitting fails to conform to the building standards regulations,

as it applies to a building which has been constructed as mentioned in paragraph (a) of subsection (1) of this section.

(8) For avoidance of doubt it is hereby declared that, in respect of any building, this section applies to any such deviation as is mentioned in subsection (7) of section six of this Act as it applies to the construction of the building.

11.—(1) The following provisions of this section shall have effect in relation to a building in the area of a local authority, being a building of a class to which the building standards regulations apply, where—

Power of local authorities to require buildings to conform to building standards regulations.

(a) the building does not conform to a provision of the building standards regulations ;

(b) the local authority consider that the building ought, having regard to the need for securing the health, safety and convenience of the persons who will inhabit or frequent it and the safety of the public generally, to be made to conform to that provision ; and

(c) it is reasonably practicable to make the building conform to that provision.

(2) The local authority may serve on the owner of the building a notice specifying the provision to which they consider that the

**PART II**  
—*cont.*

building ought to conform (in this section referred to as “the specified provision”) and requiring the owner within such period as may be specified in the notice, being a period of not less than twenty-eight days from the service of the notice, to show cause why the building should not conform to the specified provision.

(3) If within the period specified in the notice mentioned in the last foregoing subsection the owner of the building applies to the Secretary of State for a direction under section four of this Act in respect of the building and notifies the local authority that he has done so, the said period shall be deemed to be extended so as to expire at the end of the period of twenty-eight days from the date of the giving of the direction or, as the case may be, the refusal to give a direction; and any reference in the subsequent provisions of this section to the specified provision shall, in a case where the specified provision is modified by any such direction, be construed as a reference to the specified provision as so modified.

(4) If within the period specified in the notice mentioned in subsection (2) of this section (or, in a case falling within the last foregoing subsection, that period as extended by virtue of that subsection) the owner fails to show cause to the satisfaction of the local authority why the building should not be made to conform to the specified provision, the local authority may order the owner to make the building conform to the specified provision within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative.

(5) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the last foregoing subsection the owner of the building has not complied therewith, he shall be guilty of an offence against this Act, and the local authority may themselves execute the operations necessary to make the building conform to the specified provision; and any expenses thereby incurred by them shall be recoverable from the owner of the building as a debt.

(6) The provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under the last foregoing subsection.

(7) No notice served under this section shall specify any provision of the building standards regulations which is described in the regulations as not being subject to specification in such a notice.

(8) An order under subsection (4) of this section shall not become operative—

(a) except in accordance with subsection (4) of section sixteen of this Act;



- (b) before the disposal of any application for a warrant in respect of the operations which are the subject of the order, including the disposal of any appeal under section sixteen of this Act against a decision of the buildings authority refusing to grant a warrant.

**PART II**  
—*cont.*

(9) In this section “reasonably practicable” means reasonably practicable having regard to all the circumstances, including the expense involved in executing the operations necessary to make the building conform to the specified provision.

**12.—**(1) The Secretary of State shall, after consultation with such bodies as appear to him to be representative of the interests concerned, appoint a committee, in this Act referred to as the Building Standards Advisory Committee, for the purpose of—

**Building Standards Advisory Committee.**

- (a) advising the Secretary of State on the exercise of his functions under section three of this Act;
- (b) keeping under review the operation of, and making to the Secretary of State such recommendations as they think desirable in connection with, the building standards regulations; and
- (c) advising the Secretary of State on any question relating to any of his functions under this Part of this Act which he may refer to them.

(2) The Secretary of State may by regulations make provision with respect to the constitution and procedure of the Building Standards Advisory Committee and for the submission to him at intervals of not more than five years of reports from the Committee as to the exercise of their functions under paragraph (b) of subsection (1) of this section.

(3) The Secretary of State may pay to the members of the Building Standards Advisory Committee, and to persons attending meetings at the request of the Committee, such allowances as he may, with the approval of the Treasury, determine in respect of travelling and subsistence expenses and in respect of other expenses (if any) necessarily incurred by them for the purpose of enabling them to discharge their functions as members of the Committee, or to attend such meetings, as the case may be.

**PART III**

**DANGEROUS BUILDINGS**

**13.—**(1) If it appears to the master of works that any building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally he shall forthwith—

**Action to be taken in respect of buildings found to be dangerous.**

- (a) require any occupants of the building in question, and of any adjacent building, being persons whom he considers to be endangered by the state of the building in question, to remove immediately from those buildings;

**PART III**  
—cont.

- (b) cause to be executed such operations (including, if necessary, demolition operations) as in his opinion are necessary for preventing access to the building and any adjacent parts of any road or public place which appear to him to be dangerous by reason of the state of the building and otherwise for the protection of the public and of persons and property on the land adjacent to the building ; and
- (c) serve on the owner of the building a notice requiring him within a period of seven days from the service of the notice to begin, and within such further period as may be specified in the notice, being a period of not less than twenty-one days from the expiration of the first mentioned period, to complete to the satisfaction of the master of works, such operations for the repair, securing or demolition of the building as may be so specified, being operations necessary in the opinion of the master of works to remove the danger.

(2) If on the expiration of the period of seven days referred to in paragraph (c) of the foregoing subsection the owner of the building has not begun, or if on the expiration of the period of not less than twenty-one days so referred to he has not completed, the operations required by a notice given under that paragraph the master of works may apply to the buildings authority for an order requiring the owner to execute the said operations, and the buildings authority, after giving the owner, the master of works and any other person appearing to them to have an interest an opportunity to be heard, may grant or refuse the order or grant it subject to such modifications as they think just, and (if they grant it or grant it subject to modifications) shall state in it a period within which it is to be complied with.

(3) An order under the foregoing subsection shall become operative only in accordance with subsection (4) of section sixteen of this Act.

(4) If an order granted by a buildings authority under subsection (2) of this section is not duly complied with the buildings authority may authorise the local authority to execute the operations which the owner has failed to execute or to demolish the building ; and the local authority shall thereupon be entitled to act accordingly.

(5) Any expenses incurred by a local authority or a master of works in executing their or his functions under this section in respect of any building, shall, subject to the provisions of section seventeen of this Act, be recoverable by the local authority from the owner of the building as a debt ; and the provisions of the Sixth Schedule to this Act shall have effect for the purpose of

securing the recovery by a local authority of any expenses recoverable by them under this section.

**PART III**  
—cont.

(6) The provisions of the Seventh Schedule to this Act shall have effect for the purpose of securing the removal—

- (a) from a building, of any occupant who, on being required under paragraph (a) of subsection (1) of this section to remove from the building in the circumstances mentioned in that subsection, fails to do so; and
- (b) from a building which is the subject of an order under this section requiring it to be demolished, of the occupants thereof.

**14.** If a building is demolished by a master of works acting under paragraph (b) of subsection (1) of the last foregoing section, or by a local authority acting under subsection (4) of that section, the local authority may sell any building material that arises from such demolition, and if they do so they may set off the proceeds of the sale against any sums recoverable by them from the owner under the foregoing provisions of this Part of this Act, and shall account to the owner for any amount by which the proceeds exceed the aggregate of the sums so recoverable.

**Power of local authorities to sell materials from demolished buildings.**

**15.—(1)** If in relation to any building a local authority have, acting under subsection (4) of section thirteen of this Act, executed any operations such as are referred to in that subsection or demolished the building, 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 local authority may be authorised by the Secretary of State to purchase the building and its site compulsorily.

**Power of local authorities to purchase buildings and sites where owner cannot be found.**

(2) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to a compulsory purchase of land under the foregoing subsection as if that subsection had been in force immediately before the commencement of that Act.

(3) The local authority shall be entitled to deduct from the compensation payable on the compulsory purchase of land under this section the amount of the expenses referred to in subsection (1) of this section so far as not otherwise recovered.

## PART IV

### SUPPLEMENTARY

**16.—(1)** Any person aggrieved by—

**Appeals.**

- (a) any decision of a buildings authority refusing to grant warrant for the construction or demolition of a building or for a change of use of a building,

**PART IV**  
**—cont.**

- (b) any decision of a buildings authority under subsection (5) of section six of this Act refusing to extend a period relating to a building intended to have a limited life,
- (c) any decision of a buildings authority refusing to issue a certificate of completion,
- (d) any order made by a buildings authority under subsection (1) of section ten of this Act requiring the execution of operations,
- (e) any order under section eleven of this Act by a local authority requiring a building to be made to conform to any provision of the building standards regulations,
- (f) any order of a buildings authority under subsection (2) of section thirteen of this Act requiring the execution of operations, or
- (g) any charging order made under the Sixth Schedule to this Act,

may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the decision or the making of the order, as the case may be :

Provided that on any appeal in a case falling under paragraph (g) of this subsection no question shall be raised which might have been raised on an appeal against the original order requiring the execution of the operations concerned.

(2) The procedure on any appeal to the sheriff under this section shall be such as the Court of Session may by act of sederunt determine ; and the powers of the Court of Session under this subsection shall include power to make provision as to expenses and as to the sitting with the sheriff of technical assessors.

(3) On any appeal under this section the sheriff may—

- (a) if the appeal is in a case falling within paragraph (a) or paragraph (b) or paragraph (c) of subsection (1) of this section, either confirm the decision or direct the substitution of such other decision as seems to him proper, having regard to the provisions of this Act and of any other Act relevant to the decision in question;
- (b) if the appeal is in a case falling within any other provision of subsection (1) of this section, confirm, vary or quash the order as he thinks just and make such order in the matter as he considers equitable ;

and the determination of the sheriff on any such appeal shall be binding on all parties, and shall be final :

Provided that the sheriff may, at any stage of the proceedings on the appeal, and shall whether before or after the conclusion of the proceedings if so directed by the Court of Session, state

a case for the opinion of that Court on any question of law arising in connection with the appeal; and an appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this section, which leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

**PART IV**  
**—cont.**

(4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.

(5) The sheriff may, before considering any appeal which may be made to him under this section, require the appellant to deposit such sum to cover the expenses of the appeal as may be fixed by the act of sederunt made by the Court of Session in pursuance of subsection (2) of this section.

(6) The power of the Court of Session to make acts of sederunt under subsection (2) of this section shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt so made by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.

17.—(1) The provisions of this section shall have effect where a person is required by any order or notice under section ten, eleven or thirteen of this Act (in this section referred to as a "requirement") to demolish, or carry out operations in relation to, a building.

Supple-  
mentary  
provisions  
as to opera-  
tions required  
to be carried  
out.

(2) If the building is—

- (a) a building in respect of which a notice under subsection (1) of section six of the Ancient Monuments Act, 1931, has been served, or is deemed under subsection (4) of that section to have been served, and which has not ceased to be included in any such list as is mentioned in the said subsection (1),
- (b) subject to a building preservation order under section twenty-seven of the Town and Country Planning (Scotland) Act, 1947,
- (c) included in a list of buildings of special architectural or historic interest, being a list compiled or approved under section twenty-eight of the said Act of 1947, or

**PART IV**  
—*cont.*

(d) subject to an interim preservation notice under section ten, or a preservation order under section eleven, of the Historic Buildings and Ancient Monuments Act, 1953, the requirement shall have effect only in so far as it is not inconsistent with any provision of the said Act of 1931, the said Act of 1947 or, as the case may be, the said Act of 1953 relating to the execution or carrying out of works or operations on or in relation to the building.

(3) If the person is not in occupation of the building he shall nevertheless, on giving to the occupier such notice as is reasonable in the circumstances, be entitled, notwithstanding any term to the contrary in any lease or other contract, to enter on the building, and any land adjacent thereto and held in connection therewith, for the purpose of complying with the requirement.

(4) Where, in pursuance of any provision of the said section ten, eleven or thirteen, the local authority seek to recover from the person any expenses incurred by them in carrying out operations in relation to the building, then, if the person proves—

(a) that he has no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and

(b) that he has not, and since the date of the service on him of a demand for payment of the expenses aforesaid has not had, in his hands in that capacity sufficient funds, rents and other assets to discharge the whole demand of the authority,

his liability shall, notwithstanding anything in the said section ten, eleven or thirteen, be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands as aforesaid.

(5) In the case of a requirement being an order under the said section ten, or the said section eleven, it shall be a defence to any complaint charging the person with failure to comply with the requirement to prove that at the date of the making of the requirement—

(a) the person had no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and

(b) the amount of the funds, rents and other assets in his possession in that capacity was less than the amount of the expenses which would have been incurred if the requirement had been complied with.

(6) If a person alleges that the whole or any part of the expenses incurred or to be incurred in complying with the requirement ought to be borne by any other person having an interest

in the building, he may apply to the sheriff, and the sheriff may make such order concerning the expenses or their apportionment as appears to him, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be equitable.

PART IV  
—cont.

(7) The provisions of subsection (3) of the last foregoing section relating to the determination of the sheriff on an appeal under subsection (1) of that section shall apply to the order of the sheriff in an application under the last foregoing subsection as they apply to such a determination, with the substitution for any reference to the appeal under the said subsection (1) of a reference to the application.

18.—(1) Subject to the provisions of subsection (3) of this section the master of works, or any person authorised in writing by him or by the buildings authority on exhibiting his authority if requested to do so, may at all reasonable times enter any premises for the purpose of—

Inspection  
and tests.

- (a) inspecting buildings which are in course of construction, or which have been constructed but for which no certificate of completion has been issued, or the sites of buildings in respect of which applications for directions under section four, or warrants under section six, of this Act have been made ;
- (b) applying any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building such as is mentioned in the foregoing paragraph ;
- (c) inspecting any buildings as to which the master of works has reasonable cause to believe that a change of use is proposed or has taken place ;
- (d) inspecting any building which the master of works has reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally ; or
- (e) executing any operations authorised by paragraph (b) of subsection (1) of section thirteen of this Act ;

and may execute any of the said purposes.

(2) The foregoing subsection shall, subject as aforesaid, apply, as it applies to persons authorised as mentioned in that subsection for the purposes so mentioned, to any person authorised in writing by a local authority for the purpose of—

- (a) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section eleven of this Act ; or

**PART IV**  
—*cont.*

(b) executing any operations authorised under section ten, section eleven or section thirteen of this Act to be executed by the local authority.

(3) No person shall be entitled to enter any premises by virtue of subsection (1) of this section for the purposes specified in paragraph (c) thereof, or by virtue of subsection (2) of this section, unless he has given three days' notice of his intention to do so to the occupier, and (unless the owner is unknown) also to the owner, of the premises.

(4) If a justice of the peace (not being a justice of the peace who is a member of the buildings authority or the local authority) on sworn information in writing—

(a) is satisfied that there are reasonable grounds for entering into any premises for any such purpose as is mentioned in subsection (1) or (2) of this section, and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or

(ii) that an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice of the peace may, notwithstanding anything in subsection (3) of this section, by warrant under his hand authorise the buildings authority or local authority, as the case may be, by any authorised officer, to enter the premises, if need be by force.

(5) A person entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(6) Every warrant granted under this section shall continue in force for a period of one month.

(7) A person who wilfully obstructs any person acting in the execution of any of the purposes mentioned in subsection (1) or subsection (2) of this section shall be guilty of an offence against this Act.

(8) If any person who, by virtue of the provisions of this section, or of a warrant issued thereunder, enters a factory or work-place, discloses to any other person any information



obtained by him in the factory or work-place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this Act.

PART IV  
—cont.

(9) In this section any reference to premises includes a reference to sites and buildings, and any reference to a justice of the peace includes a reference to the sheriff.

(10) The master of works or any person authorised by him may require—

(a) any person who has made an application for a direction under section four of this Act, or for a warrant, in respect of a building, or

(b) any person by whom, or on whose behalf, a building is being or has been constructed in pursuance of a warrant,

to cause to be carried out such reasonable test of materials forming part of the building, or used or proposed to be used in the construction of the building, as may be specified in the requirement; and the expense of carrying out any test to be carried out under this subsection shall be met by the person so required:

Provided that the buildings authority, on application made to them, may if they think fit direct that the expense of carrying out any such test as aforesaid, or such part of that expense as may be specified in their direction, shall be met by the local authority.

19.—(1) Any person guilty of an offence under subsection (7) of section eighteen or subsection (3) of section twenty-five of this Act shall be liable on summary conviction to a fine not exceeding ten pounds. Penalties.

(2) Any person guilty of an offence against this Act, except as specified in the foregoing subsection, shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued.

20.—(1) A buildings authority may, in respect of such of their business as may be prescribed, charge such fees as may be prescribed in relation thereto; and different fees may be prescribed for different buildings authorities. Fees chargeable by buildings authorities.

(2) Any fees received by virtue of this section by a buildings authority to whom section three hundred and twenty-eight of the Local Government (Scotland) Act, 1947, or any corresponding provision of a local Act or paragraph 11 of the Second Schedule to this Act applies shall be paid by them to the local authority.

**PART IV**  
—*cont.*

Provisions as  
to masters of  
works.

**21.—(1)** In connection with every buildings authority the local authority shall appoint a master of works and may pay to him such reasonable salary as they may determine.

(2) A master of works appointed under this section shall hold office during the pleasure of the local authority.

(3) Without prejudice to any other provision of this Act, it shall be the duty of the master of works appointed in connection with any buildings authority to report to the buildings authority upon all plans, specifications and other information lodged with applications to the buildings authority, to see that the orders made by the buildings authority are duly carried into execution, from time to time to inspect the works being carried out in pursuance of any warrant granted by the buildings authority and to report to the buildings authority any breach of the conditions to which the warrant is subject ; and also to perform any other duties which he may be required by the local authority to perform.

(4) A master of works shall not be connected directly or indirectly with, or interested in, any branch of the building trade in the area of the local authority by whom he is appointed, or give any assistance, or receive any fees, in connection with applications made to the buildings authority (not being applications so made by himself acting under this Act).

(5) After such day as may be prescribed by the Secretary of State no person shall be appointed as a master of works under this section unless he is qualified in such manner as may be prescribed by the Secretary of State after consultation with such bodies as appear to him to be representative of the interests concerned ; but nothing in this subsection shall affect the tenure of office of any master of works who is in office immediately before the day prescribed as aforesaid.

(6) Section eighty-three of the Local Government (Scotland) Act, 1947 (which provides for the appointment of deputes for certain officers in counties) shall apply in relation to the master of works for the landward area of a county as it applies to the officers mentioned in that section ; and section ninety-three of the said Act of 1947 (which makes similar provision in relation to certain officers in burghs) shall apply in relation to the master of works for a burgh as it applies to the officers mentioned in that section.

(7) For the purposes of sections eighty-two and ninety-two of the said Act of 1947 (which relate to the appointment of staff of county councils and town councils respectively) the functions of the master of works for the landward area of a county or for a burgh shall be deemed to be functions of the county council or, as the case may be, the town council.

(8) This section shall be in lieu of any provision of any enactment (including any local Act) providing for the appointment of a master of works for a burgh or in connection with the dean of guild court of a burgh, and any person who immediately before the commencement of this Act held office as master of works under any such provision shall be deemed to have been appointed as master of works in connection with the buildings authority for the burgh under this section.

**22.** Every buildings authority shall make to the Secretary of State such reports and returns, and give him such information with respect to their functions, as the Secretary of State may require.

**23.—(1)** Without prejudice to anything in subsection (6) of section three of this Act the Secretary of State may, for the purposes of any of his functions under this Act, direct the holding of such public inquiries as he may think fit.

(2) Subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall apply to any inquiry held under this section or subsection (6) of section three of this Act as it applies to the inquiries specified in the said section three hundred and fifty-five.

**24.—(1)** Without prejudice to any power conferred by any other provision of this Act to make regulations the Secretary of State may make regulations prescribing—

- (a) the form of any notice or other document which is required or authorised to be used under or for the purposes of this Act, and
- (b) any other thing which by this Act is required or authorised to be prescribed.

(2) The forms prescribed under the foregoing subsection, or forms as near thereto as circumstances admit, shall be used in all cases in which those forms are applicable.

(3) Any power conferred by any provision of this Act, including this section, to make regulations shall be exercisable by statutory instrument, and the statutory instrument by which any such power is exercised shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**25.—(1)** The provisions of section three hundred and forty-nine of the Local Government (Scotland) Act, 1947 (which relates to the service of certain notices, orders and other documents) shall apply to the service of any notice, order or other document required by any provision of this Act, or of any regulations made under this Act, to be served as they apply to the service of the notices, orders and other documents referred to in that section.

PART IV  
—cont.

(2) A buildings authority or a local authority may, for the purpose of enabling them to serve 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.

(3) If any person, having been required by a buildings authority or a local authority in pursuance of the last foregoing subsection to give to them any information, fails to give that information, or makes in respect thereof any statement which he knows to be false or misleading in a material particular, or recklessly makes in respect thereof any statement which is false or misleading in a material particular, he shall be guilty of an offence against this Act.

Crown rights. **26.**—(1) Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and nothing in this Act, or in any regulations or order made, or notice given, under this Act, shall affect any Crown building:

Provided that—

(a) in relation to a Crown building, subsection (1) of section six of this Act shall apply—

(i) to the conduct of any operations such as are mentioned in that subsection, and

(ii) to any change of use,

which is not effected by, or on behalf of, the Crown Estate Commissioners or a government department, or approved for the purposes of this section by the appropriate authority;

(b) in relation to a Crown building, the appropriate authority may direct that such provisions of section ten, section eleven and Part III of this Act as may be specified in the direction shall apply to the building as if it were not a Crown building, and may revoke any such direction;

(c) nothing in this section shall affect the operation of the building operations regulations in relation to operations carried out in connection with a Crown building otherwise than by servants of the Crown acting under the direction of the appropriate authority or another government department.

(2) Except with the consent of the appropriate authority nothing in this Act, or in any regulations made, or warrant granted, under this Act, shall authorise the entry of any person into a Crown building or on to land occupied with a Crown building.

(3) In this section the expression "Crown building" means a building an interest in which belongs to Her Majesty in right of the Crown or to a government department, or is held in trust for Her Majesty for the purposes of a government department, or of which the Minister of Works is guardian under the Ancient Monuments Consolidation and Amendment Act, 1913; and, in relation to a Crown building, the expression "appropriate authority" means—

PART IV  
—cont.

- (a) in the case of a building an interest in which belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or any government department having the management of that building;
- (b) in the case of a building an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department;
- (c) in the case of a building of which the Minister of Works is guardian as aforesaid, that Minister;

and, if any question arises as to the authority which is the appropriate authority in relation to any building, the question shall be determined by the Treasury.

27. The provisions of the Eighth Schedule to this Act shall have effect for the purposes of the transitional matters specified therein. Transitional provisions.

28. There shall be defrayed out of moneys provided by Parliament— Financial provisions.

- (a) any expenses incurred by the Secretary of State in consequence of this Act, and
- (b) any increase attributable to this Act in sums payable out of moneys so provided under any other enactment.

29.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively— Interpretation.

"building" means any structure or erection of what kind or nature soever, whether temporary or permanent, and every part thereof including any fixture affixed thereto, not being a structure or erection or part thereof consisting of, or ancillary to,—

- (a) any road, whether public or private, including in the case of a public road (but not in the case of a private road) any bridge on which the road is carried;
- (b) any sewer or water main which is, or is to be, vested in a public authority;
- (c) any aerodrome runway;

PART IV  
—cont.

- (d) any railway line ;
- (e) any large reservoir within the meaning of the Reservoirs (Safety Provisions) Act, 1930 ; or
- (f) any telegraphic line as defined in section two of the Telegraph Act, 1878 ;
- “ buildings authority ”, and “ area ” in relation to a buildings authority, have the meanings assigned to them respectively by section one of this Act ;
- “ building operations regulations ” has the meaning assigned to it by section five of this Act ;
- “ Building Standards Advisory Committee ” has the meaning assigned to it by section twelve of this Act ;
- “ building standards regulations ” has the meaning assigned to it by section three of this Act ;
- “ burgh ” has the same meaning as in the Local Government (Scotland) Act, 1947 ;
- “ certificate of completion ” has the meaning assigned to it by section nine of this Act ;
- “ change of use ” in relation to a building means such change in the use or occupation of the building as will bring it within a class of building to which the building standards regulations apply, or, if it is already within such a class, within a class to which additional or more onerous provisions of the building standards regulations apply, and “ change the use ” shall be construed accordingly ;
- “ construct ” includes alter, erect, extend and fit, and “ construction ” shall be construed accordingly ;
- “ contravene ”, in relation to a provision, includes fail to comply with the provision ;
- “ government department ” includes a Minister of the Crown ;
- “ landward area ” has the same meaning as in the Local Government (Scotland) Act, 1947 ;
- “ local Act ” includes a decret-arbitral, provisional order or other instrument ratified or confirmed by a Parliament of Scotland or of the United Kingdom ;
- “ local authority ” means a town council or a county council, and “ area ” in relation to a local authority means the burgh, or, as the case may be, the landward area of the county ; and references to the local authority in relation to a buildings authority and to any particular building or place are references to the local authority whose area is the area of the buildings authority or, as the case may be, includes that building or place ;
- “ master of works ” means a master of works appointed under section twenty-one of this Act ; and, in relation to any building, means the master of works so appointed

for the burgh, or, as the case may be, the landward area of the county, in which the building is, or will be, situated ;

“ operations ” includes operations carried out in relation to the enclosure and preparation of the site of a building ;

“ prescribed ” means prescribed by the Secretary of State by regulations made under this Act ;

“ road ” includes street and any pavement, footpath, drain, ditch or verge at the side of a road or street ;

“ warrant ” (except in subsections (4), (5), (6) and (8) of section eighteen and subsection (2) of section twenty-six of this Act) means a warrant under section six of this Act, including (in the case of a warrant which has been granted) any conditions to which it is subject, and any amendment which has been made to it.

(2) Any reference in this Act to a building shall, unless the context otherwise requires, be construed as including a reference to a prospective building ; and, in relation to the extension, alteration or change of use of a building, the expression “ building ” shall in this Act, unless the context otherwise requires, be construed as a reference only to so much of the building as is comprised in the extension or is the subject of the alteration or change of use, as the case may be.

(3) Any reference in this Act to the owner of any land or buildings shall, unless the context otherwise requires, be construed as including a reference to any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land or buildings to the promoters of an undertaking.

(4) Any reference in this Act to a public road shall be construed as a reference to a road maintainable by the Secretary of State, a county council or a town council ; and any reference to a private road shall be construed as a reference to a road not so maintainable, whether it comprises a public right of way or not.

(5) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended, applied or extended by or under any other enactment including this Act.

(6) Any reference in this Act to a dean of guild court shall be construed as including a reference to a dean of guild sitting as a dean of guild court.

(7) Any reference in this Act to an enactment contained in the Burgh Police (Scotland) Acts, 1892 to 1911 or any Act amending those Acts shall be construed as including a reference to that enactment as applied or adopted by a local Act or by a resolution passed under statutory authority.

**PART IV**  
—*cont.*

(8) Any building which extends into the areas of two or more buildings authorities, or two or more local authorities, shall be treated for the purposes of this Act as being wholly within the area of such one of those buildings authorities or, as the case may be, such one of those local authorities, as may from time to time be agreed by the authorities concerned, or, in default of agreement, determined by the Secretary of State.

(9) Any reference in this Act (except in section sixteen thereof) or in any other Act to the exercise by a buildings authority of any of their functions shall, in the case of a function which may be delegated to any person by virtue of any provision of this Act, be construed as including a reference to the exercise of the function by that person.

**Local Act provisions.**

**30.—(1)** Subject to the next following subsection, where any local Act contains any provision providing for any matter which is also provided for by any provision of this Act, or of any regulations having effect by virtue of this Act, the provision of this Act, or, as the case may be, of those regulations, shall have effect in substitution for the provision of the local Act, and the provision of the local Act shall cease to have effect:

Provided that this subsection shall be without prejudice to subsection (2) of section two of this Act.

(2) The Secretary of State may by order made by statutory instrument except from the operation of the foregoing subsection such provisions of any local Act as may be specified in the order (being provisions to which apart from the order that subsection would apply) and direct that the corresponding provisions of this Act or of any regulations having effect by virtue of this Act (which provisions shall be specified in the order) shall not have effect in the areas in which the specified provisions of the local Act have effect:

Provided that no order under this subsection shall be made in relation to a provision (being a provision of a local Act) which has ceased to have effect.

(3) If it appears to the Secretary of State that any provision of any local Act, not being a provision which has ceased to have effect by virtue of subsection (1) of this section, is inconsistent with any provision of this Act or is no longer required, or requires to be amended, having regard to any provision of this Act, he may by order repeal or amend the provision of the local Act as he may consider appropriate.

(4) The power of making orders conferred by the last foregoing subsection shall be exercisable by statutory instrument and any order made under that subsection shall be subject to special parliamentary procedure.



31.—(1) The enactments specified in the Ninth Schedule to this Act shall have effect subject to the amendments, being amendments consequential on the provisions of this Act or of a minor nature, specified in relation thereto in that Schedule.

PART IV  
—*cont.*

Minor and consequential amendments and repeals.

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

32.—(1) This Act may be cited as the Building (Scotland) Act, 1959.

Short title, extent and commencement.

(2) This Act shall extend to Scotland only.

(3) This Act, except sections three, five, twelve, twenty-three, twenty-four and twenty-eight and subsections (2) to (4) of section thirty thereof, and paragraph 5 of the First Schedule thereto, shall come into operation on such day as the Secretary of State may by order, made by statutory instrument, appoint, and those provisions shall come into operation on the passing of this Act; and for the purposes of this Act and of the application thereto of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act) references to the commencement of this Act shall, notwithstanding the provisions of section thirty-six of the said Act of 1889 with respect to the construction of the expression “commencement”, be construed as references to the time at which this Act, except the provisions of this Act specified in this section, comes into operation.

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### ENACTMENTS RELATING TO DEAN OF GUILD COURT FUNCTIONS UNAFFECTED BY THIS ACT

##### 1. In the Burgh Police (Scotland) Act, 1892—

- (a) section one hundred and sixty-eight (which relates to the regulation of places of public amusement and entertainment),
- (b) section one hundred and seventy-five (which relates to lighting and other matters in public buildings, theatres and places of public entertainment),
- (c) section one hundred and eighty-six (which relates to precautions to be taken during the construction and repair of streets, sewers and other works),

in each case as read with section two hundred and one of that Act (which relates to the exercise by the dean of guild court of powers and duties conferred by that Act on town councils).

1ST SCH.  
—cont.

2. In the Burgh Police (Scotland) Act, 1903—

- (a) sections eleven and twelve (which relate to warrants for laying out new streets) as read with section thirteen of that Act (which relates to the transfer to dean of guild courts of powers and duties conferred by those sections on town councils) ;
- (b) section thirty-one (which relates to the use of roofs and platforms for sitting and standing accommodation) ;
- (c) section thirty-five (which relates to infringements in the construction of streets) ;
- (d) section thirty-nine (which relates to relaxation of certain provisions of the Burgh Police Acts relating to streets and buildings) ;
- (e) sections forty-one and forty-three (which relate to penalties) ;
- (f) in section one hundred and three, paragraph (9) (which relates to the centre lines of streets).

3. In the Local Government (Scotland) Act, 1947, section three hundred and twenty-four (which relates to the general jurisdiction of dean of guild courts in burghs which are not royal burghs) except so far as inconsistent with any provision of this Act.

4. Any provision of any local Act corresponding to any of the provisions specified in the foregoing paragraphs of this Schedule.

5. Any provision of any local Act specified by the Secretary of State by order made by statutory instrument before the commencement of this Act.

Section 2.

## SECOND SCHEDULE

### GENERAL PROVISIONS RELATING TO BUILDINGS AUTHORITIES WHICH ARE NOT DEAN OF GUILD COURTS

1. The quorum at a meeting of a buildings authority shall be two members.
2. The chairman of a buildings authority shall be such one of the members of the authority as may be appointed as chairman by the local authority ; and, if the chairman is absent from any meeting of the buildings authority, the members present shall elect one of their number to preside at the meeting.
3. The chairman or other member presiding shall have a casting vote as well as a deliberative vote.

4. No member of a buildings authority shall sit as such when any matter in which he is personally interested is under consideration.

5. The proceedings of a buildings authority shall not be invalidated by any vacancy among their number or by any defect in the appointment of any member thereof.

6. A buildings authority may appoint committees consisting wholly of members of the authority, and may delegate to any committee so appointed any of their functions—

- (a) under section six of this Act, not being functions delegated by virtue of section seven of this Act to their clerk or to the master of works ;
- (b) relating to the inspection of buildings ; or
- (c) relating to the disposal of incidental questions arising in proceedings on any application to them :

Provided that—

- (i) an application shall not be dealt with under a delegation made by virtue of sub-paragraph (a) of this paragraph unless it is shown in the prescribed manner that there is no objection to the granting of the application on the part of the master of works or any other person on whom the application is required by regulations made under section two of this Act to be served, and in any case where it is not so shown the application shall be dealt with as if the said sub-paragraph (a) had not passed ;
- (ii) if any person is aggrieved by a refusal of a committee of a buildings authority to grant under a delegation made by virtue of sub-paragraph (a) of this paragraph an application made by him he may require his application to be referred to, and dealt with by, the buildings authority.

7. A chairman of any such committee shall be appointed, and the quorum fixed, by the buildings authority, and at any meeting of the committee the chairman shall preside and have a casting vote as well as a deliberative vote.

8. Subject to the provisions of the next following paragraph, the clerk of the buildings authority shall be the person for the time being holding the office of clerk of the local authority.

9. The clerk of a buildings authority shall not act as agent of any party in relation to any opposed matter before the authority ; and if any partner of the clerk of the buildings authority, or any depute of his or person employed by him (including any depute of his, or person employed by him, in his capacity as clerk of the local authority), so acts in relation to any such matter, the buildings authority shall appoint an independent person to be legal assessor in relation to that matter.

2ND SCH.  
—cont.

10. The local authority may make rules regulating the dates of meetings of the buildings authority.

11. The local authority shall provide such accommodation, and such furniture, books and other things, as are required for the transaction of the business of the buildings authority, and shall pay any expenses of the authority.

12. References in this Schedule to a buildings authority are references to a buildings authority which is not a dean of guild court.

Section 2.

### THIRD SCHEDULE

#### MATTERS WHICH MAY BE PROVIDED FOR BY REGULATIONS UNDER PARAGRAPH (a) OF SUBSECTION (4) OF SECTION 2

1. The submission along with any application to a buildings authority for a warrant or an amendment of a warrant under section six of this Act of plans, specifications, estimates of costs and other information, and the availability thereof for inspection by interested parties.

2. The service on such persons as may be specified (including conterminous proprietors) of applications, decisions and notices relating to matters coming before a buildings authority.

3. The hearing by buildings authorities of applicants and other persons having an interest in applications.

4. The holding in public of the proceedings of buildings authorities.

5. The statement by buildings authorities, in giving decisions, of reasons for the decisions.

6. The maintenance by buildings authorities of records of applications and decisions on applications (including applications, and decisions on applications, relating to buildings intended to have a limited life) and the inspection by members of the public of such records; and in this paragraph references to applications include references to such plans, specifications and other information relative thereto as are mentioned in paragraph 1 of this Schedule.

7. The duration of the validity of warrants under section six of this Act.

8. The notification to buildings authorities of the dates of commencement and completion of operations carried out in pursuance of warrants.

## FOURTH SCHEDULE

Section 3.

**MATTERS IN REGARD TO WHICH BUILDING STANDARDS REGULATIONS  
MAY BE MADE**

Preparation of sites.

Strength and stability.

Fire precautions (including resistance of structure to the outbreak and spread of fire, the protection of occupants and means of escape in the event of fire).

Resistance to moisture.

Resistance to the transmission of heat.

Resistance to the transmission of sound.

Durability.

Resistance to infestation.

Drainage.

Ventilation (including the provision of open space therefor).

Daylighting (including the provision of open space therefor).

Heating and artificial lighting.

Services, installations and ancillary equipment (including services, installations and ancillary equipment for the supply or use of gas or electricity, and the provision of such arrangements for heating and cooking as are calculated to prevent or control so far as practicable the emission of smoke or noxious gases).

Accommodation and ancillary equipment.

Access.

Prevention of danger and obstruction.

## FIFTH SCHEDULE

Section 4.

## PROCEDURE FOR DIRECTIONS UNDER SECTION 4

1. Before giving any direction under section four of this Act (in this Schedule referred to as a "direction"), the Secretary of State shall send to the applicant, the buildings authority and any other person appearing to him to be interested a copy of the direction as proposed to be given, with an intimation that any representations in writing with respect thereto may be made to the Secretary of State within twenty-one days after the date on which the copy has been sent.

2. Before giving the direction the Secretary of State shall consider any such representations received by him from any person to whom such a copy has been sent under the foregoing paragraph.

3. Before giving a direction the Secretary of State may, if he thinks fit, afford to the applicant, the buildings authority, or any other person appearing to him to be interested an opportunity of appearing before and being heard by a person appointed by him for the purpose.

4. The foregoing provisions of this Schedule shall apply to a refusal to give a direction as they apply to the giving of a direction, with the substitution for any reference to giving a direction of a reference to the refusal to give a direction, and with the substitution for any reference to a copy of the direction as proposed to be given of a reference to a statement of intention to refuse a direction.

G\* 2

5TH SCH.  
—cont.

5. The Secretary of State in giving, or refusing to give, a direction shall furnish a statement of the reasons for so doing, if requested, on or before the notification of such giving or refusal, to state the reasons.

6. The Secretary of State shall send to the buildings authority and the Building Standards Advisory Committee a copy of any direction given or, as the case may be, an intimation of any refusal to give a direction.

Sections 10, 11  
and 13.

## SIXTH SCHEDULE

### RECOVERY OF EXPENSES BY CHARGING ORDER

1. Where under sections ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works the local authority may make in favour of themselves an order (in this Schedule referred to as a "charging order") providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses.

2. The annuity with which the land may be so charged shall be a sum of six pounds for every one hundred pounds of the amount of the expenses, and so in proportion for any part of one hundred pounds, and shall commence from the date of the order and be payable for a term of thirty years to the local authority.

3. A charging order shall become operative only in accordance with subsection (4) of section sixteen of this Act.

4. A charging order, on or after its becoming operative, shall be recorded in the appropriate register of sasines, and on its being so recorded the annuity specified in it shall be a charge on the land so specified and shall have priority over—

(a) all future burdens and incumbrances on the same land, and

(b) all existing burdens and incumbrances thereon except—

(i) feuduties, teinds, ground annuals, stipends and standard charges in lieu of stipends ;

(ii) any charge created or arising under any provision of the Public Health (Scotland) Act, 1897, or any Act amending that Act, the Housing (Scotland) Act, 1950, or any local enactment authorising a charge for recovery of expenses incurred by a local authority, or under this Schedule ; and

(iii) any charge created under any Act authorising advances of public money.

5. A charging order duly recorded in the appropriate register of sasines shall be conclusive evidence that the charge specified therein has been duly created in respect of the land specified in the order.

6. Every annuity charged by a 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 feuduty.

7. 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.

6TH SCH.  
—cont.

8. Any owner of or other person having an interest in land on which an annuity has been charged by a charging order shall at any time be at liberty to redeem the annuity on payment to the local authority or other person entitled thereto of such sum as may be agreed upon, or, in default of agreement, determined by the Secretary of State.

## SEVENTH SCHEDULE

Section 13.

### EVACUATION OF DANGEROUS BUILDINGS

1. For the purpose of securing the removal of any occupants from a building in the circumstances referred to in subsection (6) of section thirteen of this Act, the master of works shall give written notice to the occupants requiring them to remove from the building within such period as may be specified in the notice.

2. On the expiry of the period so specified the master of works may make a summary application to the sheriff for a warrant for the ejection of any such occupants who have not removed from the building or any part thereof, and the sheriff, after the service of such additional notice (if any) as he may require and on production of a certificate under the hand of the master of works bearing that the building is a source of immediate danger, or that an order has been made under section thirteen of this Act requiring the building to be demolished, shall grant warrant for ejection within such period, not being more than seven days from the date of presentation of the said application or, in the case where the sheriff has required additional notice, seven days from the date of service of that additional notice.

3. In all proceedings under this Schedule the production of a certificate under the hand of the master of works bearing that the building in question is in such a state as aforesaid, or that such an order as is mentioned in the last foregoing paragraph has been made in respect of the building, or that notice as aforesaid has been given by him to all known occupants of the building, shall be sufficient evidence of the facts stated in the certificate.

4. The decision of the sheriff on any application by a master of works under this Schedule shall be final and not subject to review.

5. Where any person removed or ejected from a building under this Schedule is the tenant of the building, his tenancy shall, if he so elects and notwithstanding the removal or ejection, be deemed not to have terminated, varied or altered by reason of his removal or ejection (except that rent shall not be payable by or exigible from him so long as he is not in occupation of the building or such part thereof as was previously occupied by him) and, on the building being rendered secure and the occupant resuming his occupation, the same terms and conditions shall in all respects, except in so far as otherwise agreed, apply in respect of such occupation as were applicable with respect thereto before the removal or ejection of the occupant.

## Section 27.

**EIGHTH SCHEDULE**  
**TRANSITIONAL PROVISIONS**

1. For the purposes of sections six, ten and eighteen of this Act any approval granted before the commencement of this Act for the construction, demolition or alteration of the use of a building shall have effect as if it were a warrant granted for the construction, demolition or change of use, as the case may be, of the building by a buildings authority under the said section six:

Provided that in exercising their functions under subsection (7) of the said section six in relation to such an approval the buildings authority shall have regard to the previous regulations in lieu of the building standards regulations, except where any provision of the building standards regulations corresponds to, but is less onerous than, a provision of the previous regulations.

2. In the application of section four of this Act—

- (a) to a building for the construction of which an application for approval has been made, and not disposed of, before the commencement of this Act, and
- (b) to a building for the construction of which an approval was granted, but which has not been completed, before the commencement of this Act,

there shall be substituted for any reference therein to the building standards regulations a reference to the previous regulations.

3. Section nine of this Act shall apply in relation to a building for the construction of which approval was obtained before the commencement of this Act as it applies in relation to a building in respect of the construction of which a warrant under section six of this Act has been granted by a buildings authority, with the substitution for the reference in subsection (2) thereof to the conditions on which the relative warrant under section six of this Act was granted, of a reference to the conditions, if any, on which the relative approval was granted:

Provided that—

- (i) where the relative approval is not subject to a condition requiring the building to conform to previous regulations it shall be deemed for the purposes of this paragraph to be subject to a condition to that effect; and
- (ii) if in any respect the completed building conforms to a provision of the building standards regulations which corresponds to, but is less onerous than, any condition on which the said approval was granted, the buildings authority (or, as the case may be, the clerk of the buildings authority or the master of works) shall in exercising their functions under the said section nine in relation to that building have regard to that provision in lieu of that condition.

4. Any application for approval for the construction, demolition or alteration of the use of a building, being an application made to a dean of guild court, and not disposed of, before the commencement of this Act, shall be treated as an application to that court (as a buildings authority) for a warrant under section six of this Act: and any such application made to a local authority, and not disposed of, before the commencement of this Act shall be transferred in such



manner as may be prescribed to the buildings authority for the burgh or, as the case may be, the landward area of the county, and shall be treated as an application to the buildings authority for a warrant under section six of this Act :

Provided that in relation to a building which is the subject of any such application (and in particular in exercising their functions under subsections (2), (3), (4), (5) and (7) of section six of this Act) the buildings authority shall have regard to the previous regulations in lieu of the building standards regulations, except where any provision of the building standards regulations corresponds to, but is less onerous than, a provision of the previous regulations.

5. Without prejudice to section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) nothing in this Act shall affect any proceedings for the demolition of a building, being proceedings begun before the commencement of this Act under any enactment repealed by this Act.

6. The Secretary of State may by regulations, made after consultation with such bodies as appear to him to be representative of local authorities, provide for the handing over, or otherwise making available, to any buildings authority (not being a dean of guild court) of such records as may be specified in the regulations, being records held by the local authority in connection with the exercise by them of functions corresponding to functions conferred by this Act on the buildings authority.

7. In this Schedule—

“ approval ” means approval, warrant, consent or any other authorisation granted by—

(a) a dean of guild court on a petition under section one hundred and sixty-six of the Burgh Police (Scotland) Act, 1892, or any corresponding provision of a local Act, or

(b) a local authority on an application under bye-laws having effect by virtue of the Housing, Town Planning, etc. (Scotland) Act, 1919, or under any corresponding provision of a local Act ;

“ previous regulations ”, in relation to any building, means any statutory enactments, bye-laws, rules and regulations or other provisions relating to building construction, under whatever authority made, which, apart from this Act, would have been applicable to the building, but subject to any direction made in relation to the building under section four of this Act as extended by paragraph 2 of this Schedule.

#### NINTH SCHEDULE

Section 31.

##### MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1. In the Turnpike Roads (Scotland) Act, 1831 (as set out in Schedule C to the Roads and Bridges (Scotland) Act, 1878), section eighty-seven shall have effect as if for the proviso to that section there were substituted the following proviso, that is to say—

“ Provided that nothing in this section shall apply to any materials laid or left upon any road or any footpath or side

9TH SCH.  
—cont.

drain or ditch of such road in pursuance of a permission granted under section eight of the Building (Scotland) Act, 1959.”

2. In the Burgh Police (Scotland) Act, 1892, in section two hundred and seven, there shall be inserted after the word “fees” where it first occurs the words “in respect of any business of the court which is not conjoined with business relating to the functions of the court under the Building (Scotland) Act, 1959”.

3. In the Burgh Police (Scotland) Act, 1903—

(a) for section twenty-nine there shall be substituted the following section—

“29. Every person who occupies any portion of a street for the purpose of depositing building materials or otherwise in connection with operations for constructing, extending, demolishing, maintaining, altering or repairing any building without permission under section eight of the Building (Scotland) Act, 1959, or otherwise than in accordance with such permission (including the conditions, if any, to which the permission is subject), or continues such occupation beyond the period permitted, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued.”

(b) in section thirty-seven, after the words “dean of guild court” there shall be inserted the words “in respect of any business of the court which is not conjoined with business relating to the functions of the court under the Building (Scotland) Act, 1959”.

4. In the Restriction of Ribbon Development Act, 1935, for section seventeen there shall be substituted the following section, that is to say—

“17.—(1) A buildings authority within the meaning of the Building (Scotland) Act, 1959, may refuse to grant a warrant under section six of that Act for the erection of a new building, which, if erected in accordance with the plans, specifications and other information submitted with the application for the warrant, would be a building to which this section applies, if they are not satisfied that the said plans, specifications and other information show that provision will be made for such means of entrance and egress, and of such accommodation for the loading and unloading of vehicles or picking up and setting down of passengers, or the fuelling of vehicles, as may seem necessary to the buildings authority for preventing or limiting interference with traffic:

Provided that—

(a) the buildings authority shall, as soon as may be after such application is made, consult the highway authority or such officer of the highway authority as may be nominated by them for the purpose and the chief

officer of police for the district, and the power conferred by this section shall not be exercised except after such consultation as aforesaid ;

9TH SCH.  
—cont.

- (b) this subsection shall not apply in a case where the buildings authority are satisfied that either—
- (i) the character of the new building is such as not to be likely to cause increased vehicular traffic along any road adjacent thereto ; or
  - (ii) satisfactory arrangements have been, or will be, made for limiting interference with the traffic along such road.

(2) This section applies to any building whereof the external or containing walls contain a space of not less than two hundred and fifty thousand cubic feet measured in accordance with directions given by the Secretary of State, and to any place of public resort, refreshment house, station for public service vehicles, petrol filling station or garage used or to be used in connection with any trade or business ; and in this section the expression “the erection of a new building” includes the following operations, that is to say,—

- (a) the re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey ;
- (b) the conversion into a dwelling house of any building not originally constructed for human habitation, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only ;
- (c) the re-conversion into a dwelling house of any building which has been discontinued as, or appropriated for any purpose other than that of, a dwelling house ;
- (d) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only ; and
- (e) the roofing or covering over of an open space between walls or buildings”.

and subsections (5) and (10) of section twenty-five of the said Act of 1935 shall cease to have effect.

5. In the Water (Scotland) Act, 1946, in section fifty-three, in subsection (1), for the words “the local authority, or in the case of a burgh having a dean of guild court, to the satisfaction of the dean of guild court” there shall be substituted the words “the buildings authority (within the meaning of the Building (Scotland) Act, 1959)” ; and for the words “the local authority or the dean of guild court, as the case may be” there shall be substituted the words “the buildings authority”.

9TH SCH.  
—cont.

6.—(1) In the Thermal Insulation (Industrial Buildings) Act, 1957, for section two (as set out, in its application to Scotland, in subsection (3) of section twelve of that Act) there shall be substituted the following section—

“ 2. Where application is made to a buildings authority for a warrant under section six of the Building (Scotland) Act, 1959, for the erection of an industrial building the buildings authority shall not grant the warrant unless they are satisfied that the plans and other information submitted with the application show that the building when erected will conform to the prescribed standard.”

(2) For subsection (1) of section three of the said Act of 1957 there shall be substituted the following subsection, that is to say—

“ (1) The Minister may by regulations direct that a buildings authority shall for the purposes of this Act refuse to grant a warrant under section six of the Building (Scotland) Act, 1959, for the erection of an industrial building if the plans or other information submitted with the application for the warrant show that conformity, in the case of that building, to the prescribed standard will depend (wholly or to a substantial extent) upon the use, in the construction thereof, of materials of a kind specified in the regulations which do not conform to such standard of resistance to the spread of flame as may be specified or described in the regulations, unless the plans or other information also show that the materials will be used in such a way as not to enhance the risk of fire's breaking out or spreading in the building.” ;

and subsection (4) of section twelve of that Act shall cease to have effect.

(3) In subsection (3) of section four of the said Act of 1957 (as set out, in its application to Scotland, in subsection (5) of section twelve of that Act) any reference to a dean of guild court shall include a reference to a buildings authority within the meaning of the Building (Scotland) Act, 1959.

(4) For section seven of the said Act of 1957 there shall be substituted the following section, that is to say—

“ 7.—(1) The Minister may by regulations exempt from the provisions of sections two to five of this Act buildings or extensions of such classes as may be specified in the regulations.

(2) If it appears to the Minister, on application made to him in relation to any building, or extension of a building, that it is inexpedient that the provisions of sections two to five of this Act should apply to that building or, as the case may be, that extension, he may direct that those provisions shall not apply to that building or, as the case may be, that extension.

(3) The provisions of the Fifth Schedule to the Building (Scotland) Act, 1959, shall have effect as respects the procedure to be followed in connection with directions under the last foregoing subsection as they have effect as respects the procedure to be followed in connection with directions under section four of that Act, with the substitution for any reference to the Secretary of State of a reference to the Minister.” ;

and subsection (7) of section twelve of the said Act of 1957 shall cease to have effect.

## TENTH SCHEDULE

Section 31.

## ENACTMENTS REPEALED

| Session and Chapter                              | Short Title                                                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 & 4 Vict.<br>c. 85.<br>55 & 56 Vict.<br>c. 55. | The Chimney Sweepers Act, 1840.<br>The Burgh Police (Scotland) Act, 1892. | Section six.<br><br>In section one hundred and fifty-two, the words "and no dwelling-house" to the words "each side thereof", from the words "where any road or street" to the words "and provided also that" and from the words "but in no case shall" to the end of the section; section one hundred and sixty-one; in section one hundred and sixty-four from the words "The owner" where they first occur to the words "adjacent sewer or drain; and"; sections one hundred and sixty-six and one hundred and sixty-seven; sections one hundred and seventy to one hundred and seventy-four; sections one hundred and seventy-six to one hundred and eighty-five; section one hundred and eighty-seven; in section one hundred and ninety, the words "building hoarding or", the word "repair", the words "building or", and the words "hoarding or"; sections one hundred and ninety-one to two hundred; in section two hundred and one the words "new buildings or alterations of existing buildings, ventilation and", the words "buildings and", and the words from "and also in reference" to "before occupation"; in section two hundred and seven the words "prosecutor in the Dean of Guild Court", the words "master of works or" and the words from "and in the event of" to the end of the section; sections two hundred and eight and two hundred and nine; in section two hundred and twenty-nine the words "and drains"; sections two hundred and thirty-eight to two hundred and forty-one; in section two hundred and forty-four the |

10TH SCH.  
—cont.

| Session and Chapter          | Short Title                                 | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 55 & 56 Vict.<br>c. 55—cont. | The Burgh Police (Scotland) Act, 1892—cont. | words from “ If such drain ” to “ this Act, or”, the words “ construct, rebuild or”, and the words “ drain or ” wherever they occur; sections two hundred and forty-five and two hundred and forty-six; sections two hundred and fifty-one and two hundred and fifty-two; in section two hundred and fifty-three the words from “ The situation ” to “ Provided further that ”; in section two hundred and fifty-six from the words “ The Commissioners ” where they first occur to “ order on him, and ”; the Fourth Schedule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 60 & 61 Vict.<br>c. 38.      | The Public Health (Scotland) Act, 1897.     | In section twenty-nine from the words “ and the local authority ” to the end of the section; in section one hundred and fifteen the words “ and drains ”; sections one hundred and eighty-one and one hundred and eighty-two.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3 Edw. 7. c. 33.             | The Burgh Police (Scotland) Act, 1903.      | Sections twenty-six to twenty-eight; sections thirty-two to thirty-four; in section thirty-five, the words “ or building ”; section thirty-eight; in section thirty-nine, the words “ and the erection or alteration of buildings and the open space adjoining buildings ”; section forty; in section forty-one, in subsection (1) the words “ or erect or begin to erect any house or building ”, the words “ or erection ”, the words from “ or alter add to ” to “ houses or occupants ”; in subsection (3) the words from “ or the closing ” to “ or part thereof ”; in section sixty-one, in subsection (1) the words from “ and no dwelling-house ” to “ greater height ”; in subsection (2) the proviso, subsection (3), and subsection (5); in subsection (6) from the words “ and that the words ” to the words “ be in proportion ”; section sixty-two; section sixty-three; section sixty-six; sections sixty-nine to seventy-five; in section ninety-three, paragraphs (1) to (5), (7) to (10) and (13); in |

| Session and Chapter       | Short Title                                                 | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 Edw. 7. c. 33<br>—cont. | The Burgh Police (Scotland) Act, 1903—cont.                 | section one hundred and three, in subsection (12) paragraph (b), in paragraph (c) the words “ form, construction, sanitary requirements or ”, paragraphs (d), (f) and (k), and in paragraph (m) the words “ or construction or alteration of buildings ”; in section one hundred and four, in subsection (2), paragraphs (i) to (m).                                                                                                                                 |
| 9 & 10 Geo. 5.<br>c. 60.  | The Housing, Town Planning, etc. (Scotland) Act, 1919.      | Section forty-three.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 25 & 26 Geo. 5.<br>c. 47. | The Restriction of Ribbon Development Act, 1935.            | In section twenty-five, subsections (5) and (10).                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 9 & 10 Geo. 6.<br>c. 42.  | The Water (Scotland) Act, 1946.                             | In section fifty-three, in subsection (2), the words from “ with a sink ” to the end of the subsection; in section fifty-four, in subsection (1), the words from “ and to fit up ” to “ foul water ”.                                                                                                                                                                                                                                                                |
| 10 & 11 Geo. 6.<br>c. 39. | The Statistics of Trade Act, 1947.                          | Sections fourteen and eighteen.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10 & 11 Geo. 6.<br>c. 43. | The Local Government (Scotland) Act, 1947.                  | Section three hundred and twenty-five.<br>Subsection (2) of section three hundred and seventy-seven.                                                                                                                                                                                                                                                                                                                                                                 |
| 14 Geo. 6. c. 34          | The Housing (Scotland) Act, 1950.                           | Section five; section twenty-three; section one hundred and forty-five; in section one hundred and fifty, in subsection (1), the words “ new buildings are constructed or ”, and the words “ the new buildings and ”, in subsection (2) the words “ the erection therein of buildings and ”, in subsection (3) the words “ for the construction of buildings or ”; in section one hundred and fifty-one, the words “ or buildings ”; section one hundred and eighty. |
| 3 & 4 Eliz. 2.<br>c. 24.  | The Requisitioned Houses and Housing (Amendment) Act, 1955. | Section seventeen.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4 & 5 Eliz. 2.<br>c. 52.  | The Clean Air Act, 1956.                                    | Section twenty-four.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 5 & 6 Eliz. 2.<br>c. 40.  | The Thermal Insulation (Industrial Buildings) Act, 1957.    | In section twelve, subsections (4) and (7).                                                                                                                                                                                                                                                                                                                                                                                                                          |

10TH SCH.  
—cont.

*Table of Statutes referred to in this Act*

| Short Title                                                                  | Session and Chapter    |
|------------------------------------------------------------------------------|------------------------|
| Turnpike Roads (Scotland) Act, 1831 ... ..                                   | 1 & 2 Will. 4. c. 43.  |
| Roads and Bridges (Scotland) Act, 1878 ... ..                                | 41 & 42 Vict. c. 51.   |
| Telegraph Act, 1878 ... ..                                                   | 41 & 42 Vict. c. 76.   |
| Interpretation Act, 1889 ... ..                                              | 52 & 53 Vict. c. 63.   |
| Burgh Police (Scotland) Act, 1892 ... ..                                     | 55 & 56 Vict. c. 55.   |
| Public Health (Scotland) Act, 1897 ... ..                                    | 60 & 61 Vict. c. 38.   |
| Burgh Police (Scotland) Act, 1903 ... ..                                     | 3 Edw. 7. c. 33.       |
| Ancient Monuments Consolidation and Amend-<br>ment Act, 1913 ... ..          | 3 & 4 Geo. 5. c. 32.   |
| Housing, Town Planning, etc. (Scotland) Act, 1919                            | 9 & 10 Geo. 5. c. 60.  |
| Reservoirs (Safety Provisions) Act, 1930 ... ..                              | 20 & 21 Geo. 5. c. 51. |
| Ancient Monuments Act, 1931 ... ..                                           | 21 & 22 Geo. 5. c. 16. |
| Restriction of Ribbon Development Act, 1935 ...                              | 25 & 26 Geo. 5. c. 47. |
| Statutory Instruments Act, 1946 ... ..                                       | 9 & 10 Geo. 6. c. 36.  |
| Water (Scotland) Act, 1946... ..                                             | 9 & 10 Geo. 6. c. 42.  |
| Statistics of Trade Act, 1947 ... ..                                         | 10 & 11 Geo. 6. c. 39. |
| Acquisition of Land (Authorisation Procedure)<br>(Scotland) Act, 1947 ... .. | 10 & 11 Geo. 6. c. 42. |
| Local Government (Scotland) Act, 1947 ... ..                                 | 10 & 11 Geo. 6. c. 43. |
| Town and Country Planning (Scotland) Act, 1947                               | 10 & 11 Geo. 6. c. 53. |
| Housing (Scotland) Act, 1950 ... ..                                          | 14 Geo. 6. c. 34.      |
| Historic Buildings and Ancient Monuments Act,<br>1953... ..                  | 1 & 2 Eliz. 2. c. 49.  |
| Thermal Insulation (Industrial Buildings) Act, 1957                          | 5 & 6 Eliz. 2. c. 40.  |

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## CHAPTER 25

### *Highways Act, 1959*

#### ARRANGEMENT OF SECTIONS

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An Act to consolidate with amendments certain enactments relating to highways, streets and bridges in England and Wales, including certain enactments commonly contained in local Acts, and to make consequential amendments of the common law.

[30th April, 1959]

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

## PART I

### HIGHWAY AUTHORITIES

**1.**—(1) The Minister of Transport and Civil Aviation (here- Highway after in this Act referred to as "the Minister") shall be the authorities. highway authority for—

- (a) a highway which is a trunk road ;
- (b) a highway as respects which an order made by him under any enactment expressly provides that he shall be the highway authority therefor but does not direct that the highway shall be a trunk road ;
- (c) any other highway being a highway constructed by him, except where by virtue of section two of this Act or section three thereof or by virtue of some other enactment a local highway authority are the highway authority therefor or where by means of an order made under section nine of this Act or section thirteen thereof the highway is transferred to a local highway authority.

(2) The council of a borough or urban district shall be the highway authority for all highways in the borough or district, whether highways maintainable at the public expense or not, not being—

- (a) highways for which under the foregoing subsection the Minister is the highway authority, or

H

**PART I**  
—*cont.*

(b) in the case of a non-county borough or urban district, either county roads for which by virtue of the next following subsection the council of the county comprising the borough or district are the highway authority or county bridges.

(3) The council of a county shall be the highway authority—

(a) for all highways in a rural district within the county, whether highways maintainable at the public expense or not, not being highways for which under subsection (1) of this section the Minister is the highway authority, and

(b) for all county roads in a non-county borough or urban district within the county other than roads for which the council of the borough or district are for the time being the highway authority by virtue of section four of this Act, and

(c) for all county bridges in the county.

(4) The two last foregoing subsections shall be subject, as respects any highway, to any provision of this Act, or of any order made under this or any other Act, by virtue of which a council other than the council specified in either of those subsections as the highway authority for that highway are the highway authority therefor.

Highway  
authority for  
road which  
ceases to be  
a trunk road.

2. Where an order made under section seven of this Act directs that a trunk road shall cease to be a trunk road, then, without prejudice to the provisions of section four of this Act, as from the date specified in that behalf in the order, the following authority, that is to say—

(a) where the road is situated in a rural district or in a county borough, the council of the county comprising the district or the council of the borough, as the case may be,

(b) where the road is situated in a non-county borough or in an urban district, the council of the county comprising the borough or district, or the council of the borough or district, according as the road is or is not designated by the order as a classified road,

shall become the highway authority for the road.

Local highway  
authority may  
be highway  
authority for  
certain  
highways  
constructed  
by Minister.

3.—(1) The council of a county, borough or urban district may by agreement with the Minister undertake the maintenance and improvement of a highway in their area, being a highway (other than a trunk road) which the Minister proposes to construct or has, whether before or after the commencement of this Act, constructed.

(2) Where an agreement is made under this section the council who are a party to the agreement shall, on such date as may be provided by the agreement, become the highway authority for the highway to which the agreement relates.

4.—(1) The council of a non-county borough or urban district shall be the highway authority for any county road in their area which they are for the time being entitled to maintain by virtue of section forty-five of this Act.

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—cont.

Highway authority for claimed county roads.

(2) A county road for which the council of such a borough or district are the highway authority is in this Act referred to as a “claimed county road”.

5. The council of a county shall be the highway authority for a highway (other than a classified road) in a non-county borough or urban district within the county, being a highway maintainable at the public expense with respect to which there is such an agreement as the following in force, that is to say, an agreement made under this section between the council of the county and the council of that borough or district, as the case may be, whereby the first-mentioned council agree to undertake, in consideration of such payments as may be agreed, the maintenance and improvement of the highway.

County council may be highway authority for highway in non-county borough, etc., which is not a county road.

6.—(1) Where a bridge wholly or partly situated in a non-county borough or urban district was constructed before the first day of September, eighteen hundred and thirty-five, and on completion became, and has since its completion continued to be, a county bridge, the council of the county comprising the borough or district shall, unless the bridge ceases to be a county bridge and subject to the provisions of subsection (5) of this section, be the highway authority for so much of any highway (not being a county road) within the borough or district as is carried by the bridge or forms an approach thereto and is situated within one hundred yards of either end of the bridge.

Highway authority for approaches to, and parts of, certain bridges in non-county borough or urban district.

(2) Where—

(a) a county bridge wholly or partly situated in a non-county borough or urban district was constructed after the thirty-first day of August, eighteen hundred and thirty-five, and

(b) immediately before the commencement of this Act, the council of the county comprising the borough or district were liable to maintain part of any highway in the borough or district, being a part which forms an approach to that bridge and does not comprise the surface thereof,

that council shall, unless the bridge ceases to be a county bridge and subject to the provisions of subsection (5) of this section, be the highway authority for that part of the highway:

Provided that this subsection shall not apply to any part of a county road.

**PART I**  
—cont.

(3) Where a highway was at any time a turnpike road and before it ceased to be a turnpike road the trustees of the road repaired any bridge carrying the road, that bridge shall, for the purposes of the foregoing provisions of this section, be deemed to have been constructed after the thirty-first day of August, eighteen hundred and thirty-five.

(4) Where a highway forming one of the approaches to a county bridge is situated in a non-county borough or urban district in a county adjoining the county in which the bridge is and the council of the county in which the bridge is would, by virtue of subsection (1) or subsection (2) of this section, be the highway authority for that highway if it had been situated in that county, they shall, notwithstanding anything in section one of this Act, be the highway authority for it.

(5) The council of a non-county borough or urban district may by agreement with the council of a county undertake, on such terms as may be agreed, the maintenance of any highway in that borough or district, as the case may be, for which by virtue of any of the foregoing provisions of this section the council of the county are the highway authority, and on the making of an agreement under this subsection the council of the county shall cease to be the highway authority for the highway to which the agreement relates.

(6) Where part only of a bridge is situated in a non-county borough or urban district and immediately before the commencement of this Act the council of the county comprising the borough or district were liable to maintain that part of the bridge, then, without prejudice to the provisions of subsection (3) of section one of this Act, they shall be the highway authority for that part of the bridge unless and until, by virtue of any provision of this Act (other than subsection (2) of the said section one) or by virtue of any order made under this or any other Act, some other highway authority become the highway authority therefor.

## PART II

### TRUNK ROADS, SPECIAL ROADS, COUNTY ROADS AND COUNTY BRIDGES

#### *Trunk roads*

Trunk roads.

7.—(1) Subject to the provisions of this section, all such highways and proposed highways as were immediately before the commencement of this Act trunk roads for the purposes of the Trunk Roads Acts, 1936 and 1946, shall continue to be, and to be known as, trunk roads.

(2) The Minister shall keep under review the national system of routes for through traffic in England and Wales, and if he is satisfied after taking into consideration the requirements of local and national planning, including the requirements of agriculture, that it is expedient for the purpose of extending, improving or reorganising that system either—

(a) that any highway, or any highway proposed to be constructed by the Minister, should become a trunk road, or

(b) that any trunk road should cease to be a trunk road, he may by order direct that that highway or proposed highway shall become, or, as the case may be, that that road shall cease to be, a trunk road as from such date as may be specified in that behalf in the order.

(3) Without prejudice to the powers of the Minister under this Act to improve trunk roads by the construction of cycle tracks and footways for use in connection therewith, or to provide such tracks or ways as part of any trunk road which he is authorised to construct, the power to make orders under this section directing that highways proposed to be constructed by the Minister shall become trunk roads may be exercised in relation to any cycle track or footpath proposed to be constructed by the Minister on land separated by intervening land from the trunk road in connection with which it is to be used.

(4) Part I of the First Schedule to this Act shall have effect as to the making of an order under this section ; and the Second Schedule to this Act shall have effect as to the validity and date of operation of any such order.

(5) If objection to an order proposed to be made under this section is duly made in accordance with the provisions of Part I of the said First Schedule by a council who are responsible for the maintenance of a highway to which the order relates, or who will become so responsible by virtue of the order, and is not withdrawn, the order shall be subject to special parliamentary procedure.

(6) If an order made under this section, being an order which directs that a highway proposed to be constructed by the Minister shall become a trunk road, is revoked or varied by a subsequent order made at any time before the date on which the highway is opened for the purposes of through traffic, the revoking or varying order shall not be deemed for the purposes of section two of this Act to be an order directing that a trunk road shall cease to be a trunk road.

(7) In addition to the case where a trunk road ceases to be a trunk road by virtue of an order made under this section, a trunk

**PART II**  
—*cont.*

road shall cease to be a trunk road if the road is transferred from the Minister to some other highway authority to become part of a special road provided by that authority.

**Local and private Act functions with respect to trunk roads.**

**8.—(1)** As from the date when a highway becomes a trunk road, any functions of construction, maintenance or improvement exercisable as respects that highway by a council under a local or private Act shall be deemed to have become exercisable by the Minister alone and, while the highway remains a trunk road, shall continue to be so exercisable.

(2) Where the Minister is satisfied that there has been conferred on a council by a local or private Act a function substantially similar to one conferred by a provision of this Act specified in the Third Schedule thereto, he may, after consultation with the council, by order direct that, in relation to a trunk road, the function conferred by the local or private Act shall be exercisable in accordance with the following conditions, that is to say—

- (a) where the provision of the local or private Act is similar to a provision of this Act specified in Part I of the said Third Schedule, that it shall be exercisable by the Minister only ;
- (b) where the provision of the local or private Act is similar to a provision of this Act specified in Part II of the said Schedule, that it shall not be exercisable by a county council in a borough or urban district, but, save as aforesaid, that, in so far as it is exercisable by a council, it shall be exercisable by that council, as well as by the Minister ;
- (c) where the provision of the local or private Act is similar to a provision of this Act specified in Part III of the said Schedule, that it shall not be exercisable by a county council in a borough or urban district, but, save as aforesaid, that, in so far as it is exercisable by a council, it shall be exercisable by that council with the consent of the Minister, as well as by the Minister.

(3) Where the Minister makes an order under this section in relation to a function conferred by a provision of a local or private Act, and the provision of this Act by which a function substantially similar to the first-mentioned function is conferred is, in relation to a trunk road, subject to any modification, the provision of the local or private Act shall, in relation to a trunk road, be subject to a similar modification, and the Minister may by the same order specify the modification to which the provision of the local or private Act shall accordingly be subject.



9.—(1) The Minister may by an order made under this section in relation to a trunk road not being a special road make provision for any of the following purposes, that is to say—

PART II  
—cont.

Powers of Minister as respects side roads which cross or join trunk roads.

(a) for authorising the Minister—

(i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the trunk road or is or will be otherwise affected by the construction or improvement of the trunk road ;

(ii) to construct a new highway for purposes connected with any such alteration as aforesaid or for any other purpose connected with the trunk road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes ;

(b) for transferring to such highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the Minister in pursuance of the order or any previous order made under this section ;

(c) for any other purpose incidental to the purposes aforesaid.

(2) No order authorising the stopping up of a highway shall be made by the Minister under this section unless the Minister is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

(3) An order under this section may provide for the payment of contributions—

(a) by the Minister to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the order or of any previous order made under this section,

(b) to the Minister by any other authority in respect of any liabilities so imposed on the Minister, being liabilities which would otherwise have fallen to be discharged by the other authority,

and may also provide for the determination by arbitration of disputes as to the payment of such contributions.

(4) Part I of the First Schedule to this Act shall have effect as to the making of an order under this section ; and the Second Schedule to this Act shall have effect as to the validity and date of operation of any such order.

10.—(1) The Minister may by agreement with the council of a county (including the county of London), with the council of a borough (including a metropolitan borough), or with the council of an urban district, delegate to that council all or any of his functions (including functions under a local or private Act) with respect to the maintenance and improvement of, and

Delegation to certain authorities of functions with respect to trunk roads.

**PART II**  
—*cont.*

other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired by him in connection with a trunk road under subsection (5) or subsection (6) of section two hundred and fourteen of this Act or under section two hundred and fifteen thereof:

Provided that he shall not delegate those functions or any of them to any such council with respect to a trunk road or land outside their area, except with the consent of the council of the county or county borough in which the road or land is situated.

(2) A council to whom functions stand delegated under the foregoing subsection shall, in the discharge of those functions, act as agents for the Minister and in accordance with such conditions as he may attach to the delegation, so, however, that among such conditions there shall be included the following, that is to say—

- (a) that the works to be executed and the expenditure to be incurred by the council in the discharge of the delegated functions shall be subject to the approval of the Minister ;
- (b) that the council shall comply with any requirement of the Minister as to the manner in which any such works are to be carried out, and with any directions of the Minister 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 Minister.

If at any time the Minister is satisfied that a trunk road or land with respect to which functions are so delegated is not in proper repair and condition, he may give notice to the council requiring them to place it in proper repair and condition within such time as may be specified in the notice, and, if the notice is not complied with, the Minister may do anything that seems to him necessary to place the road or land in proper repair and condition.

(3) A delegation to a council under subsection (1) of this section may be determined by notice given by the Minister to the council, or the functions so delegated may be relinquished by notice given by the council to the Minister:

Provided that—

- (a) the determination or relinquishment shall take effect as from the first day of April in the calendar year next following that in which notice was given ; and
- (b) notice for the purposes of this subsection shall not be given during the last three months of a calendar year.

(4) The Minister may enter into agreements with the council of a county, borough or urban district for the construction of a

trunk road or for the carrying out by them of any work of improvement of, or other dealing with, any trunk road or any such land as is mentioned in subsection (1) of this section, so, however, that subsection (2) of this section shall apply to the discharge of the functions of a council under any such agreement and to the conditions to be included in any such agreement as it applies to the discharge of functions delegated as aforesaid to any such council and to the conditions to be attached to any such delegation.

PART II  
—cont.

(5) Plant or materials belonging to a council to whom functions are delegated under subsection (1) of this section or with whom an agreement is made under the last foregoing subsection may be used by them for the purposes of those functions or of that agreement, subject to the terms of the delegation or agreement.

(6) Nothing in this section shall be construed as limiting the power of the Minister to enter into and carry into effect agreements with any person for any purpose connected with the construction, improvement or maintenance of, or other dealing with, a trunk road or otherwise connected with his functions relating to trunk roads under this or any other Act:

Provided that no such agreement shall provide for the delegation of powers or duties of the Minister except in accordance with the provisions of this section.

#### *Special roads*

**11.—(1)** A highway authority may be authorised by means of a scheme under this section to provide, along a route prescribed by the scheme, a special road for the use of traffic of any class prescribed thereby. Schemes for provision of special roads.

(2) A highway authority authorised by means of a scheme under this section to provide a special road is in this Act referred to in relation to that road as the special road authority:

Provided that, in relation to a special road provided or to be provided in pursuance of a scheme such as is mentioned in subsection (8) of this section, or any part of such a road, references in this Act to a special road authority shall be construed as references to the highway authority who are by virtue of that scheme the special road authority for that road or part.

(3) A special road authorised by a scheme under this section may be provided—

(a) by means of the construction by the special road authority of a new highway along the route prescribed by the scheme or any part thereof;

(b) by means of the appropriation under subsequent provisions in that behalf of this Part of this Act of a highway comprised in that route for which the special road authority are the highway authority;

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**PART II**  
—cont.

(c) by means of the transfer to the special road authority under subsequent provisions in that behalf of this Part of this Act of a highway comprised in that route for which they are not the highway authority.

(4) A scheme under this section authorising the provision of a special road shall—

(a) in the case of a road to be provided by the Minister, be made by the Minister ; and

(b) in the case of a road to be provided by a local highway authority, be made by that authority and confirmed by the Minister.

(5) Part II of the First Schedule to this Act shall have effect as to the making of a scheme under this section ; and the Second Schedule to this Act shall have effect as to the validity and date of operation of any such scheme.

(6) Before making or confirming a scheme under this section, the Minister shall give due consideration to the requirements of local and national planning, including the requirements of agriculture.

(7) If objection to a scheme under this section is duly made in accordance with Part II of the said First Schedule by the highway authority for a highway comprised in the route of the special road authorised by the scheme and is not withdrawn, the scheme shall be subject to special parliamentary procedure.

(8) A scheme under this section may be submitted to the Minister jointly by any two or more local highway authorities, and any such scheme may determine which of those authorities shall be the special road authority for the special road or any part thereof, and may provide—

(a) for the performance by that authority, in relation to the road or that part thereof, of any of the highway functions of any other authority who are party to the application, and

(b) for the making of contributions by that other authority to the special road authority in respect of expenditure incurred in the performance of those functions.

Classification  
of traffic for  
purposes of  
special roads.

**12.**—(1) Different classes of traffic may be prescribed by a scheme under section eleven of this Act in relation to different parts of the special road to which the scheme relates.

(2) The classes of traffic prescribed by any such scheme shall be prescribed by reference to the classes set out in the Fourth Schedule to this Act.

(3) The Minister may by order amend the said Fourth Schedule by varying the composition of any class of traffic specified therein or adding a further class of traffic to those so specified, and references in schemes under the said section

eleven made (whether by the Minister or a local highway authority) before the date on which the order comes into operation to any class of traffic to which the order relates shall be construed as references to that class as varied by the order or, if the order so provides, as including references to an additional class created thereby, as the case may be.

**PART II**  
—cont.

**13.—(1)** At any time after a scheme under section eleven of this Act authorising the provision of a special road has come into operation, provision may be made by an order under this section for any of the following purposes, that is to say—

Supplementary orders relating to special roads.

- (a) for appropriating as part of the special road, as from such date as may be specified in the order, a highway comprised in the route prescribed by the scheme for which the special road authority are the highway authority ;
- (b) for transferring to the special road authority, as from such date as may be specified in the order, a highway comprised in that route for which they are not the highway authority ;
- (c) for authorising the special road authority—
  - (i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the special road or is or will be otherwise affected by the construction or improvement of the special road ;
  - (ii) to construct a new highway for purposes connected with any such alteration as aforesaid or for any other purpose connected with the special road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes ;
- (d) for transferring to such highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the special road authority in pursuance of the order or any previous order made under this section ;
- (e) for authorising or requiring the special road authority to exercise, either concurrently with or to the exclusion of any local authority, any functions which, apart from the order, would be exercisable by that local authority in relation to the special road other than functions of that authority as local planning authority ;
- (f) for any other purpose incidental to the purposes aforesaid or otherwise incidental to the construction or maintenance of, or other dealing with, the special road.

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**PART II**  
—cont.

(2) An order under this section making provision in connection with a special road shall—

- (a) in the case of a special road to be provided by the Minister, be made by the Minister ; and
- (b) in the case of a special road to be provided by a local highway authority, be made by that authority and confirmed by the Minister.

(3) Part I of the First Schedule to this Act shall have effect as to the making of an order under this section ; and the Second Schedule to this Act shall have effect as to the validity and date of operation of any such order.

(4) No order providing for the appropriation by or transfer to the special road authority of a highway comprised in the route prescribed by a scheme under section eleven of this Act shall be made or confirmed by the Minister under this section unless either—

- (a) he is satisfied that another reasonably convenient route is available for traffic other than traffic of the class authorised by the scheme, or will be provided before the date on which the appropriation or transfer takes effect, or
- (b) he is satisfied that no such other route is reasonably required for any such other traffic ;

and no order authorising the stopping up of a highway shall be made or confirmed by the Minister under this section unless the Minister is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

(5) An order under this section may provide for the payment of contributions—

- (a) by the special road authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the order or of any previous order made under this section,
- (b) to the special road authority by any other authority in respect of any liabilities so imposed on the special road authority, being liabilities which would otherwise have fallen to be discharged by the other authority,

and may also provide for the determination by arbitration of disputes as to the payment of such contributions.

(6) In this section “local authority” means the council of a county (including the county of London), the Common Council of the City of London, the council of a county borough, metropolitan borough or county district, and the council of a parish.

and includes the parish meeting of a rural parish not having a separate parish council.

PART II  
—cont.

14.—(1) A special road to be provided by the Minister in pursuance of a scheme under section eleven of this Act shall, except so far as it is provided by means of the appropriation or transfer of a highway, become a trunk road on such date as may be specified in the scheme.

Certain special roads and other highways to become trunk roads.

(2) A highway (not being a trunk road) which, by means of an order under section thirteen of this Act is appropriated as, or as part of, a special road to be provided by the Minister, and a highway which, by means of such an order, is transferred to the Minister, shall become a trunk road on the date on which it is so appropriated or is so transferred, as the case may be.

15.—(1) Subject to the provisions of this section, the powers conferred on statutory undertakers by or under any enactment to lay down or erect any apparatus under, in, over, along or across any land shall not be exercisable in relation to any land comprised in the route of a special road except with the consent of the special road authority:

Restriction on laying of mains, etc., in special roads.

Provided that the consent of the special road authority shall not be required under this section for the laying down or erection by statutory undertakers of any apparatus by way of renewal of any apparatus for the time being belonging to or used by them for the purpose of their undertaking.

(2) A consent of a special road authority under this section may be given subject to conditions, but those conditions shall not include a condition requiring any payment to be made by the undertakers to the special road authority in respect of the exercise of the powers to the exercise of which the consent is given.

(3) Where any apparatus in respect of which the consent of a special road authority is required under this section is to be laid down or erected along a line crossing the route of the special road but not running along that route, that authority—

(a) shall not withhold their consent under this section unless there are special reasons for doing so; and

(b) may, if they give their consent subject to conditions, make contributions to the statutory undertakers in respect of any expenses incurred by them in complying therewith.

(4) Any dispute between a special road authority and any statutory undertakers in respect of—

(a) the withholding of the consent of that authority in respect of apparatus to be laid down or erected as mentioned in the last foregoing subsection, or

PART II  
—cont.

(b) the imposition of any condition on the grant of such consent, or

(c) the making of any contributions under paragraph (b) of the last foregoing subsection,

shall be determined by arbitration; and where the Minister is the special road authority the arbitrator shall be a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

(5) Where the consent of a special road authority is required under this section in respect of apparatus to be laid down or erected otherwise than as mentioned in subsection (3) of this section, and the special road authority are a local highway authority, then—

(a) if the apparatus is to be laid under a carriageway, the authority shall not give their consent except with the approval of the Minister;

(b) if the consent of the authority is refused (otherwise than in consequence of the withholding of the Minister's approval under the foregoing paragraph) or is granted subject to conditions (other than conditions approved by the Minister under that paragraph) the statutory undertakers may appeal to the Minister, and the Minister may make such order as he thinks fit.

(6) The provisions of this section shall have effect in addition to and not in substitution for the provisions of sections one hundred and thirty-six and one hundred and thirty-eight of this Act and of any other enactment restricting or regulating the powers of any statutory undertakers to break up or open streets or enter upon land for the purpose of laying down or erecting apparatus.

Application  
of Town and  
Country  
Planning Act,  
1944, s. 25,  
etc.

16.—(1) Without prejudice to the provisions of the last foregoing section, section twenty-five of the Town and Country Planning Act, 1944 (which, as incorporated with Part IV of the Town and Country Planning Act, 1947, provides for the extinguishment of certain subsisting rights of statutory undertakers over land acquired under the said Part IV), shall apply—

(a) in relation to land acquired or appropriated by a special road authority for the purpose of carrying out any works in pursuance of a scheme under section eleven of this Act, or of an order under section thirteen thereof, and

(b) in relation to land forming the site of any part of a highway which is appropriated by or transferred to a



special road authority by means of an order under the said section thirteen,

PART II  
—cont.

as it applies in relation to land acquired under the said Part IV ; and sections twenty-six and twenty-seven of the said Act of 1944 (which contain provisions consequential upon the extinguishment of any right under the said section twenty-five) shall have effect accordingly.

(2) The enactments mentioned in subsection (1) of this section shall have effect, as applied for the purposes of this section, subject to the following modifications, that is to say—

- (a) for references therein to the purchasing authority there shall be substituted references to the special road authority ; and
- (b) for references therein to the Minister of Housing and Local Government there shall be substituted references to the Minister.

(3) Where any apparatus of public utility undertakers is removed in pursuance of a notice or order given or made under section twenty-five of the Town and Country Planning Act, 1944, as applied for the purposes of this section, any person being the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) In this section “ owner ”, in relation to any premises, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the premises under a lease the unexpired term whereof exceeds three years.

17.—(1) The provisions of sections fifteen and sixteen of this Act (including the enactments applied by the said section sixteen) shall, so far as applicable, apply in relation to the sewers and sewage disposal works of any sewerage authority as they apply in relation to the apparatus of statutory undertakers.

Restriction  
of powers  
of sewerage  
authorities.

(2) In the enactments specified in subsection (1) of the said section sixteen, as applied for the purposes of this section, references to the appropriate Minister shall be construed, in relation to a sewerage authority, as references to the Minister of Housing and Local Government.

(3) Where a public sewer is removed in pursuance of a notice or order given or made under section twenty-five of the Town

**PART II**  
—cont.

and Country Planning Act, 1944, as applied for the purposes of this section, any person being the owner or occupier of any premises the drains of which communicated with that sewer, or the owner of any private sewer which communicated with that sewer, shall be entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant.

(4) In this section “owner” has the same meaning as in the said section sixteen.

Private rights  
of access to  
premises on or  
near special  
roads.

**18.**—(1) An order under section thirteen of this Act may authorise the special road authority—

(a) to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of the special road or forming the site of any works authorised by the order or by any previous order made under the said section thirteen,

(b) to provide new means of access to any such premises as aforesaid:

Provided that no order authorising the stopping up of any private means of access to the premises shall be made or confirmed by the Minister by virtue of paragraph (a) of this subsection unless the Minister is satisfied either that no access to the premises is reasonably required or that other reasonably convenient means of access to the premises are available or will be provided in pursuance of an order made by virtue of paragraph (b) of this subsection.

(2) Where access to any premises has been stopped up in pursuance of an order made by virtue of this section, or is limited by virtue of any restrictions imposed on the use of the special road under this Part of this Act, or by section twelve of the Special Roads Act, 1949, or by regulations made under that section, and any person has suffered damage in consequence thereof by the depreciation of any interest in the premises to which he is entitled or by being disturbed in his enjoyment of the premises, he shall be entitled to recover from the special road authority compensation in respect of that damage.

(3) In this section “use” includes crossing.

Certain trunk  
roads to be  
treated as  
special roads.

**19.**—(1) The provisions of this Act (except section fourteen) and of the Special Roads Act, 1949, (except subsection (2) of section nine) shall apply in relation to the trunk roads described in the Fifth Schedule to this Act (being trunk roads which are trunk roads by virtue of orders made under section one of the Trunk Roads Act, 1946) as if they were special roads to be

provided by the Minister in pursuance of schemes made under section eleven of this Act for the use of traffic of the classes specified in the third column of that Schedule.

PART II  
—cont.

(2) Without prejudice to the generality of the foregoing subsection, the power conferred by this Act to revoke or vary schemes or orders made thereunder shall include power to revoke or vary any such order as is mentioned in that subsection and to vary the provisions of the third column of the Fifth Schedule to this Act.

*Construction of bridge or tunnel as part of trunk road or special road*

**20.**—(1) Provision may be made by an order made by the Minister under this section or section seven of this Act for the construction as part of a trunk road—

Construction as part of a trunk road or special road of bridge or tunnel over or under navigable waters.

- (a) of a bridge over any navigable waters specified in the order (whether the sea, a river or other navigable waters), or
- (b) of a tunnel under any such waters.

(2) Provision may be made by a scheme under section eleven of this Act for the construction as part of a special road—

- (a) of a bridge over any navigable waters specified in the scheme (whether the sea, a river or other navigable waters), or
- (b) of a tunnel under any such waters.

(3) Before making an order providing for the construction of any such bridge or tunnel, or making or confirming a scheme so providing, the Minister shall take into consideration the reasonable requirements of navigation over the waters affected by the order or scheme, as the case may be.

(4) An order or scheme which provides for the construction of such a bridge shall include such plans and specifications as may be necessary to indicate the position and dimensions of the proposed bridge including the spans, headways and waterways thereof, and, in the case of a swing bridge, shall contain such provisions as the Minister considers expedient for regulating its operation.

(5) An order or scheme which provides for the construction of such a tunnel shall include such plans and specifications as may be necessary to indicate the position and dimensions of the proposed tunnel, including the depth thereof below the bed of the navigable waters.

PART II  
—cont.

(6) Part I of the First Schedule to this Act shall have effect as to the making of an order under this section ; and the Second Schedule to this Act shall have effect as to the validity and date of operation of any such order.

(7) If objection to an order proposed to be made under this section, or under section seven of this Act, or to a scheme proposed to be made or confirmed under section eleven of this Act, is duly made in accordance with the provisions of the said First Schedule by any navigation authority or river board on whom notice is required to be served under paragraph 3 or, as the case may be, paragraph 8 of that Schedule, on the ground that the bridge or tunnel is likely to obstruct or impede the performance of their functions under any enactment, or to interfere with the reasonable requirements of navigation over the waters affected by the order or scheme, as the case may be, and the objection is not withdrawn, the order or scheme, as the case may be, shall be subject to special parliamentary procedure.

*County roads and county bridges*

## County roads.

21.—(1) Subject to the provisions of the next following section, all such highways as were immediately before the commencement of this Act county roads for the purposes of the Local Government Act, 1929, shall continue to be, and to be known as, county roads.

(2) Where after the commencement of this Act—

- (a) a new highway is constructed by a county council as a special road in pursuance of a scheme under section eleven of this Act,
- (b) a new highway is constructed by a county council and an advance in respect of its construction is made by the Minister under this Act,
- (c) a new highway is constructed by a county council on land transferred to or acquired by them under the New Towns Act, 1946,
- (d) a new highway is constructed by a county council on land defined by a development plan as the site of a proposed road or on any land not so defined which is acquired by or transferred to them under Part IV of the Town and Country Planning Act, 1947,
- (e) a highway (not being a county road) is appropriated by or transferred to a county council by means of an order under section nine or section thirteen of this Act,
- (f) a highway vested in the council of a county, non-county borough or urban district becomes a classified road,

- (g) a county council become the highway authority for a highway by virtue of section two of this Act or section three thereof,
- (h) the property in, or the responsibility for the maintenance of, a highway (other than a bridge) is transferred to a county council under Part V or Part X of this Act,
- (i) any other highway in a rural district becomes a highway maintainable at the public expense by a county council,

that highway (except any county bridge comprised therein) shall become a county road.

(3) Where an area which is or forms part of a borough or urban district becomes, or becomes part of, a rural district, all highways in that area which are highways maintainable at the public expense and for which a county council become the highway authority by virtue of section one of this Act (except any county bridges comprised in such highways) shall become county roads.

(4) If the council of a non-county borough or urban district consider that a highway in their area, being a highway maintainable at the public expense by them, ought to become a county road, regard being had to—

- (a) the nature, volume, origin and destination of the traffic thereon, or
- (b) the fact that it is situated in a part of the area which is of a rural character,

they may apply to the council of the county comprising that area to make an order declaring the highway in question to be a county road.

(5) If on an application made under the last foregoing subsection the county council are satisfied that there is reasonable ground for the application, they shall cause the highway to be inspected, and, if satisfied after such inspection that the highway ought to be a county road and is in proper condition, they shall make an order accordingly.

Any question arising under this subsection whether a highway is in proper condition shall, if either council so require, be determined by the Minister.

(6) A copy of an order made by a county council under the last foregoing subsection shall be deposited forthwith with the clerk of the county council and may be inspected by any person free of charge at all reasonable hours.

**PART II**  
—cont.

(7) If on an application made under subsection (4) of this section a county council—

- (a) refuse to make an order declaring the highway which is the subject of the application to be a county road, or
- (b) fail for a period of six months from the date of the application to make such an order,

the applicant council may appeal to the Minister who, after considering any representations made by the county council and, if the county council so require, after holding a local inquiry, may make an order declaring the highway to be a county road.

(8) An order of the Minister under the last foregoing subsection shall come into operation on such date as may be provided thereby and subsection (6) of this section shall have effect as if it were an order made by the county council under subsection (5) of this section.

Provisions whereby county roads may cease to be county roads.

**22.**—(1) If a county council consider that a county road (not being a classified road) situated in a non-county borough or urban district within their county ought to cease to be a county road, they may apply to the Minister for an order to that effect, and the Minister, if satisfied that there is reasonable ground for the application, shall cause the road to be inspected, and if satisfied after such inspection that it ought to cease to be a county road, shall, subject to the provisions of the next following subsection, make an order accordingly.

(2) Before making an order under the foregoing subsection as respects a county road situated in a non-county borough, the Minister shall consider any representation which the council of the borough may make to him with reference thereto and shall, if so requested by the council of the borough, hold a local inquiry.

(3) The expenses of, and incidental to, the making of an order under the foregoing provisions of this section shall be defrayed by the county council who applied for the order.

(4) Where by virtue of an order made or confirmed by the Minister of Housing and Local Government an area which is or forms part of a rural district becomes an urban district or becomes part of a non-county borough or of an urban district, all county roads in that area shall cease to be county roads:

Provided that—

- (a) all classified roads in that area shall continue to be county roads; and
- (b) the order may declare that any other highway maintainable at the public expense in that area shall continue to be a county road, and may further provide for such

contributions being made by the council of the borough or of the urban district, as the case may be, to the county council towards the cost of its maintenance as may be agreed between the councils or, in default of agreement, determined by the Minister.

PART II  
—cont.

(5) Without prejudice to subsections (1) and (4) of this section, a county road shall cease to be a county road if—

- (a) a highway authority other than a county council become the highway authority for it otherwise than by virtue of section four of this Act, or
- (b) it is transferred from a county council to some other highway authority, not being a county council, to become part of a special road provided by that authority, or
- (c) being a claimed county road, it is transferred from the council of a non-county borough or urban district to some other highway authority, not being a county council, to become part of a special road provided by that authority, or is appropriated by a highway authority, being the council of such a borough or district, to become part of such a road, or
- (d) being a road in a non-county borough or urban district and being a county road by reason only of its being a classified road, it ceases to be a classified road.

23.—(1) Subject to the provisions of this section, the following County bridges shall be county bridges, that is to say—

- (a) a bridge which, immediately before the commencement of this Act, a county council were liable to maintain except a bridge which they were liable to maintain by virtue only of subsection (4) of section twenty-nine of the Local Government Act, 1929;
- (b) a bridge constructed after the commencement of this Act by a county council otherwise than on behalf of some other person;
- (c) a bridge adopted by a county council under the next following subsection;
- (d) a bridge the maintenance of which is undertaken by a county council under section forty of this Act; and
- (e) a bridge the property in which, or the responsibility for the maintenance of which, is transferred to a county council under Part V or Part X of this Act or the Bridges Act, 1929.

(2) The council of a county may by agreement with the council of a non-county borough or urban district within the county adopt as a county bridge, on such terms as may be specified in

**PART II**  
—*cont.*

the agreement, a bridge being a highway maintainable at the public expense by the council of that borough, or of that district, as the case may be.

(3) If a county bridge is transferred from a county council to some other highway authority, not being a county council, it shall cease to be a county bridge.

Delegation to district councils of functions of county councils as respects county roads and county bridges.

**24.**—(1) The council of a county district may apply to the council of the county comprising the district for the delegation to them, so far as any delegation for the time being in force does not extend, of the functions of the county council with respect to the maintenance and improvement of, and other dealing with—

- (a) all the highways within the district which are highways maintainable at the public expense by the county council, other than classified roads, but exclusive of county bridges,
- (b) all or any of the highways within the district which are such highways, being classified roads, but exclusive of county bridges, or
- (c) all or any of the county bridges within the district:

Provided that an application under this subsection shall not, without the consent of the Minister, be made except in the year nineteen hundred and sixty-four, the year nineteen hundred and sixty-nine, or any subsequent year being the fifth year after the last year in which such an application might have been made, and shall not in any case be made during the last three months of a calendar year.

(2) In so far as an application relates to classified roads or county bridges, the county council may grant or refuse to grant the application, as they think fit.

(3) In so far as an application relates to highways other than classified roads or county bridges, the county council shall grant the application unless they are satisfied that having regard to the best means of promoting economy and efficiency in highway administration throughout the county and to the particular circumstances of the district in respect of which the application is made it ought not to be granted.

(4) If the county council refuse to grant any such application as is referred to in the last foregoing subsection, or fail to grant it within three months from the date on which it was made, the council of the district may, in the case of a refusal, within one month from the refusal, or, in the case of a failure, within one month from the expiration of three months from the



date on which the application was made, appeal to the Minister who may by order direct the county council to grant it and the county council shall comply with any direction so given.

PART II  
—cont.

(5) A delegation to the council of a county district under the foregoing provisions of this section may be determined by notice given by the county council to the council of the district, or the functions so delegated may be relinquished by notice given by the council of the district to the county council, so, however, that notice for the purposes of this subsection shall not be given during the last three months of a calendar year.

(6) If and so far as a notice given by a county council under the last foregoing subsection relates to highways other than classified roads or county bridges the council of the district may within one month from the date of receipt of the notice appeal to the Minister and, if the Minister is satisfied that the delegation of functions by the county council as respects those highways should not be determined, he may by order cancel the notice so far as it relates to those highways.

(7) Subject to the provisions of the last foregoing subsection, any such delegation, determination or relinquishment as aforesaid shall take effect as from the first day of April in the calendar year next following that in which the application was made or the notice was given.

**25.**—(1) Where by virtue of the last foregoing section functions stand delegated to the council of a county district, that council shall, in the discharge of those functions, act as agents for the county council and it shall be a condition of any such delegation—

Conditions  
and effect of  
delegation  
of functions  
under s. 24.

- (a) that the works to be executed and the expenditure to be incurred by the council of the district in the discharge of the delegated functions shall be subject to the approval of the county council ; and
- (b) that the council of the district shall comply with any requirement of the county council as to the manner in which, and the persons by whom, any works are to be carried out, and with any general directions of the county council 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 county council.

If at any time the county council are satisfied on the report of their surveyor or other person appointed by them for the purpose that a highway with respect to which functions are so delegated is not in proper repair and condition, they may

**PART II**  
—*cont.*

give notice to the council of the district requiring them to place it in proper repair and condition, and, if the notice is not complied with within a reasonable time, the county council may do anything that seems to them necessary to place it in proper repair and condition.

(2) Where by virtue of the last foregoing section functions stand delegated to the council of a county district, then, so long as the delegation is in force, but subject to the following subsection,—

(a) if the council are that of a rural district, they shall discharge as agents for the county council the functions of the county council within the district under the provisions of this Act which are specified in Part I of the Sixth Schedule thereto, and the functions of the county council within the district under section one hundred and forty-eight of the Public Health Act, 1875, and

(b) if the council are that of an urban district, or of a non-county borough, they shall discharge as agents for the county council the functions of the county council within the district, or the borough, as the case may be, under the provisions of this Act which are specified in Part II of the said Schedule,

except so far as the functions of the county council mentioned in paragraph (a) or paragraph (b), as the case may be, of this subsection relate to highways maintainable at the public expense with respect to which functions are not delegated to the council of the county district.

(3) Where by virtue of the last foregoing subsection the council of a county district are discharging functions of a county council, the county council may impose on the council of the district such conditions as they think fit with respect to any action to be taken by that council in the discharge of those functions and with respect to any work being completed to their satisfaction.

### PART III

#### CREATION OF HIGHWAYS

**26.—**(1) The Minister may, with the approval of the Treasury, construct new highways:

Construction  
of new  
highways and  
provision of  
road-ferries.

Provided that where he proposes to construct a new highway, other than a trunk road, a special road or a highway the construction of which is authorised by an order under section nine of this Act or by an order under section thirteen thereof, he shall give notice of his proposals to the council of every county, borough and urban district through which the highway will pass and shall consider any representations made by any such council.

**(2) A local highway authority may construct new highways :**

**PART III**  
**—cont.**

Provided that where a new highway to be constructed by such an authority will communicate with a highway for which the Minister is the highway authority, the communication shall not be made unless the manner in which it is to be made has been approved by the Minister.

**(3) The Minister may provide and maintain new road-ferries, and a local highway authority may, with the approval of the Minister, provide and maintain new road-ferries.**

**27.—(1) A local authority shall have power to enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath or bridleway over land in their area :**

Creation of footpath or bridleway by agreement.

Provided that the powers conferred by this section shall not be exercisable—

- (a) by the council of a rural district except with the consent of the council of the county comprising the district and, if the county council are not the local planning authority, the consent of that authority,
- (b) by the council of any other county district except with the consent of the local planning authority, and
- (c) by the council of a county borough, not being the local planning authority, except with the consent of that authority.

**(2) An agreement made under the foregoing subsection (in this Act referred to as a “public path creation agreement”)** shall be on such terms as to payment or otherwise as may be specified in the agreement, and may, if it is so agreed, provide for the dedication of the footpath or bridleway subject to limitations or conditions affecting the public right of way thereover.

**(3) Where a public path creation agreement has been made it shall be the duty of the local authority who are a party to it to take all necessary steps for securing that the footpath or bridleway is dedicated in accordance therewith.**

**28.—(1) Where it appears to a local authority that there is need for a footpath or bridleway over land in their area and they are satisfied that, having regard to—**

Compulsory powers for creation of footpaths and bridleways.

- (a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and

**PART III**  
- *cont.*

- (b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section thirty-one of this Act,

it is expedient that the path or way should be created, the authority may by order (in this Act referred to as a "public path creation order") made by them and submitted to and confirmed by the Minister of Housing and Local Government create a footpath or bridleway over the land.

(2) A right of way created by a public path creation order may be either unconditional or subject to such limitations or conditions as may be specified in the order.

(3) Subject to the provisions of the next following section, the powers conferred by this section shall not be exercisable—

- (a) by the council of a rural district except with the consent of the council of the county comprising the district and, if the county council are not the local planning authority, the consent of that authority,
- (b) by the council of any other county district except with the consent of the local planning authority, and
- (c) by the council of a county borough, not being the local planning authority, except with the consent of that authority.

(4) A public path creation order shall be in such form as may be prescribed by regulations made by the Minister of Housing and Local Government, and shall contain a map, on such scale as may be so prescribed, defining the land over which a footpath or bridleway is thereby created.

(5) The Seventh Schedule to this Act shall have effect as to the making, confirmation, validity and date of operation of public path creation orders.

Exercise by  
other  
authorities of  
powers under  
ss. 27 and 28.

**29.—**(1) The Minister of Housing and Local Government, on the application of the council of a county, may direct, either generally or as respects the creation of a particular footpath or bridleway, that the powers conferred by the two last foregoing sections or either of them on the council of a county district specified in the direction, being a district in the county in question, shall be exercisable by the county council and shall not be exercisable by the council of the county district:

Provided that, in relation to land in a National Park, this subsection shall have effect as if—

- (a) references to the council of a county included references to a local planning authority whose area consists of or includes a part of the Park, and

(b) references to a county district in the county included references to a county borough or county district a part of which is comprised in the area of such a local planning authority.

(2) A county council exercising a power by virtue of a direction under the foregoing subsection shall consult the local planning authority, where that authority is a joint board, but shall not be required to obtain the consent of the board to the exercise of the power.

(3) Where it appears to the Minister of Housing and Local Government in a particular case that there is need for a footpath or bridleway as mentioned in subsection (1) of the last foregoing section, and he is satisfied as mentioned in that subsection, the said Minister, after consultation with the appropriate authority, may direct the authority to make and submit to him a public path creation order creating the footpath or bridleway or may himself make the order; and where the said Minister gives a direction under this subsection, the provisions of subsection (3) of the last foregoing section shall not apply.

(4) In this section “the appropriate authority”, in relation to the making of a public path creation order, means the authority upon whom power to make the order (whether the power is exercisable with the consent of any other authority or not) is conferred by the last foregoing section or by that section as modified by a direction given under subsection (1) of this section.

**30.**—(1) On the dedication of a footpath or bridleway in pursuance of a public path creation agreement, or on the coming into operation of a public path creation order, being—

Making up of  
new footpaths  
and bridleways.

(a) an agreement or order made by a local authority who are not the highway authority for the path in question, or

(b) an order made by the Minister of Housing and Local Government under subsection (3) of the last foregoing section where, in relation to the making of a public path creation order creating the footpath or bridleway in question, the appropriate authority for the purposes of the said subsection (3) are such a local authority,

the highway authority shall survey the path or way and shall certify what work, if any, appears to them to be necessary to bring it into a fit condition for use by the public as a footpath or bridleway, as the case may be, and shall serve a copy of the certificate on the local authority mentioned in paragraph (a) or paragraph (b) of this subsection, as the case may be.

**PART III**  
—cont.

(2) An authority on whom a copy of a certificate is served under the foregoing subsection may apply to the Minister of Housing and Local Government on the ground that the work specified in the certificate, or any part thereof, is unnecessary or unduly expensive or is undesirable in the interests of amenity; and where such an application is made, the said Minister shall either cause a local inquiry to be held or shall give to the applicants and to the highway authority an opportunity of being heard by a person appointed by him for the purpose and, after considering the report of the person appointed to hold the inquiry or the person so appointed as aforesaid, shall make such order confirming, quashing or varying the certificate as he may think fit.

(3) Where the certificate of a highway authority in respect of a footpath or bridleway is quashed under the last foregoing subsection, the path or way shall not be required to be maintained in a better condition than the condition in which it was at the date of the certificate; and where under the last foregoing subsection such a certificate is varied, the path or way shall not be required to be maintained in a better condition than the condition in which it is immediately after the completion of the work specified in the certificate as so varied.

(4) Subject to the provisions of subsection (2) of this section, it shall be the duty of the highway authority to carry out any work specified in a certificate under subsection (1) thereof, and where the authority have carried out the work they may recover from the authority on whom a copy of the certificate was served any expenses reasonably incurred by them in carrying out that work, including any expenses so incurred in the discharge of any liability for compensation in respect of the carrying out thereof.

(5) Where a public path creation order—

- (a) is made in compliance with a direction of the Minister of Housing and Local Government under subsection (3) of the last foregoing section and is so made by the local authority who, on the coming into operation of the order, become the highway authority for the path or way in question, or
- (b) is made by the said Minister under the said subsection (3) in a case where, in relation to the making of a public path creation order creating the path or way in question, the appropriate authority for the purposes of the said subsection (3) are that local authority,

the following provisions shall have effect, that is to say—

- (i) the local authority specified in paragraph (a) or paragraph (b) of this subsection, as the case may be, shall

survey the path or way and shall certify what work (if any) appears to them to be necessary to bring it into a fit condition for use by the public as a footpath or bridleway, as the case may be, and shall furnish the said Minister with a copy of the certificate :

- (ii) if the said Minister is not satisfied with a certificate made under the foregoing paragraph, he shall either cause a local inquiry to be held or shall give to the local authority an opportunity of being heard by a person appointed by him for the purpose and, after considering the report of the person appointed to hold the inquiry or the person so appointed as aforesaid, shall make such order either confirming or varying the certificate as he may think fit ; and
- (iii) subject to the provisions of the last foregoing paragraph, it shall be the duty of the highway authority to carry out the work specified in a certificate made by them under paragraph (i) of this subsection.

(6) In this section “local authority” means a local planning authority, the council of a county or county borough not being a local planning authority, or the council of a county district.

31.—(1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.

Compensation  
for loss caused  
by public path  
creation order.

(2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Minister of Housing and Local Government, and shall be made to the authority by whom the order was made.

(3) For the purposes of the application of this section to an order made by the Minister of Housing and Local Government under subsection (3) of section twenty-nine of this Act, references in this section to the authority by whom the order was made shall be construed as references to the authority who, immediately before the making of the order, were, for the purposes of the said subsection (3), the appropriate authority in relation to the making of a public path creation order in respect of the footpath or bridleway in question.

(4) Nothing in this section shall confer on any person, in respect of a footpath or bridleway created by a public path

**PART III**  
—*cont.*

creation order, a right to compensation for depreciation of the value of an interest in land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in the exercise of statutory powers.

(5) In this section "interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

Protection for  
agriculture  
and forestry.

**32.** In the exercise of their functions under this Part of this Act relating to the making of public path creation agreements and public path creation orders it shall be the duty of councils to have due regard to the needs of agriculture and forestry.

Dedication of  
highway by  
agreement  
with parish  
council.

**33.—(1)** The council of a parish shall have power to enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a highway over land in the parish or an adjoining parish in any case where such a dedication would in the opinion of the council be beneficial to the inhabitants of the parish or any part thereof.

(2) Where the council of a parish have entered into an agreement under the foregoing subsection for the dedication of a highway they shall have power to carry out any works (including works of maintenance or improvement) incidental to or consequential on the making of the agreement or to contribute towards the expense of carrying out such works, and may agree or combine with the council of any other parish to carry out such works or to make such a contribution.

Dedication  
of way as  
highway  
presumed after  
public use for  
twenty years.

**34.—(1)** Where a way over any land, not being a way of such a character that user thereof by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way shall be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

(2) The period of twenty years referred to in the foregoing subsection shall be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in the next following subsection or otherwise.



(3) Where the owner of the land over which any such way as aforesaid passes—

- (a) has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway, and
- (b) has maintained the notice after the first day of January, nineteen hundred and thirty-four, or any later date on which it was erected,

the notice shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention to dedicate the way as a highway.

(4) Where a notice erected as mentioned in the last foregoing subsection is subsequently torn down or defaced, a notice given by the owner of the land to the council of the county borough, or, as the case may be, to the council of the county and of the county district, in which the way is situated that the way is not dedicated as a highway shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention of the owner of the land to dedicate the way as a highway.

(5) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain such a notice as is mentioned in subsection (3) of this section, so, however, that no injury is done thereby to the business or occupation of the tenant.

(6) An owner of land may at any time deposit with the council of the county borough, or, as the case may be, with the council of the county and of the county district, in which that land is situated—

- (a) a map of that land on a scale of not less than six inches to one mile, and
- (b) a statement indicating what ways (if any) over that land he admits to have been dedicated as highways,

and, in any case in which such a deposit has been made, statutory declarations made by that owner or by his successors in title and lodged by him or them with such councils as aforesaid at any time within six years from the date of the deposit, or within six years from the date on which any previous declaration was last lodged under this section, to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgment of such previous declaration, as the case may be, shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention of the

**PART III**  
—cont.

owner or his successors in title to dedicate any such additional way as a highway.

(7) For the purposes of the foregoing provisions of this section “owner”, in relation to any land, means a person who is for the time being entitled to dispose of the fee simple in the land.

(8) Nothing in this section shall affect any incapacity of a corporation or other body or person in possession of land for public or statutory purposes to dedicate a way over that land as a highway if the existence of a highway would be incompatible with those purposes.

(9) Nothing in this section shall operate to prevent the dedication of a way as a highway being presumed on proof of user for any less period than twenty years, or being presumed or proved under any circumstances under which it might have been presumed or proved immediately before the commencement of this Act.

(10) Nothing in this or the next following section shall be taken to affect the provisions of subsection (4) of section thirty-two of the National Parks and Access to the Countryside Act, 1949 (which provides that a map and statement prepared under that section shall be conclusive evidence as to the existence of the highways shown on the map and as to certain particulars contained in the statement), or of the said subsection (4) as applied by subsection (1) of section thirty-four of that Act.

(11) For the purposes of this section “land” includes land covered with water.

Evidence of dedication of way as highway.

**35.** A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

Protection of rights of reversioners.

**36.** The person entitled to the remainder or reversion immediately expectant upon the determination of a tenancy for life, or pour autre vie, in land shall have the like remedies by action for trespass or an injunction to prevent the acquisition by the public of a right of way over that land as if he were in possession thereof.

Conversion of private street into highway.

**37.** Without prejudice to the foregoing provisions of this Part of this Act, a street which is not a highway and land to which section two hundred and six of this Act applies may become a highway by virtue of a declaration made by the council of a county, borough or urban district in accordance with the provisions in that behalf contained in Part IX of this Act.

## PART IV

## MAINTENANCE OF HIGHWAYS

*Highways maintainable at public expense*

38.—(1) After the commencement of this Act no duty with respect to the maintenance of highways shall lie on the inhabitants at large of any area. Highways maintainable at public expense.

(2) Without prejudice to any other enactment (whether contained in this Act or not) whereby a highway may become for the purposes of this Act a highway maintainable at the public expense, and subject to the provisions of this section and of subsection (6) of section two hundred and six of this Act, and to any order of a magistrates' court made under section fifty of this Act, the following highways shall for the purposes of this Act be highways maintainable at the public expense, that is to say—

- (a) a highway which immediately before the commencement of this Act was maintainable by the inhabitants at large of any area or maintainable by a highway authority;
- (b) a highway constructed by a highway authority after the commencement of this Act, otherwise than on behalf of some other person not being a highway authority;
- (c) a highway constructed by the council of a borough or urban district within their own area under Part V of the Housing Act, 1957, and a highway constructed by a local authority outside their own area under the said Part V, being, in the latter case, a highway the liability to maintain which is, by virtue of the said Part V, vested in the council of the county, borough or district in which the highway is situated;
- (d) a highway being a trunk road or a special road; and
- (e) a highway, being a footpath or bridleway, created after the commencement of this Act in consequence of a public path creation order or a public path diversion order or dedicated after the said commencement in pursuance of a public path creation agreement.

(3) Paragraph (a) of the last foregoing subsection shall not be construed as referring to a highway maintainable by the council of a county, borough or urban district under a contract or otherwise than in their capacity as a highway authority.

(4) Paragraph (d) of subsection (2) of this section shall not be construed as referring to a part of a trunk road or special road being a bridge or other part which a person is liable to maintain under a charter or special enactment, or by reason of tenure, enclosure or prescription.

**PART IV**  
—*cont.*

(5) Where, under any rule of law relating to the duty of maintaining a highway by reason of tenure, enclosure or prescription, and apart from any enactment (whether contained in this Act or not), a highway would, on the happening of any event after the commencement of this Act, become, or cease to be, maintainable by the inhabitants at large of any area, the highway shall become, or cease to be, a highway which for the purposes of this Act is a highway maintainable at the public expense :

Provided that a highway shall not by virtue of this subsection become a highway which for the purpose of this Act is a highway maintainable at the public expense unless either—

- (a) it was a highway before the thirty-first day of August, eighteen hundred and thirty-five ; or
- (b) it became a highway after that date and has at some time been maintainable by the inhabitants at large of any area or a highway maintainable at the public expense ;

and a highway shall not by virtue of this subsection cease to be a highway maintainable at the public expense if it is a highway which under any rule of law would become a highway maintainable by reason of enclosure but is prevented from becoming such a highway by section fifty-four of this Act.

(6) The council of every borough and urban district shall cause to be made, and shall keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense ; and every list made under this subsection shall be kept deposited at the offices of the council by whom it was made and may be inspected by any person free of charge at all reasonable hours.

*Methods whereby highways may become maintainable at public expense*

Provisions whereby highway created by dedication may become maintainable at public expense.

39.—(1) A person who proposes to dedicate a way as a highway and who desires that the proposed highway shall become maintainable at the public expense by virtue of this section shall give notice of the proposal, not less than three months before the date of the proposed dedication, to the council of the county, borough or urban district who would, if the way were a highway, be the highway authority therefor, describing the location and width of the proposed highway and the nature of the proposed dedication.

(2) If the council consider that the proposed highway will not be of sufficient utility to the public to justify its being maintained at the public expense, they may make a complaint to a magistrates' court for an order to that effect.

(3) If the council certify that the way has been dedicated in accordance with the terms of the notice and has been made up in a satisfactory manner, and if—

- (a) the person by whom the way was dedicated or his successor keeps it in repair for a period of twelve months from the date of the council's certificate, and
  - (b) the way has been used as a highway during that period,
- then, unless an order has been made in relation to the highway under the last foregoing subsection, the highway shall, at the expiration of the period specified in paragraph (a) of this subsection, become for the purposes of this Act a highway maintainable at the public expense.

(4) If the council, on being requested by the person by whom the way was dedicated or his successor to issue a certificate under the last foregoing subsection, refuse to issue the certificate, that person may appeal to a magistrates' court against the refusal, and the court, if satisfied that the certificate ought to have been issued, may make an order to the effect that the last foregoing subsection shall apply as if the certificate had been issued on a date specified in the order.

(5) Where a certificate has been issued by a council under subsection (3) of this section, or an order has been made under the last foregoing subsection, the certificate or a copy of the order, as the case may be, shall be deposited with the clerk of the council and may be inspected by any person free of charge at all reasonable hours.

40.—(1) Where any person is liable under a special enactment or by reason of tenure, enclosure or prescription to maintain a highway, the Minister, in the case of a trunk road, or a local highway authority, in any other case, may agree with that person to undertake the maintenance of that highway; and where an agreement is made under this subsection the highway to which the agreement relates shall, on such date as may be specified in the agreement, become for the purposes of this Act a highway maintainable at the public expense and the liability of that person to maintain the highway shall be extinguished:

Power of  
highway  
authorities to  
adopt by  
agreement.

Provided that a local highway authority shall not have power to make an agreement under this subsection with respect to a highway with respect to which they or any other highway authority have power to make an agreement under Part V of this Act or Part X thereof.

(2) Subject to the following provisions of this section, a local highway authority may agree with any person to undertake the maintenance of—

- (a) a private carriage or occupation road which that person, being a person having the necessary power in that behalf, is willing to dedicate as a highway; or

**PART IV**  
—cont.

- (b) a way which is to be constructed by that person, or by a highway authority on his behalf, and which he proposes to dedicate as a highway ;

and where an agreement is made under this subsection the road or way to which the agreement relates shall, on such date as may be specified in the agreement, become for the purposes of this Act a highway maintainable at the public expense.

(3) Without prejudice to the provisions of the last foregoing subsection and subject to the following provisions of this section, a local highway authority may, by agreement with railway, canal or tramway undertakers, undertake to maintain as part of a highway maintainable at the public expense a bridge or viaduct which carries the railway, canal or tramway of the undertakers over such a highway or which is intended to carry such a railway, canal or tramway over such a highway and is to be constructed by those undertakers or by the highway authority on their behalf.

(4) Where—

(a) any such highway as is referred to in paragraph (b) of subsection (2) of this section will be situated in a non-county borough or urban district and is intended to become a county road, or

(b) any such bridge or viaduct as is referred to in subsection (3) of this section crosses or will cross a county road in such a borough or district,

the powers conferred by the said subsections (2) and (3) shall, as respects that highway, bridge or viaduct, be exercisable by the council of the county comprising that borough or district and not by the council of that borough or district, as the case may be.

(5) An agreement under this section may contain such provisions as to the dedication as a highway of any road or way to which the agreement relates, the bearing of the expenses of the construction, maintenance or improvement of any highway, road, bridge or viaduct to which the agreement relates and other relevant matters as the authority making the agreement think fit.

Adoption  
of certain  
highways in  
livestock  
rearing areas.

**41.** Where under section one of the Agriculture (Improvement of Roads) Act, 1955 (which enables certain councils to submit to the Minister of Agriculture, Fisheries and Food proposals for effecting improvements in certain roads situated in, or affording access to, livestock rearing areas), the council of a county, borough or urban district submit proposals to the Minister of Agriculture, Fisheries and Food for effecting an improvement to which that Act applies in respect of a highway, not being a highway maintainable at the public expense, and the said Minister approves those proposals, then, without prejudice to any other enactment (whether contained in this Act or not) whereby the highway may become such a

highway, the council submitting the proposals shall have power, by notice exhibited on or near the highway, to declare it to be for the purposes of this Act a highway maintainable at the public expense, and thereupon—

PART IV  
—cont.

- (a) the highway shall become such a highway, and
- (b) if, apart from this section, any person would be liable to maintain the highway under a special enactment or by reason of tenure, enclosure or prescription, that liability shall be extinguished.

42.—(1) Notwithstanding any repeal made by this Act the Bridges Act, 1929, shall continue to apply, and sections ninety-nine to one hundred and one of this Act shall not apply, to a bridge which is situated partly in London and partly in some other local government area, being a bridge to which that Act applies.

Certain bridges and highways may become maintainable at public expense by virtue of agreement or order.

For the purposes of this subsection the reference to the bridge shall be construed as including a reference to the highway carried by the bridge and to the approaches thereto, being approaches for the maintenance of which the owners of the bridge are responsible and which connect the bridge with a highway maintainable at the public expense or with a highway for the maintenance of which a local highway authority whose area of jurisdiction is in London are responsible.

(2) Where—

- (a) the responsibility for the maintenance of, or the property in, a bridge or highway to which the Bridges Act, 1929, continues to apply by virtue of the foregoing subsection is, by virtue of an order, or in pursuance of an agreement, made under that Act, transferred to the Minister or to a local highway authority whose area of jurisdiction lies outside London, or
- (b) the responsibility for the maintenance of, or the property in, a bridge or highway is by virtue of an order made under section ninety-nine of this Act, or in pursuance of an agreement made under section one hundred thereof, transferred to a highway authority, or
- (c) a right to charge tolls in respect of the use of a highway is transferred to a highway authority under section two hundred and thirty-three of this Act,

the bridge or highway shall, on the date on which the responsibility for the maintenance thereof, the property therein, or the right to charge tolls, as the case may be, is so transferred, become for the purposes of this Act a highway maintainable at the public expense, and if apart from this subsection the highway authority who are a party to the transfer would not be the

**PART IV**  
—*cont.*

highway authority for that bridge or highway they shall, notwithstanding anything in section one of this Act, be the highway authority therefor.

Adoption of  
private streets.

**43.** Without prejudice to the foregoing provisions of this Part of this Act, the council of a county, borough or urban district may adopt a private street as a highway which for the purposes of this Act is a highway maintainable at the public expense in accordance with the provisions in that behalf contained in Part IX of this Act or shall, in accordance with those provisions, adopt such a street as a highway which for the purposes of this Act is a highway so maintainable.

*Maintenance of highways maintainable at public expense*

Duty to  
maintain  
highways  
maintainable  
at public  
expense.

**44.**—(1) The authority who are for the time being the highway authority for a highway maintainable at the public expense shall, subject to the following subsection, be under a duty to maintain the highway.

(2) An order made by the Minister under section seven of this Act directing that a highway proposed to be constructed by him shall become a trunk road may direct that—

- (a) a part of a highway maintainable at the public expense by some other highway authority being a part which crosses the route of the highway to be so constructed, or
- (b) any highway so maintainable which becomes a trunk road by virtue of the order,

shall, notwithstanding anything in the foregoing provisions of this section, be maintained by that authority until such date, not being later than the date on which the new route is opened for the purposes of through traffic, as may be specified in a notice given by the Minister to that authority.

Rights of  
certain  
councils to  
maintain  
county roads.

**45.**—(1) Subject to the provisions of this section, the council of a non-county borough or urban district shall be entitled to maintain any county road in the borough or district, being a county road—

- (a) as respects which the council have made a claim under this section, or
- (b) which became a county road at a time, or is within an area transferred to the borough or district at a time, when the council were entitled under this section to maintain all the county roads in the borough or district.

(2) Where a non-county borough or urban district has a population exceeding twenty thousand, the council of the borough or district may, within the period specified in that behalf in Part I



of the Eighth Schedule to this Act, claim to undertake the maintenance of any county road within the borough or district, not being a county road with respect to which they might have made such a claim under section thirty-two of the Local Government Act, 1929, but failed to do so within the time limited by that section.

(3) A council shall not become entitled to maintain a county road by virtue of a claim under this section until the date specified in that behalf in Part II of the Eighth Schedule to this Act.

(4) The council of a non-county borough or urban district who are for the time being entitled to maintain a county road by virtue of this section may at any time, with the consent of the county council, relinquish their right to maintain that road, and, as from the first day of April next after the date of the notice of relinquishment, they shall cease to be entitled to maintain that road.

If a county council withhold consent under this subsection, the council of the non-county borough or urban district may appeal to the Minister, who may make such order thereon as he thinks fit and the order shall be binding on the county council and the council by whom the appeal was made.

(5) For the purposes of this section—

(a) “ county road ” does not include—

- (i) any part of a special road, or
- (ii) a county bridge, or
- (iii) the highway carried by a bridge, or the approaches to a bridge situated within one hundred yards of either end of the bridge, being, in either case, a bridge (other than a bridge constructed, or deemed for the purposes of subsections (1) and (2) of section six of this Act to have been constructed, after the thirty-first day of August, eighteen hundred and thirty-five) which on completion became, and has since its completion continued to be, a county bridge ; and

(b) the population of a non-county borough or urban district shall be ascertained according to the last published census for the time being.

46. The council of a parish shall have power, subject to the restrictions for the time being imposed by any enactment on their expenditure, to undertake the maintenance of any footpath or bridleway within the parish, being in either case a highway maintainable at the public expense :

Right of parish councils to maintain footpaths and bridleways.

Provided that nothing in this section shall affect the duty of any highway authority or other person to maintain the footpath or bridleway.

**PART IV**  
—*cont.*

Person liable to maintain highway may agree to maintain publicly maintainable highway.

**47.** Where any person is liable under a special enactment or by reason of tenure, enclosure or prescription to maintain a highway, he shall have power to enter into an agreement with the highway authority for that highway for the maintenance by him of any highway maintainable at the public expense by the highway authority:

Provided that nothing in this section shall affect the duty of the highway authority to maintain the highway as respects which the agreement is made.

Power to get materials for repair of publicly maintainable highways.

**48.—(1)** For the purpose of repairing highways maintainable at the public expense by them, a highway authority may exercise such powers with respect to the getting of materials as are mentioned in this section.

(2) The authority may search for, dig, get and carry away gravel, sand, stone and other materials in and from any waste or common land (including the bed of any river or brook flowing through such land):

Provided that the authority—

- (a) shall not in the exercise of their powers under this subsection divert or interrupt the course of any river or brook, or dig or get materials out of any river or brook within fifty yards above or below a bridge, dam or weir;
- (b) shall not in the exercise of those powers remove such quantity of stones or other materials from any sea beach as to cause damage by inundation or increased danger of encroachment by the sea;
- (c) shall not exercise those powers in a place outside the rural district, urban district or borough within which the materials are to be used unless sufficient materials cannot conveniently be obtained by the exercise of those powers in that district, or in that borough, as the case may be, and unless sufficient materials for the repair of highways in the district or borough in which that place is will remain after the exercise of those powers in that place; and
- (d) shall not exercise those powers in any land forming part of a common to which section twenty of the Commons Act, 1876, applies, except in accordance with the provisions of that section.

(3) The authority may gather and carry away stones lying upon any land in the rural district, urban district or borough within which the stones are to be used:

Provided that the authority—

PART IV  
—cont.

- (a) shall not exercise the powers conferred by this subsection in a garden, yard, avenue to a house, lawn, park, paddock or inclosed plantation, or in an inclosed wood not exceeding one hundred acres in extent ;
- (b) shall not in the case of any other inclosed land exercise those powers unless either they have obtained the consent of the owner and of the occupier of that land, or a magistrates' court has made an order authorising them to exercise those powers in the case of that land ; and
- (c) shall not in the exercise of those powers remove such quantity of stones or other materials from any sea beach as to cause damage by inundation or increased danger of encroachment by the sea.

(4) If the authority cannot get sufficient materials by the exercise of their powers under the foregoing provisions of this section, a magistrates' court may make an order authorising them to search for, dig, get and carry away materials in and from any inclosed land in the rural district, urban district or borough within which the materials are to be used, not being such land as is mentioned in proviso (a) to the last foregoing subsection.

(5) For the purpose of repairing—

- (a) a trunk road bridge, and so much of a trunk road as is carried by a trunk road bridge or forms the approaches to a trunk road bridge up to one hundred yards from each end of the bridge, or
- (b) a county bridge, and so much of a highway maintainable at the public expense by a county council as is carried by a county bridge or forms the approaches to a county bridge up to one hundred yards from each end of the bridge,

the authority may take and carry away the rubbish or refuse stones from any quarry in the county or county borough within which the materials are to be used.

(6) For the purpose of repairing or reconstructing a trunk road bridge or a county bridge, the authority may be authorised by an order of a magistrates' court to quarry stone from any quarry in the county or county borough in which the bridge is :

Provided that—

- (a) no order shall be made under this subsection in relation to a quarry which has not been worked at any time during the three years immediately preceding the date on which a complaint for such an order is made ; and

**PART IV**  
—cont.

(b) no stone shall be taken from a quarry situated in a garden, yard, avenue to a house, lawn, paddock or inclosed plantation, or in land on which ornamental timber trees are growing, except with the consent of the owner of the quarry.

(7) An authority who exercise any of the powers conferred by this section shall pay compensation to persons interested in any land for any damage done thereto by the carriage of the materials obtained by the authority, and also in cases falling within subsection (4) or subsection (6) of this section, for the value of those materials.

(8) At least one month before making a complaint to a magistrates' court for an order under subsection (3) or subsection (4) of this section an authority shall give notice of their intention to make such a complaint to the owner, and to the occupier, of the land from which they propose, if authorised so to do by such an order, to get materials.

(9) For the purposes of this section,—

“trunk road bridge” means a bridge, being a highway maintainable at the public expense, the highway over which is a trunk road or partly a trunk road ; and

“inclosed land” includes any land in the exclusive occupation of one or more persons for agricultural purposes, though not separated by a fence or otherwise from adjoining land of another person, or from a highway.

Supplemental provisions with respect to the getting of materials under s. 48.

**49.**—(1) Where an excavation is made by a highway authority in the exercise of powers conferred by the last foregoing section, the authority shall—

- (a) while work is in progress, and thereafter so long as the excavation remains open, keep the excavation sufficiently fenced to prevent accidents to persons or animals,
- (b) if no materials are found therein, fill up the excavation within three days from the date on which the excavation was made,
- (c) if materials are found, then within fourteen days from the date on which sufficient materials have been obtained, fill up the excavation or slope it down and fence it off, if the owner or occupier of the land in question so requires, and thereafter keep it so fenced, and
- (d) when filling up an excavation, make good and level the ground and cover it with the turf or clod dug therefrom.

(2) An authority who fail to comply with any of the provisions of the foregoing subsection shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding the following amount, that is to say—

- (a) in a case where notice of the default had previously been given to them by a justice of the peace or by the owner or occupier of the land in question, or any person having right of common thereover, and they failed to remedy the default within six days from the date on which they received the notice, ten pounds, and
- (b) in any other case, ten shillings.

(3) If in the exercise of powers conferred by the last foregoing section materials are dug so as to damage or endanger a highway, occupation road, ford, dam, mine, building, works or apparatus, the highway authority shall be guilty of an offence and shall, without prejudice to any civil proceedings which may be available against them, be liable in respect thereof to a fine not exceeding five pounds.

(4) A person who, without the consent of the highway authority,—

- (a) takes away any materials purchased, gotten or gathered by them for the repair of highways, or
- (b) takes away any materials from a quarry or excavation opened by the authority before their workmen have ceased working thereat for six weeks,

shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding ten pounds:

Provided that, in the case of a quarry or excavation in private grounds, nothing in this subsection shall prevent the owner or occupier from getting materials therefrom for his own private use and not for sale.

50.—(1) Where a highway authority are of opinion that a highway maintainable at the public expense by them is unnecessary for public use and therefore ought not to be maintained at the public expense, they may, subject to the two next following subsections, apply to a magistrates' court for an order declaring that the highway shall cease to be so maintained.

(2) No application shall be made under this section for an order relating to a trunk road, special road, footpath or bridleway.

(3) If a highway authority propose to make an application under this section for an order relating to a highway situated in

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—*cont.*

a rural parish they shall give notice of the proposal to the parish council or, in the case of a parish not having a separate parish council, to the chairman of the parish meeting, and the application shall not be made if, within two months from the date of service of the notice by the highway authority, notice is given to the highway authority by the parish council or the chairman of the parish meeting, as the case may be, that the council or meeting have refused to consent to the making of the application.

(4) Where an application is made to a magistrates' court under this section, two or more justices of the peace acting for the petty sessions area for which the court acts shall together view the highway to which the application relates, and no further proceedings shall be taken on the application unless they are of opinion, after viewing the highway, that there was ground for making the application.

(5) The clerk to the justices who view a highway in accordance with the provisions of the last foregoing subsection shall, as soon as practicable after the view, notify the highway authority by whom an application under this section relating to the highway was made of the decision of the justices, and, if the justices decide that there was ground for making the application, of the time, not being less than six weeks from the date of the notice, and place, at which the application is to be heard by a magistrates' court.

(6) A magistrates' court shall not hear an application under this section unless it is satisfied that the highway authority making the application have—

- (a) not less than one month before the date on which the application is to be heard by the court, given notice to the owners and occupiers of all lands adjoining the highway to which the application relates of the making of the application, and the purpose thereof, and of the time and place at which the application is to be heard by the court, and
- (b) given public notice in the terms and manner required by the next following subsection.

(7) A highway authority making an application under this section shall publish, once at least in each of the four weeks immediately preceding the week in which the application is to be heard, in a local newspaper circulating in the area in which the highway to which the application relates is situated, a notice—

- (a) stating that an application has been made to a magistrates' court under this section and the purpose of the application,

- (b) describing the highway, and
- (c) specifying the time and place at which the application is to be heard,

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**—cont.**

and shall cause a copy of the notice to be fixed, at least fourteen days before the date on which the application is to be heard by the court, to the principal doors of every church and chapel in the parish in which the highway is situated, or in some conspicuous position near the highway.

(8) On the hearing of an application for an order under this section, a magistrates' court shall hear any person who objects to the order being made and may either dismiss the application or make an order declaring that the highway to which the application relates shall cease to be maintained at the public expense.

(9) Where an order is made under this section the highway to which the order relates shall cease to be a highway maintainable at the public expense.

(10) The highway authority on whose application an order is made under this section shall give notice of the making of the order to any public utility undertakers having apparatus under, in, upon, over, along or across the highway to which the order relates.

**51.** If it appears to a magistrates' court that, in consequence of any change of circumstances since the time at which an order was made under the last foregoing section, the highway to which the order relates has again become of public use and ought to be maintained at the public expense, the court may by order direct that the highway shall again become for the purposes of this Act a highway maintainable at the public expense:

Power of magistrates' court to order a highway to be again maintainable at public expense.

Provided that an order under this section shall not be made except on the application of a person interested in the maintenance of the highway to which the application relates, and on proof that not less than one month before making the application he gave notice to the highway authority for the highway of his intention to make an application under this section.

*Maintenance of privately maintainable highways*

**52.** Where a person is liable to maintain the approaches to a bridge by reason of the fact that he is liable to maintain the bridge by reason of tenure or prescription, his liability to maintain the approaches shall extend to one hundred yards from each end of the bridge.

Maintenance of approaches to certain privately maintainable bridges.

**PART IV**  
—*cont.*

Maintenance of privately maintainable footpaths and bridleways.

**53.**—(1) Where apart from section forty-four of this Act a person would under a special enactment or by reason of tenure, enclosure or prescription be under an obligation to maintain a footpath or bridleway, the operation of subsection (1) of the said section forty-four shall not release him from the obligation.

(2) The council of a parish shall have power, subject to the restrictions for the time being imposed by any enactment on their expenditure, to undertake by virtue of this subsection the maintenance of any footpath or bridleway within the parish (other than a footpath or bridleway the maintenance of which they have power to undertake under section forty-six of this Act) whether or not any other person is under a duty to maintain the footpath or bridleway:

Provided that nothing in this subsection shall affect the duty of any other person to maintain the footpath or bridleway.

No liability to maintain by reason of enclosure if highway fenced with consent of highway authority.

**54.** If a person across whose land there is a highway maintainable at the public expense erects a fence between the highway and the adjoining land, and the fence is erected with the consent of the highway authority for the highway, he shall not thereby become liable to maintain the highway by reason of enclosure:

Provided that nothing in this section shall be construed as imposing on any person a liability to maintain a highway by reason of enclosure.

Power to get materials for repair of privately maintainable highways.

**55.**—(1) A person liable to maintain a highway by reason of tenure, enclosure or prescription shall, for the purpose of repairing it, have the like powers with respect to the getting of materials as are conferred on a highway authority by subsections (2), (3) and (4) of section forty-eight of this Act for the purpose of repairing highways maintainable at the public expense by them.

(2) A person on whom powers are conferred by this section shall, with respect to the exercise of those powers, be subject to the like duties and liabilities under subsections (7) and (8) of the said section forty-eight and under subsections (1), (2) and (3) of section forty-nine of this Act as are a highway authority with respect to the exercise of the powers conferred on them by the said section forty-eight.



56.—(1) Where a person is liable by reason of tenure, enclosure or prescription to maintain a highway, a magistrates' court may, on a complaint made either by that person or by the highway authority for the highway, make an order that the liability of that person to maintain the highway shall be extinguished, and on the extinguishment of that liability the highway, if it is not then a highway maintainable at the public expense, shall become for the purposes of this Act a highway maintainable at the public expense.

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—cont.  
Power of magistrates' court to extinguish liability to maintain privately maintainable highway.

(2) Where a complaint is made to a magistrates' court under this section by a person liable as aforesaid to maintain a highway—

- (a) the highway authority for the highway shall have a right to be heard by the court at the hearing of the complaint, and
- (b) the court shall not make an order on the complaint unless it is satisfied that not less than twenty-one days before the date on which the complaint is heard by the court the complainant gave notice to the highway authority for the highway of the making of the complaint and of the time and place at which it was to be heard by the court.

(3) Where by virtue of an order under this section the liability of a person to maintain a highway is extinguished, that person shall be liable to pay to the highway authority for the highway such sum as may be agreed between him and that authority or, in default of agreement, as may be determined by arbitration to represent the value to him of the extinguishment of his liability, and any sum payable by him under this subsection shall, at his option, be paid—

- (a) as a lump sum, or
- (b) by annual payments of such amount, and continuing for such number of years, as may be agreed between him and that authority or, in default of agreement, as may be determined by arbitration.

(4) Any matter which by the last foregoing subsection is to be determined by arbitration shall be determined by a single arbitrator appointed, in default of agreement between the parties concerned, by the Minister.

(5) Nothing in this section shall affect any exemption from rating under section thirty-three of the Highway Act, 1835, or under any other enactment, as continued by section sixty-four of the Rating and Valuation Act, 1925, or section thirty-eight of the Local Government Act, 1929.

**PART IV**  
—*cont.*

Extinguishment of liability to maintain privately maintainable highway diverted by order of magistrates' court.

**57.**—(1) Where a highway which a person is liable to maintain under a special enactment or by reason of tenure, enclosure or prescription is diverted in accordance with an order made under section one hundred and eight of this Act, the substituted highway shall become for the purposes of this Act a highway maintainable at the public expense, and the person liable as aforesaid to maintain the highway so diverted shall be liable to pay to the highway authority for the substituted highway such sum as may be agreed between him and that authority or, in default of agreement, as may be determined by arbitration to represent the value to him of the extinguishment of his liability, and any sum payable by him under this subsection shall, at his option, be paid—

- (a) as a lump sum, or
- (b) by annual payments of such amount, and continuing for such number of years, as may be agreed between him and that authority or, in default of agreement, as may be determined by arbitration.

(2) Any matter which by the foregoing subsection is to be determined by arbitration shall be determined by a single arbitrator appointed, in default of agreement between the parties concerned, by the Minister.

Extinguishment of liability to maintain or improve bridges comprised in trunk roads and special roads.

**58.**—(1) Where a highway comprising a bridge becomes a trunk road, and the bridge is transferred to the Minister under this Act, then, if, immediately before the transfer, the bridge was not a highway maintainable at the public expense, any liability of the owners of the bridge for the maintenance or improvement thereof or of the highway carried thereby shall thereupon be extinguished.

(2) Where the liability of the owners of a bridge is extinguished under the foregoing subsection, the owners shall pay to the Minister such sum as may be agreed between them and the Minister or, in default of agreement, as may be determined by arbitration to represent the value to the owners of the extinguishment of their liability, and that sum shall, in so far as it exceeds any sum payable by the Minister to the owners under this Act, be paid, at the option of the owners—

- (a) as a lump sum, or
- (b) by annual instalments of such amount, and continuing for such number of years, as may be agreed between the owners and the Minister or, in default of agreement, as may be determined by arbitration, or
- (c) by perpetual annual payments of such amount as may be so agreed or determined.

(3) The foregoing provisions of this section shall apply where a highway comprising a bridge is included in the route prescribed by a scheme under section eleven of this Act authorising the provision of a special road by a local highway authority and the bridge is transferred to the special road authority as they apply where such a highway becomes a trunk road, and accordingly shall have effect as if for references therein to the Minister and to the trunk road there were substituted references to the special road authority and to the special road.

(4) In this section—

“bridge” includes so much of the approaches thereto as supports or protects the surface of the trunk road or special road;

“owners” in relation to a bridge, means the persons who, immediately before the transfer of the bridge to the Minister or the special road authority, were responsible for the maintenance thereof, and includes any persons who, in pursuance of any agreement with the persons so responsible, were then discharging that responsibility on their behalf.

#### *Enforcement of liability for maintenance*

**59.**—(1) After the commencement of this Act, no indictment shall be preferred in respect of neglect to maintain a highway.

Enforcement  
of liability  
to maintain  
highway.

(2) A person (in this and the next following section referred to as “the complainant”) who alleges that a way or bridge—

(a) is a highway maintainable at the public expense or a highway which a person is liable to maintain under a special enactment or by reason of tenure, enclosure or prescription, and

(b) is out of repair,

may serve a notice on the highway authority or other person alleged to be liable to maintain the way or bridge (in this and the next following section referred to as “the respondent”) requiring the respondent to state whether he admits that the way or bridge is a highway and that he is liable to maintain it.

(3) If, within one month from the date of service on him of a notice under the last foregoing subsection, the respondent does not serve on the complainant a notice admitting both that the way or bridge in question is a highway and that the respondent is liable to maintain it, the complainant may apply to a court of quarter sessions for an order requiring the respondent, if the court finds that the way or bridge is a highway which the respondent is liable to maintain and is out of repair, to put it in proper repair within such reasonable period as may be specified in the order.

**PART IV**  
**—cont.**

(4) If, within one month from the date of service on him of a notice under subsection (2) of this section, the respondent serves on the complainant a notice admitting both that the way or bridge in question is a highway and that the respondent is liable to maintain it, the complainant may, within six months from the date of service on him of that notice, apply to a magistrates' court for an order requiring the respondent, if the court finds that the highway is out of repair, to put it in proper repair within such reasonable period as may be specified in the order.

(5) A court, in determining under this section whether a highway is out of repair, shall not be required to view the highway unless it thinks fit, and such a view may be made by any two or more of the members of the court.

(6) Where an application under this section relates to a footpath or bridleway in respect of which a highway authority have made a certificate under section thirty of this Act, the court by whom the application is heard shall, in deciding whether the footpath or bridleway is out of repair, have regard to the provisions of subsection (3) of that section.

(7) If at the expiration of the period specified in an order made under subsection (3) or subsection (4) of this section a magistrates' court is satisfied that the highway to which the order relates has not been put in proper repair, then, unless the court thinks fit to extend the period, it shall by order authorise the complainant (if he has not the necessary power in that behalf) to carry out such works as may be necessary to put the highway in proper repair.

(8) Any expenses which a complainant reasonably incurs in carrying out works authorised by an order under the last foregoing subsection shall be recoverable from the respondent summarily as a civil debt.

(9) Where any expenses authorised by an order under subsection (7) of this section to be incurred in carrying out the works necessary to put a highway in proper repair are recovered from the respondent, then, if the respondent would have been entitled to recover from some other person the whole or part of the expenses of repairing the highway in question if he had repaired it himself, he shall be entitled to recover from that other person the whole or the like part, as the case may be, of the expenses recovered from him.

(10) Where an application is made under this section for an order requiring the respondent to put a highway maintainable at the public expense, being a footpath or bridleway, in proper repair and some other person is liable to maintain the highway under a special enactment or by reason of tenure, enclosure or

prescription, that other person shall have a right to be heard by the court which hears the application, but only on the question whether the highway is in proper repair.

**PART IV**  
—cont.

**60.**—(1) An application to a court of quarter sessions for an order under the last foregoing section shall be made to a court of quarter sessions having jurisdiction in the county or borough in which the way or bridge to which the application relates is situated. Applications to quarter sessions under s. 59.

(2) The complainant for the order shall give notice in writing of the application to the clerk of the peace and the notice shall specify—

- (a) the situation of the way or bridge to which the application relates,
- (b) the name of the respondent,
- (c) the part of the way or bridge which is alleged to be out of repair, and
- (d) the nature of the alleged disrepair ;

and the complainant shall serve a copy of the notice on the respondent.

(3) The clerk of the peace shall enter the application and shall in due course give notice to the complainant and to the respondent of the date, time and place fixed for the hearing of the application.

(4) A court of quarter sessions may from time to time adjourn the hearing of any such application and may make such order as to costs to be paid by either party to the application as it thinks fit.

**61.**—(1) Where a person is liable under a special enactment or by reason of tenure, enclosure or prescription to maintain a footpath or bridleway, being in either case a highway maintainable at the public expense, and the highway authority for the highway repair it in performance of their duty to maintain it, they may, subject to subsection (3) of this section, recover the necessary expenses of doing so from that person in any court of competent jurisdiction. Further provisions for enforcement of liability to maintain privately maintainable highways.

(2) Where a person is liable as aforesaid to maintain a highway, not being such a footpath or bridleway as is referred to in the foregoing subsection, the highway authority for the highway may, if in their opinion the highway is not in proper repair, repair it and, subject to the next following subsection, recover the necessary expenses of doing so from that person in any court of competent jurisdiction.

**PART IV**  
—cont.

(3) The right of recovery conferred by the foregoing provisions of this section shall not be exercisable—

- (a) in a case where a highway authority repair a footpath or bridleway in obedience to an order of a court made under section fifty-nine of this Act unless not less than twenty-one days before the date on which the application was heard by the court the authority gave notice to the person liable to maintain the path or way of the making of an application with respect to it and of the time and place at which the application was to be heard by the court, so however that the obligation to give notice to him imposed by this paragraph shall not operate if he was the person on whose application the order of the court was made ;
- (b) in any other case, unless the highway authority, before repairing the highway, have given notice to the person liable to maintain it that the highway is not in proper repair, specifying a reasonable time within which he may repair it, and he has failed to repair it within that time.

(4) Where a highway authority exercise a right of recovery under the foregoing provisions of this section from the person liable to maintain the highway in question, then, if that person would have been entitled to recover from some other person the whole or part of the expenses of repairing the highway if he had repaired it himself, he shall be entitled to recover from that other person the whole or the like part, as the case may be, of the expenses recovered from him by the highway authority.

*Recovery by highway authorities, etc., of certain expenses incurred in maintaining highways*

Recovery of expenses due to extraordinary traffic.

62.—(1) Where, in the case of a highway maintainable at the public expense, it appears to the highway authority for the highway, by a certificate of their surveyor, that, having regard to the average expense of maintaining the highway or other similar highways in the neighbourhood, extraordinary expenses have been or will be incurred by the authority in maintaining the highway by reason of the damage caused by excessive weight passing along the highway, or other extraordinary traffic thereon, the highway authority may recover from any person (in this section referred to as “ the undertaker ”) by or in consequence of whose order the traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been or to be likely to be

incurred by the highway authority by reason of the damage arising from the extraordinary traffic :

PART IV  
—cont.

Provided that, if before traffic which may cause such damage commences the undertaker admits liability in respect of such traffic, the undertaker and the highway authority may agree for the payment by the undertaker to the highway authority of a sum by way of a composition of such liability, or either party may require that the sum to be so paid shall be determined by arbitration, and where a sum has been so agreed or determined as aforesaid the undertaker shall be liable to pay that sum to the highway authority, and shall not be liable to proceedings for the recovery of such expenses as aforesaid.

(2) The sums recoverable under this section shall be recoverable in the High Court, or, if the claim does not exceed five hundred pounds, in the county court in the district whereof the highway or any part thereof is situated :

Provided that proceedings for the recovery of any such sums shall be commenced within twelve months from the time at which the damage has been done, or, where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months from the date of completion of the contract or work.

(3) References in this section to expenses incurred by a highway authority in maintaining a highway shall include references to expenses incurred by them in maintaining a cattle-grid provided for the highway under this Act, but this subsection shall not be construed as affecting the application of this section to a by-pass provided under this Act for use in connection with a cattle-grid.

(4) In the application of this section to highways for which the Minister is the highway authority the words in subsection (1) thereof " by a certificate of their surveyor " shall be omitted.

63.—(1) Where by reason of undertakers' works (other than works for purposes of a railway undertaking or a tramway undertaking) the use of a highway is restricted or prohibited under section forty-seven of the Road Traffic Act, 1930, or under any other enactment, and the traffic restricted or prohibited uses as an alternative route a highway of a lower classification, the person executing the works shall pay to the highway authority (if the latter highway is a highway maintainable at the public expense) or to the street managers (if it is not) an amount equal to any cost reasonably incurred by the authority or managers of—

Liability of certain persons for cost of use of alternative route where highway closed by reason of their works.

(a) strengthening the latter highway, in so far as the strengthening is done with a view to, and is necessary for, the use thereof by the traffic in question ; or

**PART IV**  
—*cont.*

(b) making good any damage to the latter highway occurring in consequence of the use thereof by the traffic in question.

(2) For the purposes of the foregoing subsection the order of classification of highways, from higher to lower, shall be taken to be the following, that is to say, trunk roads, classified roads (in the order of the Classes I, II and III respectively subsisting at the commencement of this Act, or, if other classes are constituted thereafter, in such order as the Minister may declare) and highways being neither trunk roads nor classified roads.

(3) If any question arises, in relation to a claim made for a payment under subsection (1) of this section, whether the cost in respect of which the claim is made was in fact incurred, or was incurred in such circumstances as are mentioned in that subsection or in respect of works such as are therein mentioned, or as to the amount of any cost so incurred or whether any cost so incurred was reasonably incurred, the question shall be determined by a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

(4) The reference in this section to works for purposes of a railway undertaking or a tramway undertaking includes a reference to works executed primarily for those purposes but for other purposes also.

(5) In this section “classified road”, “railway”, “street managers”, “tramway” and “undertakers’ works” have the same meanings respectively as in the Public Utilities Street Works Act, 1950.

## PART V

### IMPROVEMENT OF HIGHWAYS

#### *General power of improvement*

General  
power of  
improvement.

64.—(1) The provisions of this Part of this Act shall have effect for the purpose of empowering or requiring highway authorities and other persons to improve highways.

(2) Without prejudice to the powers of improvement specifically conferred on highway authorities by the following provisions of this Part of this Act, any such authority shall have power to carry out, in relation to a highway maintainable at the public expense by them, any work (including the provision of equipment) for the improvement of the highway, other than work for lighting it:

Provided that, without prejudice to any enactment not contained in this Part of this Act, work of any of the following



descriptions shall be carried out only under the powers specifically conferred as aforesaid and not under this section, that is to say—

- (a) the division of carriageways, provision of roundabouts and variation of the relative widths of carriageways and footways ;
- (b) the construction of cycle tracks ;
- (c) the provision of subways, refuges, pillars, walls, rails, fences or posts for the use or protection of persons using a highway ;
- (d) the construction and reconstruction of bridges and alteration of level of highways ;
- (e) the planting of trees, shrubs and other vegetation and laying out of grass verges ;
- (f) the provision, maintenance, alteration, improvement or other dealing with cattle-grids, by-passes, gates and other works for use in connection with cattle-grids ;
- (g) the execution of works for the purpose of draining a highway or of otherwise preventing surface water from flowing on to it.

(3) A highway authority may alter or remove any works executed by them under this section.

*Dual carriageways, roundabouts and cycle tracks*

65.—(1) A highway authority may, in relation to a highway maintainable at the public expense by them, being a highway which consists of or comprises a made-up carriageway, construct and maintain works in that carriageway—

Dual  
carriageways  
and  
roundabouts.

- (a) along any length of the highway, for separating a part of the carriageway which is to be used by traffic moving in one direction from a part of the carriageway which is to be used (whether at all times or at particular times only) by traffic moving in the other direction ;
- (b) at cross roads or other junctions, for regulating the movement of traffic.

(2) The powers conferred by the foregoing subsection shall include power to light any such works as aforesaid, to pave, grass or otherwise cover them or any part of them, to erect pillars, walls, rails or fences on, around or across them or any part of them, and to plant on them trees, shrubs and other vegetation either for ornament or in the interests of safety.

(3) A highway authority may alter or remove any works constructed by them under this section.

(4) As respects any highway in a borough or urban district, being a highway for which the council of the borough or district

**PART V**  
—*cont.*

are not the highway authority, and as respects any highway in a rural district, the powers of a highway authority under this section may be exercised with that authority's consent by the council of the borough or urban or rural district, as the case may be.

(5) In relation to any works done in the exercise of the powers conferred by the foregoing provisions of this section, being works to which, apart from this subsection, the provisions contained in Part II of the Public Utilities Street Works Act, 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were executed for road purposes by an authority mentioned in subsection (1) of section twenty-one of that Act and were included in the works mentioned in paragraph (a) of the said subsection (1).

**Cycle tracks.**

**66.**—(1) Without prejudice to section twenty-six of this Act, a highway authority may, in or by the side of a highway maintainable at the public expense by them, being a highway which consists of or comprises a made-up carriageway, construct a cycle track as part of the highway; and a highway authority may light any cycle track provided by them under this section.

(2) A highway authority may alter or remove a cycle track constructed by them under this section.

*Safety provisions*

**Footways and  
guard-rails.**

**67.**—(1) It shall be the duty of a highway authority to provide, in or by the side of a highway maintainable at the public expense by them, being a highway which consists of or comprises a made-up carriageway, a proper and sufficient footway as part of the highway in any case where they consider the provision thereof necessary or desirable for the safety or accommodation of pedestrians; and a highway authority may light any footway provided by them under this subsection.

(2) A highway authority may provide and maintain in a highway maintainable at the public expense by them, being a highway which consists of or comprises a carriageway, such raised paving, pillars, walls, rails or fences as they think necessary for the purpose of safeguarding persons using the highway.

(3) The powers conferred by the foregoing provisions of this section to provide any works shall include power to alter or remove them.

(4) As respects any highway in a borough or urban district, being a highway for which the council of the borough or district are not the highway authority, the powers of a highway authority

under subsection (2) of this section may be exercised with that authority's consent by the council of the borough or urban district, as the case may be.

PART V  
—cont.

(5) As respects any highway in a rural district, the powers of a highway authority under subsection (2) of this section may be exercised with that authority's consent—

(a) in the case of a highway for which the Minister is the highway authority, by the council of the rural district or by the council of the county comprising that district; and

(b) in the case of any other highway, by the council of the rural district.

(6) A highway authority or council shall pay compensation to any person who has sustained damage by reason of the execution by them of works under subsection (2) of this section.

**68.**—(1) A highway authority may, in relation to a highway Refuges. maintainable at the public expense by them, being a highway which consists of or comprises a made-up carriageway, construct and maintain works in that carriageway for providing places of refuge for the protection of pedestrians crossing the carriageway.

(2) The provisions of subsections (2) to (5) of section sixty-five of this Act shall apply in relation to works mentioned in the foregoing subsection as they apply in relation to works mentioned in subsection (1) of that section.

**69.**—(1) For the purpose of protecting traffic along a highway Subways. to which this subsection applies from danger, or of making the crossing of it less dangerous to pedestrians, the highway authority for the highway may construct, light and maintain subways under the highway for the use of pedestrians, and may alter or remove any such subway and may close it temporarily.

This subsection applies to any highway in a borough or urban district and to any highway maintainable at the public expense in a rural district, being in any case a highway which consists of or comprises a made-up carriageway.

(2) As respects any highway in a borough or urban district, being a highway for which the council of the borough or district are not the highway authority, the powers of a highway authority under this section may be exercised with that authority's consent by the council of the borough or urban district, as the case may be.

**PART V**  
—cont.

(3) Subsection (1) of this section shall have effect in relation to a road in a borough or urban district, being a road to which the public has access other than a highway, as if it were a highway to which that subsection applies and as if the council of the borough or urban district in which the road is situated were the highway authority therefor.

Margins for  
horses and  
livestock.

**70.**—(1) It shall be the duty of a highway authority to provide in or by the side of a highway maintainable at the public expense by them, being a highway which consists of or comprises a made-up carriageway, adequate grass or other margins as part of the highway in any case where they consider the provision thereof necessary or desirable for the safety or accommodation of ridden horses and driven livestock; and a highway authority may light a margin provided by them under this section.

(2) A highway authority may alter or remove a margin provided by them under this section.

*Widths*

Widening of  
highways.

**71.**—(1) A highway authority may widen any highway for which they are the highway authority and may for that purpose agree with a person having power in that behalf for the dedication of adjoining land as part of the highway.

(2) A local authority shall have the like power to enter into a public path creation agreement under section twenty-seven of this Act, or to make a public path creation order under section twenty-eight of this Act, for the purpose of securing the widening of an existing footpath or bridleway as they have for the purpose of securing the creation of a footpath or bridleway, and references in those sections and in section twenty-nine of this Act to the dedication or creation of a footpath or bridleway shall be construed accordingly.

(3) The council of a parish shall have the like power to enter into an agreement under section thirty-three of this Act for the purpose of securing the widening of an existing highway in the parish or an adjoining parish as they have for the purpose of securing the dedication of a highway, and references in that section to the dedication of a highway shall be construed accordingly.

Power to  
prescribe  
improvement  
line for  
widening  
street.

**72.**—(1) Where in the opinion of a highway authority—

- (a) a street, being a highway maintainable at the public expense by them, is narrow or inconvenient, or without any sufficiently regular boundary line, or
- (b) it is necessary or desirable that such a street should be widened,

the authority may prescribe in relation to either one side or both sides of the street, or at or within a distance of fifteen yards from

any street corner, a line to which the street is to be widened (in this section referred to as an "improvement line").

(2) Where an improvement line prescribed under this section in relation to any street is in force, then, subject to the next following subsection, no new building shall be erected, and no permanent excavation below the level of the street shall be made, nearer to the centre line of the street than the improvement line, except with the consent of the authority who prescribed the line, and the authority may give a consent for such period and subject to such conditions as they may deem expedient:

Provided that the prohibition imposed by this subsection shall not affect any right of statutory undertakers to make an excavation for the purpose of laying, altering, maintaining or renewing any main, pipe, electric line, cable, duct or other work or apparatus.

(3) Where an authority have prescribed an improvement line under this section, a person aggrieved by the decision to prescribe the line or by the refusal of consent under the last foregoing subsection or by the period for which the consent is given or any conditions attached thereto may appeal to a court of quarter sessions.

(4) Subject to the provisions of section fifteen of the Land Charges Act, 1925 (which provides that a local land charge shall be void as against a purchaser for money or money's worth unless registered under that section), a condition imposed in connection with the giving of a consent under subsection (2) of this section shall be binding on the successor in title to every owner, and on every lessee and every occupier, of any land to which it relates.

(5) If a person contravenes the provisions of this section, or any condition imposed in connection with the giving of a consent thereunder, he shall, without prejudice to any other proceedings which may be available against him, be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

(6) Where in the opinion of a highway authority an improvement line prescribed by them under this section, or any part of such a line, is no longer necessary or desirable and should be revoked, they may revoke the line or that part thereof.

(7) The Ninth Schedule to this Act shall have effect in relation to the prescription of an improvement line under this section and to the revocation of such a line or any part thereof.

**PART V**  
**—cont.**

(8) Any person whose property is injuriously affected by the prescribing of an improvement line under this section shall, subject to the following provisions thereof, be entitled to recover from the authority who prescribed the line compensation for the injury sustained.

(9) A person shall not be entitled to compensation on account of any building erected, contract made, or other thing done, after the date on which a plan showing the improvement line was deposited in accordance with the provisions of paragraph 4 of the Ninth Schedule to this Act, not being work done for the purpose of finishing a building the erection of which had begun before that date, or of carrying out a contract made before that date.

(10) Nothing in this section shall, without the consent of the undertakers concerned, apply to or affect—

- (a) any property occupied or used by railway undertakers for the purposes of a railway comprised in the railway undertaking; or
- (b) any property belonging to any of the following undertakers and used by them for the following purposes respectively, that is to say, by canal undertakers for those of a canal comprised in the canal undertaking, by inland navigation undertakers for those of a navigation comprised in the inland navigation undertaking, by dock undertakers for those of a dock comprised in the dock undertaking, or by harbour undertakers for those of a harbour comprised in the harbour undertaking; or
- (c) any land used by gas undertakers for the manufacture or storage of gas, by electricity undertakers for the generation of electricity or by water undertakers as a pumping station or reservoir for water.

A consent required by this subsection shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of a consent is unreasonable shall, except where the street in question is one for which the Minister is the highway authority, be determined by the Minister of Housing and Local Government.

(11) The provisions of the Land Charges Act, 1925, with respect to the registration of local land charges shall apply to any prohibition or restriction on the use of land or buildings imposed by the Minister by the prescription of an improvement line under this section or by virtue of any condition imposed by him in connection with the giving of a consent under subsection (2) of this section as if the prescription or condition were a local land charge, and any such prohibition or restriction shall be registered accordingly by the proper officer of the local authority within whose area the land to which it relates is situated.

(12) In this section “building” includes any erection of whatsoever material and in whatsoever manner constructed and any part of a building, and “new building” includes any addition to an existing building.

73.—(1) Subject to the provisions of this section, a highway authority may prescribe, in relation to either one side or both sides of a highway maintainable at the public expense for which they are the highway authority, a frontage line for building (in this section referred to as a “building line”):

Power to  
prescribe a  
building line.

Provided that the Minister may by order direct as respects classified roads of any class specified in the order that no building line shall be prescribed under this section until notification of the building line proposed has been sent to him and his observations with respect thereto have been considered.

(2) Where a building line prescribed under this section in relation to any highway is in force, no new building, other than a boundary wall or fence, shall be erected, and no permanent excavation below the level of the highway shall be made, nearer to the centre line of the highway than the building line, except with the consent of the authority who prescribed the line, and the authority may give a consent for such period and subject to such conditions as they may deem expedient:

Provided that the prohibition imposed by this subsection shall not affect any right of light railway, tramway, electricity, gas or water undertakers to make an excavation for the purpose of laying, altering, maintaining or renewing any main, pipe, electric line, duct or other apparatus.

(3) Subject to the provisions of section fifteen of the Land Charges Act, 1925 (which provides that a local land charge shall be void as against a purchaser for money or money's worth unless registered under that section), a condition imposed in connection with the giving of a consent under the last foregoing subsection shall be binding on the successor in title to every owner, and on every lessee and every occupier, of any land to which it relates.

(4) If a person contravenes the provisions of this section, or any condition imposed in connection with the giving of a consent thereunder, he shall, without prejudice to any other proceedings which may be available against him, be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

**PART V**  
—cont

(5) Where in the opinion of a highway authority a building line prescribed by them under this section, or any part of such a line, is no longer necessary or desirable and should be revoked, they may revoke the line or that part thereof.

(6) The Ninth Schedule to this Act shall have effect in relation to the prescription of a building line under this section and to the revocation of such a line or any part thereof.

(7) Any person whose property is injuriously affected by the prescribing of a building line under this section shall, subject to the following provisions thereof, be entitled to recover from the authority who prescribed the line compensation for the injury sustained.

(8) A person shall not be entitled to compensation under the last foregoing subsection—

(a) unless he made a claim within six months from the date on which the building line was prescribed or, if the claimant is a person to whom a notice of the prescribing of the line was required to be given by paragraph 7 of the Ninth Schedule to this Act, within six months from the date on which such a notice was given to him; or

(b) on account of any thing done by him after the date on which a notice of the proposal to prescribe the line was served on him, not being a thing done for the purpose of finishing a building the erection of which had begun before that date, or of carrying out a contract made before that date.

(9) Any two or more authorities on whom powers are conferred by this section may by agreement exercise those powers jointly, and the agreement may provide for the apportionment of any expenses incurred thereunder.

(10) Nothing in this section shall, without the consent of the undertakers concerned, apply to or affect—

(a) any land belonging to any of the following undertakers, and held by them for the following purposes respectively, that is to say, by railway undertakers for those of a railway comprised in the railway undertaking, by canal undertakers for those of a canal comprised in the canal undertaking, by inland navigation undertakers for those of a navigation comprised in the inland navigation undertaking, by dock undertakers for those of a dock comprised in the dock undertaking, or by harbour undertakers for those of a harbour comprised in the harbour undertaking; or



- (b) any land used by gas undertakers for the manufacture or storage of gas, by electricity undertakers for the generation of electricity or by water undertakers as a pumping station or reservoir for water.

PART V  
—cont.

A consent required by this subsection shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of a consent is unreasonable shall, except where the highway in question is one for which the Minister is the highway authority, be determined by the Minister.

(11) The provisions of the Land Charges Act, 1925, with respect to the registration of local land charges shall apply to any prohibition or restriction on the use of land or buildings imposed by the Minister by the prescription of a building line under this section or by virtue of any condition imposed by him in connection with the giving of a consent under subsection (2) of this section as if the prescription or condition were a local land charge, and any such prohibition or restriction shall be registered accordingly by the proper officer of the local authority within whose area the land to which it relates is situated.

(12) In this section—

- “building” and “new building” have the same meanings respectively as in the last foregoing section;
- “classified road” means a highway classified by the Minister under the Ministry of Transport Act, 1919;
- “light railway undertakers” means persons authorised by any enactment to carry on a light railway undertaking.

74.—(1) Where a building situated in a street, or the front thereof, has been taken down in order to be rebuilt or altered, the local authority in whose area the street is situated may, subject to the following provisions of this section, prescribe the line in which any building, or the front thereof, to be built or rebuilt in the same situation shall be erected, and that building, or the front thereof, shall be erected in accordance therewith.

Power to fix  
frontage line  
where building  
is to be  
rebuilt, etc.

(2) The council of a rural district shall not be entitled to exercise the powers conferred by the foregoing subsection unless this section applies in that district by virtue of section two hundred and ninety of this Act.

(3) A person aggrieved by a requirement of a local authority under this section may appeal to a court of quarter sessions.

(4) The authority shall pay compensation to the owner or other person immediately interested in the building for any loss or damage he may sustain in consequence of the building being set back or forward.

(5) This section shall not apply to a building belonging to railway undertakers and used by them for the purposes of a railway comprised in the railway undertaking.

PART V  
—cont.

Buildings in street not to be brought forward without consent.

**75.**—(1) It shall not be lawful in any borough or urban district, and, if this section applies in a rural district by virtue of section two hundred and ninety of this Act, it shall not be lawful in that rural district—

- (a) to erect or bring forward a building in a street, or any part of a building therein, beyond the front main wall of the building on either side thereof in the same street, or
- (b) to build any addition to a building beyond the front main wall of the building on either side thereof in the same street,

without the consent of the local authority in whose area the street is situated.

(2) A person aggrieved by the withholding of a consent required under this section may appeal to a court of quarter sessions.

(3) If a person contravenes the provisions of this section and, after receiving a notice from the local authority informing him of the contravention, continues to contravene it, he shall be guilty of an offence and shall be liable to a fine not exceeding forty shillings for each day on which the offence is continued after the day on which he received the notice.

(4) This section shall not apply to a building belonging to railway undertakers and used by them for the purposes of a railway comprised in the railway undertaking.

Variation of widths of carriageways and footways.

**76.**—(1) Where a highway maintainable at the public expense comprises both a footway or footways and a carriageway, the appropriate authority may vary the relative widths of the carriageway and of any footway.

(2) Not less than twenty-one days before commencing any work under this section which will materially reduce the width of the carriageway or a footway of a classified road the authority shall give notice of the proposed works to the Minister.

(3) Where any part of a highway is carried by a bridge over a railway, canal, inland navigation, dock or harbour or forms the approaches to such a bridge, the powers conferred by this section shall not be exercised in relation to that part without the consent of the railway, canal, inland navigation, dock or harbour undertakers concerned.

A consent required by this subsection shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister.

(4) In this section "the appropriate authority" means, in relation to a highway in a rural district, the council of the county in which the highway is situated, and, in relation to a highway in a borough or urban district, the council of the borough or district, as the case may be :

**PART V**  
—cont.

Provided that a council shall not exercise a power conferred by subsection (1) of this section in relation to a highway for which they are not the highway authority without the consent of the highway authority therefor.

### *Levels*

**77.** A highway authority may, in relation to a highway maintainable at the public expense by them, execute works for levelling the highway. **Levelling of highways.**

**78.**—(1) Without prejudice to their powers under the last foregoing section, a highway authority may raise or lower or otherwise alter, as they think fit, the level of a highway maintainable at the public expense by them. **Alteration of levels.**

(2) A highway authority shall pay compensation to any person who has sustained damage by reason of the execution by them of works under this section.

**79.** A highway authority may construct a bridge to carry a highway maintainable at the public expense: **Construction of bridge to carry existing highway.**  
Provided that the Minister shall not construct such a bridge except with the approval of the Treasury.

### *Corners*

**80.** A highway authority may, in relation to a highway maintainable at the public expense by them, execute works for cutting off the corners of the highway. **Cutting off of corners.**

**81.**—(1) Where, in the case of a highway maintainable at the public expense, the highway authority for the highway deem it necessary for the prevention of danger arising from obstruction to the view of persons using the highway to impose restrictions with respect to any land at or near any corner or bend in the highway or any junction of the highway with a road to which the public has access, the authority may, subject to the provisions of this section, serve a notice, together with a plan showing the land to which the notice relates,— **Prevention of obstruction to view at corners.**

(a) on the owner or occupier of the land, directing him to alter any wall (not being a wall forming part of the structure of a permanent edifice), fence, hoarding, paling, tree, shrub or other vegetation thereon so as to cause it to conform with any requirements specified in the notice ; or

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**PART V**  
**—cont.**

- (b) on every owner, lessee and occupier of the land, restraining them either absolutely or subject to such conditions as may be specified in the notice from causing or permitting any building, wall, fence, hoarding, paling, tree, shrub or other vegetation to be erected or planted on the land.

A notice under this subsection may at any time be withdrawn by the authority by whom it was given.

(2) A notice restraining the erection of any building on land shall not be served by a highway authority who are not the local authority for the area in which the land is situated, except with the consent of that authority.

(3) A copy of a notice under paragraph (a) of subsection (1) of this section shall be served on the owner or on the occupier of any land according as the notice was served on the occupier or on the owner thereof.

(4) A notice under paragraph (b) of subsection (1) of this section shall not prevent any owner, lessee or occupier of any land from executing or permitting the reconstruction or repair, in such manner as not to create any new obstruction to the view of persons using the adjacent highways, of any building which was on the land before the service of the notice.

(5) A restriction imposed by a notice under subsection (1) of this section shall come into force on the service of the notice and, while in force but subject to the provisions of section fifteen of the Land Charges Act, 1925 (which provides that a local land charge shall be void as against a purchaser for money or money's worth unless registered under that section), shall be binding on the successor in title to every owner, and on every lessee and every occupier, of the land to which it relates.

(6) A person on whom a notice has been served under subsection (1) of this section may, within fourteen days from the date of the receipt thereof by him, give notice to the authority by whom the notice was given objecting to any requirement specified therein, or to any restriction imposed thereby, and stating reasons for his objections, and thereupon the question whether the notice is to be withdrawn as respects any requirement or restriction objected to shall be determined, if the parties so agree, by a single arbitrator appointed by them and, in default of agreement, it shall be determined by a county court.

In determining a question under this subsection the arbitrator or court shall have power to order that the requirement or restriction objected to shall have effect subject to such modifications, if any, as the arbitrator or court may direct.

(7) A person on whom a notice is served under subsection (1) of this section shall have power, notwithstanding anything in

any conveyance, or in any lease or other agreement, to do all such things as may be necessary for complying with the requirements of the notice.

PART V  
—CONT.

(8) Subject to the provisions of this section, if a person on whom a notice has been served under subsection (1) thereof contravenes the provisions of the notice, he shall, without prejudice to any other proceedings which may be available against him, be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

(9) Any person sustaining loss in direct consequence of any requirement of a notice served under subsection (1) of this section, and any person who proves that his property is injuriously affected by restrictions imposed by a notice served thereunder, shall, if he makes a claim within six months from the date of service of the notice, be entitled to recover from the authority by whom the notice was served compensation for the injury sustained.

(10) A person on whom a notice is served under subsection (1) of this section shall be entitled to recover from the authority by whom the notice was served any expenses reasonably incurred by him in carrying out any directions contained in the notice.

If any question arises whether any expenses were reasonably incurred by any person in carrying out any directions contained in a notice served under the said subsection (1), it shall be determined, if the parties so agree, by a single arbitrator appointed by them and, in default of agreement, it shall be determined by a county court.

(11) Any two or more authorities on whom powers are conferred by this section may by agreement exercise those powers jointly, and the agreement may provide for the apportionment of any expenses incurred thereunder.

(12) Nothing in this section shall—

- (a) authorise the service of a notice under this section with respect to any wall forming part of an ancient monument or other object of archæological interest, except with the consent of the Minister of Works; or
- (b) apply with respect to a wall belonging to any of the following undertakers, that is to say, railway undertakers, canal undertakers, inland navigation undertakers, dock undertakers, or harbour undertakers, where the wall forms part of or is necessary for the maintenance of a

**PART V**  
—cont.

railway comprised in the railway undertaking, a canal comprised in the canal undertaking, a navigation comprised in the inland navigation undertaking, a dock comprised in the dock undertaking, or a harbour comprised in the harbour undertaking.

(13) The provisions of the Land Charges Act, 1925, with respect to the registration of local land charges shall apply to any prohibition or restriction on the use of land or buildings imposed by the Minister by a notice served by him under this section as if the notice were a local land charge, and any such prohibition or restriction shall be registered accordingly by the proper officer of the local authority within whose area the land to which it relates is situated.

(14) In this section—

“building” includes any erection of whatsoever material and in whatsoever manner constructed, and any part of a building;

“wall” includes any partition of whatsoever material constructed, and any bank.

*Trees, shrubs and verges*

Powers of highway and local authorities to plant trees, lay out grass verges, etc.

**82.**—(1) Subject to the provisions of this section, a highway authority may, in a highway maintainable at the public expense by them, plant trees and shrubs and lay out grass verges, and may erect and maintain guards or fences and otherwise do anything expedient for the maintenance or protection of trees, shrubs and grass verges planted or laid out by them under this subsection.

A highway authority may alter or remove any grass verge laid out by them under this subsection and any guard, fence or other thing provided, for the purpose of maintenance or protection, by them thereunder.

(2) Subject to the following provisions of this section, a highway authority may exercise the like powers as are conferred by the foregoing subsection on any land acquired in exercise of powers conferred on them by subsection (2), subsection (5), or subsection (6) of section two hundred and fourteen of this Act, or by section two hundred and fifteen thereof, notwithstanding that the land does not form part of a highway.

(3) A local authority, if they are not the highway authority for a highway maintainable at the public expense in their area, may, with the consent of the highway authority therefor, exercise with respect to that highway any of the powers conferred by subsection (1) of this section on the highway authority.

(4) Subject to the restrictions for the time being imposed by any enactment on their expenditure, the council of a parish

may, with the consent of the highway authority for a highway maintainable at the public expense in the parish, exercise with respect to that highway any of the powers conferred by subsection (1) of this section on the highway authority.

(5) No tree, shrub, grass verge, guard or fence shall be planted, laid out or erected under this section, or, if planted, laid out or erected thereunder, allowed to remain, in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof, or so as to be a nuisance or injurious to the owner or occupier of premises adjacent to the highway.

(6) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless his negligence caused the damage, be entitled to recover compensation therefor from the authority or parish council by whom the powers were exercised:

Provided that if that person by his negligence contributed to the damage the compensation shall be reduced accordingly.

(7) Any two or more highway authorities on whom powers are conferred by this section may by agreement exercise those powers jointly, and the agreement may provide for the apportionment of any expenses incurred thereunder.

### *Lighting*

**83.** If the Minister considers that a trunk road should be lighted or better lighted, he may enter into and carry into effect agreements with a person having power in that behalf for the supply for that purpose of gas, electricity or other means of lighting, and may provide such lamps, lamp-posts and other materials and apparatus as he thinks necessary for the purpose.

Power of  
Minister to  
light trunk  
roads.

**84.—(1)** If the council of a county consider that a county road within the county should be lighted or better lighted, they may enter into and carry into effect agreements with a person having power in that behalf for the supply for that purpose of gas, electricity or other means of lighting, and may provide such lamps, lamp-posts and other materials and apparatus as they think necessary for the purpose.

Power of  
county council  
to light county  
roads.

(2) Before exercising the power conferred on them by this section, a county council shall give notice to the street lighting authority specifying the road which in the opinion of the county council should be lighted or better lighted and any particular requirement in that behalf which in their opinion ought to be satisfied, and they shall not exercise the said power unless the street lighting authority have, within a reasonable time after receipt of the notice, failed to provide such lighting or better lighting as is requisite for the adequate lighting of the road, or to satisfy a reasonable requirement of the county council in that behalf.

**PART V**  
—*cont.*

Any question arising under this subsection as to what lighting is adequate, or as to what length of time is reasonable, or whether a requirement is reasonable, shall be determined by the Minister.

(3) Where a county council incur expenses in a financial year in the exercise of the power conferred on them by this section, but none of the expenses is incurred in respect of any of the county roads in the area of a particular street lighting authority within the county, that street lighting authority, if they have in that year provided lighting for the county roads in their area, shall be entitled, on request to the county council, to receive from the county council the amount raised by the county council in the area of the street lighting authority in respect of the said expenses.

(4) Nothing in this section shall be construed as derogating from any power of lighting streets or highways exercisable by a street lighting authority.

(5) In this section “street lighting authority” means, as respects a county road, the council of the county district, or the parish council or parish meeting, according as the one or the other have power to light that road under the Public Health Act, 1875, the Parish Councils Act, 1957, or some other enactment.

*Fences and boundaries*

Power to  
fence  
highways.

**85.**—(1) Subject to the provisions of this section, a highway authority may erect and maintain fences or posts for the purpose of preventing access to—

- (a) a highway maintainable at the public expense by them,
- (b) land on which in accordance with plans made or approved by the Minister they are for the time being constructing or intending to construct a highway shown in the plans which is to be a highway so maintainable, or
- (c) land on which in pursuance of a scheme under section eleven of this Act, or of an order under section nine or section thirteen thereof, they are for the time being constructing or intending to construct a highway.

(2) A highway authority may alter or remove a fence or post erected by them under this section.

(3) The powers conferred by this section shall not be exercised so as to—

- (a) interfere with a fence or gate required for the purpose of agriculture; or
- (b) obstruct a public right of way; or



PART V  
—cont.

- (c) obstruct any means of access for the construction, formation or laying out of which planning permission has been granted under Part III of the Town and Country Planning Act, 1947; or
- (d) obstruct any means of access which was constructed, formed or laid out before the first day of July, nineteen hundred and forty-eight, unless it was constructed, formed or laid out in contravention of restrictions in force under section one or section two of the Restriction of Ribbon Development Act, 1935.
- (4) The powers conferred by this section may be exercised—
- (a) as respects a highway being a trunk road situated in a non-county borough or urban district which, immediately before it became a trunk road, was either a claimed county road or a highway other than a classified road, by the council of that borough or of that district, as the case may be, as well as by the Minister, and
- (b) as respects any other highway being a trunk road, by the council of the county or county borough in which that highway is situated as well as by the Minister.
- (5) The powers conferred by this section may be exercised—
- (a) as respects land on which in accordance with plans made by the Minister he is for the time being constructing or intending to construct a highway shown in the plans, being a trunk road, and
- (b) as respects land on which in pursuance of a scheme under section eleven of this Act the Minister is for the time being constructing or intending to construct a highway,
- by the council of the county or county borough in which that land is as well as by the Minister.

**86.** A highway authority may erect and maintain, in a highway for which they are the highway authority, posts or stones to mark the boundary of the highway and may alter or remove any post or stone so erected by them.

Provision of highway boundary posts.

### *Cattle-grids*

**87.**—(1) Where, whether on the representations of owners or occupiers of agricultural land or otherwise, and after such consultation with any such owners and occupiers as the highway authority consider requisite, it appears to the highway authority for a highway which consists of or comprises a carriageway expedient so to do for controlling the passage of animals along

Provision of cattle-grids and by-passes.

**PART V**  
—cont.

the highway, the authority may, subject to the provisions of this section and sections eighty-eight to ninety-seven of this Act, provide for the highway, and maintain, a cattle-grid in the highway, or partly in the highway and partly in adjoining land.

(2) Where a highway authority provide a cattle-grid under this Act they shall also provide, either by means of a gate or other works on the highway or by means of a by-pass, or partly by one of those means and partly by the other, and maintain, facilities for the passage under proper control of animals and all other traffic unable to pass over the cattle-grid, being traffic entitled by law to go along the highway.

(3) The powers conferred by the foregoing provisions of this section do not include power to place any part of a cattle-grid in land not forming part of the highway and not belonging to the highway authority, or to provide a by-pass on land not belonging to the highway authority, except in so far as is authorised by any such agreement as is provided for by section ninety-two of this Act:

Provided that where after complying with the provisions of the Tenth Schedule to this Act the highway authority determine, as respects any common or waste land not forming part of the highway but adjoining the highway or adjacent thereto, that it is expedient so to do, the authority may place any part of a cattle-grid in, or provide a by-pass on, any of that land notwithstanding that it does not form part of the highway and does not belong to the authority.

(4) Without prejudice to the provisions of the last foregoing subsection, a highway authority shall not provide a by-pass along any part of a highway unless, after complying with the provisions of the Tenth Schedule to this Act, the authority determine that it is expedient so to do.

(5) In this Act—

“cattle-grid” means a device designed to prevent the passage of animals, or animals of any particular description, but to allow the passage of all or some other traffic, and includes any fence or other works necessary for securing the efficient operation of the said device; and

“by-pass”, in relation to a cattle-grid provided for a highway, means a way, over land not comprised within the limits of the highway, for the traffic for which the by-pass is provided, with a public right of way thereover—

(a) for that traffic, or

(b) if any part of the by-pass is provided along an existing highway, for the said traffic and for any other traffic entitled to use the highway before the by-pass was provided,

**PART V**  
—cont.

subject in either case to the limitation that there may be placed thereon any such gate or other works as may be necessary for the proper control of all or any of such traffic and the efficient operation of the cattle-grid for use in connection with which the by-pass is provided ;

and references in this Act to the provision or maintenance of a by-pass shall include references to the provision or maintenance of any such gate or other works.

(6) A highway authority shall have power to alter or improve—

- (a) a cattle-grid or by-pass provided under this Act for a highway for which they are the highway authority ;
- (b) any works provided for use in connection with such a cattle-grid or provided for the purposes of such a by-pass :

Provided that a highway authority shall not carry out any such alteration or improvement as aforesaid whereby traffic of a description which before the alteration or improvement could lawfully have gone along the highway (either by passing over the cattle-grid or by going through a gate or along a by-pass provided under subsection (2) of this section) will be prevented from so going along the highway.

**88.**—(1) Where it appears to a highway authority, after such consultation with such owners and such occupiers of agricultural land as the highway authority consider requisite, that a cattle-grid provided under this Act for a highway for which they are the highway authority is no longer required, the authority may remove the cattle-grid and any gate or other works on the highway which have been provided for use in connection therewith, making good the site thereof.

Removal of  
cattle-grids and  
discontinuance  
of by-passes.

(2) Where a by-pass has been provided for use in connection with a cattle-grid and the highway authority remove the cattle-grid, they may direct that the by-pass shall be discontinued ; and—

- (a) if the direction so provides, then as from such date as may be specified in the direction the public right of way over the by-pass shall be extinguished ; and
- (b) in a case where a direction is given under this subsection, the authority may remove all or any of the works provided for the purposes of the by-pass.

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**PART V**  
—*cont.*

(3) Where a by-pass has been provided, as to the whole or any part thereof, along an existing highway, the following provisions shall have effect:—

- (a) notwithstanding anything in paragraph (a) of the last foregoing subsection, a direction under that subsection shall not extinguish any right of way which existed before the by-pass was provided ;
- (b) if the cattle-grid for use in connection with which the by-pass was provided is removed, then as soon as may be thereafter the highway authority shall (whether or not they direct that the by-pass shall be discontinued, but without prejudice to their powers under paragraph (b) of the last foregoing subsection if they so direct) remove so much of the works provided for the purpose of the by-pass as obstructs the exercise of the right of way existing before the by-pass was provided.

**Maintenance  
of cattle-grids  
and by-passes.**

**89.—**(1) A cattle-grid provided under this Act for a highway, a gate or other works on a highway provided for use in connection with such a cattle-grid, and any works provided for the purposes of a by-pass provided under this Act, shall be maintainable by the highway authority for the highway ; and they shall not be entitled to rely on any exemption from liability for non-repair available to a highway authority as the successor to the inhabitants at large.

(2) For the avoidance of doubt it is hereby declared that a by-pass provided under this Act shall, unless and until the highway authority give a direction discontinuing the by-pass, in all cases be a highway which for the purposes of this Act is a highway maintainable at the public expense for which that authority are the highway authority.

**Exercise of  
powers by  
agreement  
between  
neighbouring  
authorities.**

**90.—**(1) In the case of a highway maintainable at the public expense which is intersected, joined or continued by a highway for which the highway authority are an authority other than the highway authority for the first-mentioned highway, the following provisions shall have effect.

(2) The highway authority for the first-mentioned highway and the other authority may enter into an agreement as to the exercise by the other authority of that authority's powers under sections eighty-seven and eighty-eight of this Act in relation to the highway for which they are the highway authority ; and any such agreement may provide for the defraying by the highway authority for the first-mentioned highway of the whole or any part of the expenses incurred by the other authority in consequence of the agreement.

PART V  
—cont.

(3) The said other authority shall not unreasonably refuse to enter into an agreement under this section ; and if any question arises as to the terms (including terms as to payments) to be included in such an agreement, or if any question arises whether the refusal of that authority to enter into such an agreement is unreasonable, the question shall be determined by arbitration.

**91.**—(1) Where, after complying with the provisions of the Tenth Schedule to this Act, a highway authority providing or proposing to provide under section eighty-seven of this Act a cattle-grid in a highway, being a highway where any person has the right to instal a gate or gates, determine that the purpose for which that right is exercisable will be adequately achieved by the provision of the cattle-grid, the said right shall not be exercisable, so long as the cattle-grid is provided, except with the approval of the highway authority, and the highway authority may require that a gate or gates installed in the exercise of the said right before the provision of the cattle-grid shall be removed or may themselves remove any such gate or gates. Supersession of gates by cattle-grids.

(2) The highway authority shall on demand repay any expenses reasonably incurred in removing a gate in compliance with a requirement under this section.

(3) Where in pursuance of subsection (1) of this section a gate has been removed (whether by, or in compliance with a requirement of, the highway authority) and the highway authority subsequently remove the cattle-grid, then, if within twelve months from the date of the removal of the cattle-grid a person reinstals a gate in the exercise of a right of which the exercise was suspended while the cattle-grid was provided, the highway authority shall on demand repay the expenses reasonably incurred in reinstalling the gate.

(4) No objection shall be made or proceedings brought in respect of the purported exercise by a highway authority of their powers under subsection (1) of this section as respects a gate or gates on the ground that no right to instal the gate or gates existed ; but the purported exercise by the authority of their powers under the said subsection (1) shall not affect the question whether any such right existed, or prejudice the powers of the highway authority or any other person under any enactment (including an enactment in this Act) or rule of law to protect public rights of way or to prevent or remove obstructions.

**92.**—(1) A highway authority may, for the purpose of providing, altering or improving a cattle-grid or by-pass under the powers conferred by this Part of this Act, enter into an agreement under this section with persons interested in any land for the use of the land for that purpose ; and in particular there Agreements for use of land for cattle-grids or by-passes.

PART V  
—cont.

shall be exercisable by the highway authority and the public such rights over the land as may be specified in the agreement.

(2) An agreement under this section may contain provisions for payment to persons who are parties thereto in consideration of the use of the land or otherwise in respect of their entering into the agreement.

(3) The provisions of an agreement under this section shall bind the interest of any person who is a party to the agreement notwithstanding any devolution of that interest, and shall also bind any interest of any person which is thereafter created (whether immediately or not) out of that interest; but save as aforesaid an agreement under this section shall not operate so as to prejudice the rights of a person not a party thereto or confer upon any other person any right against him.

(4) Section two of the Forestry Act, 1947 (which empowers tenants for life and other limited owners to enter into forestry dedication covenants), shall apply to an agreement under this section as it applies to such a covenant.

(5) As soon as may be after an agreement under this section has become operative—

(a) it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of the county borough or county district in which the land, or any part of the land, is situated; and

(b) it shall be the duty of the highway authority to notify the making of the agreement to the proper officer of the council by whom the agreement is required to be registered as aforesaid, and to furnish him with all necessary information relating to the agreement.

The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection, and in this subsection “prescribed” means prescribed by rules made in the exercise of that power.

Contributions  
towards  
expenditure  
of highway  
authorities.

93.—(1) A highway authority may enter into an agreement with a person at whose instance a cattle-grid has been or is to be provided by them under this Act, or any other person willing to make a contribution towards expenses of the authority under this Act in connection with a cattle-grid, for the making by the said person of such a contribution (whether by a single payment or by periodical payments) of such amount as may be specified in the agreement and either towards all such expenditure of the authority or towards such description of such expenditure as may be so specified.

(2) An agreement under this section may contain such incidental and consequential provisions as appear to the parties thereto expedient for the purposes of the agreement, and in particular such an agreement providing for a contribution towards the cost of installing a cattle-grid may provide for repayment of the contribution, to such extent as may be specified in the agreement, in the event of the cattle-grid being removed.

(3) In determining whether or not to provide a cattle-grid, a highway authority shall be entitled to have regard to the extent to which persons who in the opinion of the authority will derive special benefit from the provision of the cattle-grid are willing to enter into agreements under this section.

94.—(1) Subsections (1) to (3) of section ten of this Act shall apply, as respects trunk roads, to the functions of the Minister under the foregoing provisions of this Part of this Act relating to cattle-grids, and to his functions under the Tenth Schedule to this Act in so far as they are conferred on him as highway authority. Delegation to certain authorities of functions of Minister.

(2) Plant or materials belonging to a council to whom functions are delegated under this section may be used by them for the purposes of those functions, subject to the terms of the delegation.

95. The Minister may make regulations as to the construction or installation of cattle-grids, the provision of by-passes, and the construction of works for purposes connected therewith, and as to the illumination of cattle-grids, by-passes and works provided for those purposes; and in the exercise of their functions under section eighty-seven of this Act a highway authority shall comply with any regulations under this section for the time being in force. Regulations as to construction of cattle-grids, etc.

In this section references to construction or provision include references to alteration and improvement and references to illumination shall include references to the provision of reflectors.

96.—(1) The Minister may make regulations authorising a highway authority, in any such case as may be determined by or under the regulations, to provide, for a highway which consists of or comprises a carriageway, being a highway where (in pursuance of the regulations or otherwise) a gate is or is to be provided, a cattle-grid off the highway. Provision of cattle-grids off highway.

(2) As respects the provision of a cattle-grid as aforesaid, the provisions of this Act relating to cattle-grids shall apply subject to such exceptions, modifications and adaptations as may be provided by regulations under this section.

**PART V**  
**—cont.**  
**Protection of**  
**bridges and**  
**railways.**

**97.** A highway authority shall not, in the exercise of functions relating to cattle-grids conferred by this Part of this Act, carry out any work in—

- (a) so much of a highway as is carried by a bridge maintainable by a person other than the highway authority or so much of a highway as is comprised within the immediate approaches to such a bridge,
- (b) so much of a highway passing under such a bridge as is within ten feet of any part of the bridge or of the foundations thereof, or
- (c) so much (if any) of a highway passing above a tunnel provided for the purpose of a railway undertaking of railway undertakers as is within ten feet of any part of the tunnel,

except with the consent of the person liable to maintain the bridge or of the railway undertakers, as the case may be:

Provided that where that consent is withheld the highway authority may refer the matter to the Minister, and if, after affording to the highway authority and to the said person, or to the railway undertakers, as the case may be, an opportunity of being heard by a person appointed by the Minister for the purpose, and considering his report, the Minister so directs, the work may be carried out notwithstanding that the consent has been withheld but subject to compliance with any conditions which the Minister may impose.

*Reconstruction, improvement, etc., of bridges*

**Reconstruction**  
**of bridge**  
**maintainable**  
**at public**  
**expense.**

**98.** Without prejudice to any powers vested in them under this Part of this Act, a highway authority may reconstruct a bridge, being a highway maintainable at the public expense by them, either on the same site or on a new site within two hundred yards of the first-mentioned site.

**Power to make**  
**orders as to**  
**reconstruction,**  
**improvement,**  
**etc., of**  
**privately**  
**maintainable**  
**bridges.**

**99.—(1)** If the owners of a bridge to which this section applies or a local highway authority entitled by virtue of section one hundred and one of this Act to exercise with respect to such a bridge the powers conferred by this section consider—

- (a) that the bridge is or may be, by reason of its construction, position, or state of repair, dangerous or unsuitable for the requirements of road traffic as then existing or the anticipated development thereof, or
- (b) that the responsibility for the maintenance and improvement of the highway carried by the bridge or of



the approaches thereto should for any reason be transferred from the owners to a highway authority,

the owners or the authority may apply to the Minister for an order to provide for the reconstruction, improvement or maintenance of the bridge, or of the highway carried by the bridge, or of the approaches to the bridge.

(2) Where an application is made to the Minister under the foregoing subsection, he may, subject to the provisions of this section, make an order under this section, but, before making such an order, he shall consult the owners of the bridge and every local highway authority entitled to exercise with respect thereto the powers conferred by this section, and, if either the owners or any such local highway authority request him so to do, shall hold an inquiry.

(3) Subject to the provisions of this section, the Minister may by an order made under this section—

- (a) require the execution, either by the owners or by a highway authority, of such works of reconstruction or improvement as may be specified in the order ;
- (b) determine and direct by whom the bridge, the highway carried by the bridge and the approaches to the bridge shall be maintained ;
- (c) provide for the transfer to and vesting in a highway authority of the property in the bridge, or the highway carried by the bridge, or the approaches to the bridge, and of all or any rights and obligations attaching to the bridge, or to such highway or approaches ;
- (d) in the case of a swing bridge, determine and direct by whom and in what manner it shall be operated ;
- (e) modify, so far as he considers necessary for giving effect to the order, any statutory provisions applicable to the bridge other than the provisions of a public general Act ;
- (f) make such incidental, consequential and supplementary provisions, including provisions authorising the owners of the bridge or a highway authority to construct works which are necessary to enable them to comply with a requirement or direction contained in the order, as may appear to him to be necessary or proper for the purposes of the order.

(4) Subject to the provisions of this section, the Minister may, on his own initiative and without any such application as is referred to in subsection (1) of this section, make an order under this section with respect to a trunk road bridge if, on

**PART V**  
**—cont.**

such grounds as are referred to in the said subsection (1), it seems to him fit and proper so to do, but, before making such an order, he shall consult the owners of the bridge (unless after diligent inquiry their names and addresses cannot be ascertained), and, if the owners request him so to do, shall hold an inquiry.

In relation to an order made under this section with respect to a trunk road bridge, paragraph (c) of the last foregoing subsection shall have effect with the substitution, for the reference to a highway authority, of a reference to the Minister.

(5) Subject to the provisions of subsection (8) of section one hundred and one of this Act, this section applies to any bridge (not being a highway maintainable at the public expense) which carries a highway consisting of or comprising a carriage-way over a railway, over a canal, river, creek, watercourse, marsh or other place where water flows or is collected or over a ravine or other depression, other than a bridge to which a right to levy tolls is attached.

(6) The Eleventh Schedule to this Act shall have effect in relation to the making and carrying out of orders under this section.

**Powers of  
highway  
authorities and  
bridge owners  
to enter into  
agreements.**

**100.—(1)** A highway authority may agree with the owners of a bridge to which this section applies and with respect to which the highway authority are entitled by virtue of the next following section to exercise the powers conferred by this section—

- (a) for the payment by the highway authority of contributions towards the cost of the reconstruction, improvement or maintenance of the bridge, or of the highway carried by the bridge, or of the approaches to the bridge ;
- (b) for the transfer to the highway authority, on such terms as may be agreed, of the responsibility for the improvement and maintenance of the highway carried by the bridge, or of the approaches thereto ;
- (c) for the transfer to the highway authority, on such terms as may be agreed, of the property in the bridge, the highway carried by the bridge, and the approaches to the bridge, and of all or any rights and obligations attaching to the bridge, or to such highway or approaches ;

and it shall be lawful for the owners of the bridge, notwithstanding that the bridge was constructed under statutory powers, to enter into and carry into effect any such agreement.

(2) Subject to the provisions of subsection (8) of the next following section, this section applies to any bridge (not being

a highway maintainable at the public expense) which carries a highway consisting of or comprising a carriageway over a railway, over a canal, river, creek, watercourse, marsh or other place where water flows or is collected or over a ravine or other depression.

**PART V**  
—*cont.*

(3) Where an agreement made under this section provides for the transfer to the highway authority of rights or obligations attaching to a bridge, then, as from the date of the transfer, it shall be lawful for the highway authority to exercise the rights transferred, and they shall, to the exclusion of the owners, be subject to the obligations so transferred.

**101.**—(1) The powers conferred by the last foregoing section on a highway authority shall, in the case of a trunk road bridge, be exercisable by the Minister.

Supplemental provisions as to orders and agreements under ss. 99 and 100.

(2) The powers conferred by the two last foregoing sections on a highway authority or on a local highway authority shall be exercisable—

- (a) in the case of a bridge in a county borough, by the council of the borough;
- (b) in the case of a bridge in a rural district, by the council of the county in which the bridge is situated;
- (c) in the case of a bridge in a non-county borough or in an urban district,—
  - (i) if the highway at each end of the bridge is vested in the county council, by that council, and
  - (ii) if the highway at each end of the bridge is not so vested, either by the council of the county in which the bridge is situated, or by the council of the borough or urban district, or by those councils jointly:

Provided that no local highway authority shall be entitled to exercise the said powers with respect to a trunk road bridge.

(3) Where a bridge not being a trunk road bridge is situated partly in one area and partly in another, the powers conferred by the two last foregoing sections on a highway authority or on a local highway authority shall be exercisable by any council who could have exercised those powers if their area had included the whole of the bridge.

(4) For the purposes of the foregoing provisions of this section, the highway carried by a bridge, and the approaches to the bridge, shall be deemed to be part of the bridge.

(5) Where—

- (a) a bridge crossing a railway is owned by railway undertakers and the railway is leased to other such undertakers, or

**PART V**  
—*cont.*

(b) a bridge crossing a canal is owned by canal undertakers and the canal is leased to other such undertakers, references in the two last foregoing sections and in this section to the owners of the bridge, railway or canal shall include references to those other undertakers.

(6) Nothing in the two last foregoing sections or in this section or in any order made under section ninety-nine of this Act shall be construed as authorising the stoppage of traffic on a canal without the consent of the owners thereof, and a highway authority carrying out works authorised by any of the said sections, or by any such order, with respect to a bridge crossing a canal shall take such steps as may be necessary to prevent, so far as practicable, interference with traffic on the canal:

Provided that the consent of the owners of the canal to the temporary stoppage of traffic thereon shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister.

(7) In the two last foregoing sections and in this section—

“approaches” in relation to a bridge, means approaches for the maintenance of which the owners of the bridge are responsible and which connect the bridge with a highway maintainable at the public expense;

“trunk road bridge” means a bridge the highway over which is a trunk road, or partly a trunk road;

“canal” includes inland navigation;

and for the purposes of the said sections the towing path of a canal shall be deemed to form part of the canal.

(8) The two last foregoing sections and this section shall not apply to any bridge which crosses the Manchester Ship Canal and is owned by the Manchester Ship Canal Company.

*Miscellaneous improvements*

**Metalling of  
highways.**

**102.** A highway authority may, in relation to a highway maintainable at the public expense by them, execute works for the conversion of the highway into a metalled highway.

**Drainage of  
highways.**

**103.—(1)** The highway authority for a highway may, for the purpose of draining it or of otherwise preventing surface water from flowing on to it, do all or any of the following, that is to say—

(a) construct or lay, in the highway or in land adjoining or lying near to the highway, such ditches, gutters, drains, watercourses, bridges, culverts, tunnels or pipes as they consider necessary;

- (b) erect barriers in the highway or in such land as aforesaid to divert surface water into or through any existing ditch, gutter, drain, watercourse, bridge, culvert, tunnel or pipe ;
- (c) scour, cleanse and keep open all ditches, gutters, drains or watercourses situated in the highway, or in such land as aforesaid.

(2) If the owner or occupier of any land, not being waste or common land, suffers damage by reason of the exercise by a highway authority of their powers under the foregoing subsection, the authority shall pay him compensation therefor.

(3) If a person, without the consent of the highway authority, alters, obstructs or interferes with a ditch, gutter, drain, watercourse, bridge, culvert, tunnel, pipe or barrier which has been constructed, laid or erected by the authority in exercise of their powers under subsection (1) of this section, or which is under their control, the authority may carry out any work of repair or reinstatement necessitated by his action and may recover the expenses reasonably incurred by them in so doing from him, and, without prejudice to their right to exercise that power, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding three times the amount of those expenses.

(4) Without prejudice to his powers under the foregoing provisions of this section, the Minister may, for the purpose of the drainage of a trunk road, exercise any powers exercisable by a local authority under the Public Health Act, 1936, for the purposes of the drainage of highways within the area of that authority.

(5) A person who is liable to maintain a highway by reason of tenure, enclosure or prescription shall, for the purpose of draining it, have the like powers as are conferred on a highway authority by subsection (1) of this section for that purpose, and subsections (2) and (3) of this section shall have effect in relation to a highway so maintainable as if references therein to a highway authority and to subsection (1) of this section included references to the person liable to maintain that highway and to this subsection respectively.

(6) In this section "owner," in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease the unexpired term whereof exceeds three years.

104. If, on the application of any person, it appears to a magistrates' court to be desirable for the convenience of users of any highway that a traffic sign be erected on or near the highway giving directions to places served by the highway the court may

Provision  
of direction  
signs.

**PART V**  
—*cont.*

order the highway authority for the highway so to erect such a sign :

Provided that nothing in this section shall be taken to affect the power of the Minister under section forty-eight of the Road Traffic Act, 1930 (which makes provision with respect to traffic signs), to direct the removal of a traffic sign.

Provision of posts to indicate depth of flood water.

**105.**—(1) It shall be the duty of a highway authority to provide, in connection with any highway for which they are the highway authority, being a highway which is subject to flooding to any considerable depth, graduated posts or stones in any case where they consider the provision thereof necessary or desirable for the purpose of indicating the depth of water covering the highway.

(2) A highway authority may alter or remove any post or stone provided by them under this section.

Mitigating nuisance of dust.

**106.** A highway authority may, in relation to a highway maintainable at the public expense by them, treat the highway for mitigating the nuisance of dust.

Power to improve road-ferries.

**107.** A highway authority may improve any road-ferry provided by them under this Act.

**PART VI**

**STOPPING UP AND DIVERSION OF HIGHWAYS**

Power of magistrates' court to authorise the stopping up or diversion of a highway.

**108.**—(1) Subject to the provisions of this section, if it appears to a magistrates' court, after a view, if the court thinks fit, by any two or more of the justices composing the court, that a highway (not being a trunk road or a special road) as respects which the appropriate authority have made an application under this section—

(a) is unnecessary, or

(b) can be diverted so as to make it nearer or more commodious to the public,

the court may by order authorise it to be stopped up, or, as the case may be, to be so diverted.

(2) If an authority propose to make an application under this section for an order relating to a highway situated in a rural parish (not being a classified road) they shall give notice of the proposal to the council of the rural district which comprises the parish and to the parish council or, in the case of a parish not having a separate parish council, to the chairman of the parish meeting, and the application shall not be made if, within two months from the date of service of the notice by the authority, notice is given to the authority either by the council of the rural district or by the parish council or the chairman of the parish

meeting, as the case may be, that the council or meeting have refused to consent to the making of the application.

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—cont.

(3) An application under this section may be made, and an order thereunder may provide, for the stopping up or diversion of a highway for the purposes of all traffic, or subject to the reservation of a footpath or bridleway.

(4) An application or order made under this section may include two or more highways which are connected with each other.

(5) A magistrates' court shall not make an order under this section unless it is satisfied that the applicant authority have given the notices required by Part I of the Twelfth Schedule to this Act.

(6) On the hearing of an application under this section the applicant authority, any person to whom notice is required to be given under paragraph 1 of the said Twelfth Schedule, any person who uses the highway and any other person who would be aggrieved by the making of the order applied for, shall have a right to be heard.

(7) An order under this section authorising the diversion of a highway—

(a) shall not be made unless the written consent of the local planning authority (if not the applicants), and of every person having a legal interest in the land over which the highway is to be diverted, is produced to and deposited with the court; and

(b) except in so far as the carrying out of the diversion may necessitate temporary interference with the highway, shall not authorise the stopping up of any part of the highway until the new part to be substituted for the part to be stopped up (including, where a diversion falls to be carried out under orders of two different courts, any necessary continuation of the new part in the area of the other court) has been completed to the satisfaction of two justices of the peace acting for the same petty sessions area as the court by whom the order was made and a certificate to that effect signed by them has been transmitted to the clerk of the peace.

(8) Every order under this section shall have annexed thereto a plan signed by the chairman of the court and shall be transmitted by the clerk of the court to the clerk of the peace, together with any written consents produced to the court under subsection (7) of this section; and the clerk of the peace shall enrol any documents so transmitted to him, and any certificates transmitted to him under that subsection, among the records of quarter sessions.

**PART VI**  
—*cont.*

(9) Part II of the Twelfth Schedule to this Act shall apply where, in pursuance of an order made under this section, a highway is stopped up or diverted, and, immediately before the order is made, there is under, in, upon, over, along or across the highway any apparatus belonging to or used by any statutory undertakers for the purpose of their undertaking.

(10) In this section “the appropriate authority” means—

- (a) in relation to a highway which is situated in a non-county borough or in an urban district and for which a county council are the highway authority, the council of the borough or district, as the case may be, acting with the consent of the county council; and
- (b) in relation to any other highway, the highway authority for the highway.

A consent required by this subsection shall not be unreasonably withheld and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister.

Application for order under s. 108 by highway or local authority on behalf of other person.

**109.** A person who desires a highway to be stopped up or diverted, but who is not authorised to make an application under the last foregoing section for an order authorising the stopping up or, as the case may be, diversion of the highway, may request the highway authority or local authority who, by virtue of that section, are the appropriate authority in relation to the highway to make such an application as aforesaid, and if the authority grant the request they may, as a condition of making such an application, require him to make such provision for any costs to be incurred by them in connection with the matter as they deem reasonable.

Stopping up of footpaths and bridleways.

**110.—(1)** Where it appears to a local authority as respects a footpath or bridleway in their area (not being a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that the path or way is not needed for public use, the authority may by order (in this Act referred to as a “public path extinguishment order”) made by them and submitted to and confirmed by the Minister of Housing and Local Government extinguish the public right of way over the path or way.

(2) The Minister of Housing and Local Government shall not confirm a public path extinguishment order unless he is satisfied that it is expedient so to do having regard to the extent (if any) to which it appears to him that the path or way would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way, account being



taken of the provisions as to compensation contained in section thirty-one of this Act as applied by subsection (2) of section one hundred and thirteen thereof.

PART VI  
—cont.

(3) A public path extinguishment order shall be in such form as may be prescribed by regulations made by the Minister of Housing and Local Government, and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.

(4) The Seventh Schedule to this Act shall have effect as to the making, confirmation, validity and date of operation of public path extinguishment orders.

(5) Where in accordance with regulations made under paragraph 3 of the said Seventh Schedule proceedings preliminary to the confirmation of a public path extinguishment order are taken concurrently with proceedings preliminary to the confirmation of a public path creation order or of a public path diversion order made under the next following section then, in considering—

(a) under subsection (1) of this section whether the path or way to which the public path extinguishment order relates is needed for public use, or

(b) under subsection (2) of this section to what extent (if any) that path or way would apart from the order be likely to be used by the public,

the local authority or the Minister of Housing and Local Government, as the case may be, may have regard to the extent to which the public path creation order or the public path diversion order would provide an alternative path or way.

(6) For the purposes of subsections (1) and (2) of this section, any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.

**111.**—(1) Where an owner, lessee or occupier of land crossed by a footpath or bridleway (not being a trunk road or a special road) satisfies the local authority in whose area the land is situated that for securing the efficient use of the land or of other land held therewith or providing a shorter or more commodious path or way it is expedient that the line of the path or way across his land, or part of that line, should be diverted (whether on to other land of his or on to land of another owner, lessee or occupier), the authority may by order (in this Act referred to as a “public path diversion order”) made by them and submitted to and confirmed by the Minister of Housing and Local Government—

Diversion of  
footpaths and  
bridleways.

(a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the authority requisite for effecting the diversion, and

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—cont.

- (b) extinguish, as from such date as may be so specified in accordance with the provisions of the next following subsection, the public right of way over so much of the path or way as appears to the authority requisite as aforesaid:

Provided that—

- (i) the order shall not alter a point of termination of the path or way if that point is not on a highway, and  
(ii) the order shall not alter a point of termination of the path or way, being a point on a highway, otherwise than to another point on the same highway or a highway connected therewith, being a point substantially as convenient to the public.

(2) Where it appears to the authority that work requires to be done to provide necessary facilities for the convenient exercise of any such new public right of way as is mentioned in paragraph (a) of the foregoing subsection, the date specified under paragraph (b) of that subsection shall be later than the date specified under paragraph (a) thereof by such time as appears to the authority requisite for enabling the work to be carried out.

(3) A right of way created by a public path diversion order may either be unconditional or may (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) be subject to such limitations or conditions as may be specified in the order.

(4) Before determining to make a public path diversion order on the representation of an owner, lessee or occupier, the authority may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards—

- (a) any compensation which may become payable under section thirty-one of this Act as applied by subsection (2) of section one hundred and thirteen thereof, or  
(b) where the authority are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into a fit condition for use by the public, or  
(c) where the authority are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of subsection (4) of section thirty of this Act as applied by subsection (8) of this section.

(5) The Minister of Housing and Local Government shall not confirm a public path diversion order unless he is satisfied that the diversion to be effected thereby is expedient as mentioned in subsection (1) of this section, and further that the path

or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

- (a) the diversion would have on public enjoyment of the path or way as a whole,
- (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held therewith,

so, however, that for the purposes of paragraphs (b) and (c) of this subsection the said Minister shall take into account the provisions as to compensation referred to in paragraph (a) of the last foregoing subsection.

(6) A public path diversion order shall be in such form as may be prescribed by regulations made by the Minister of Housing and Local Government, and shall contain a map, on such scale as may be so prescribed, showing the existing site of so much of the line of the path or way as is to be diverted by the order and the new site to which it is to be diverted, and indicating whether a new right of way is created by the order over the whole of the new site or whether some part thereof is already comprised in a footpath or bridleway and, in the latter case, defining the part thereof so comprised.

(7) The Seventh Schedule to this Act shall have effect as to the making, confirmation, validity and date of operation of public path diversion orders.

(8) The provisions of section thirty of this Act shall apply to a footpath or bridleway created by a public path diversion order with the substitution, for references to a public path creation order, of references to a public path diversion order, and, for references to subsection (3) of section twenty-nine of this Act, of references to subsection (5) of the next following section.

**112.**—(1) Subject to the following provisions of this section, the powers of making public path extinguishment orders and public path diversion orders conferred by the two last foregoing sections shall not be exercisable—

- (a) by the council of a rural district except with the consent of the council of the county comprising the district and, if the county council are not the local planning authority, the consent of that authority,
- (b) by the council of any other county district, except with the consent of the local planning authority,

**PART VI**  
—cont.

Exercise of powers of making public path extinguishment and diversion orders.

**PART VI**  
—*cont.*

- (c) by the council of a county borough, not being the local planning authority, except with the consent of that authority, and
- (d) by a council as respects a footpath or bridleway in a National Park, except after consultation with the National Parks Commission.

(2) Where a footpath or bridleway lies partly within and partly outside the area of a local authority, the powers conferred by the two last foregoing sections on the local authority shall extend to the whole of the path or way as if it lay wholly within their area :

Provided that, in relation to so much of the path or way as lies outside the area of the authority, the said powers shall not be exercisable—

- (a) as respects any part thereof in a rural district, except with the consent of the council of that district and of the council of the county comprising that district, and, if that county council are not the local planning authority, the consent of that authority,
- (b) as respects any part thereof in any other county district, except with the consent of the council of that district and the consent of the local planning authority, and
- (c) as respects any part thereof in a county borough, except with the consent of the council of the county borough and, if that council are not the local planning authority, the consent of that authority.

(3) The Minister of Housing and Local Government, on the application of the council of a county, may direct, either generally or as respects the stopping up or diversion of a particular footpath or bridleway, that the powers conferred by the two last foregoing sections or either of them (including those powers as extended by the last foregoing subsection) on the council of a county district specified in the direction, being a district in the county in question, shall be exercisable by the county council and shall not be exercisable by the council of the county district.

(4) A county council exercising a power by virtue of a direction under the last foregoing subsection shall consult the local planning authority, where that authority is a joint board, but shall not be required to obtain the consent of the board to the exercise of the power :

Provided that a county council shall not exercise any such power as aforesaid as respects so much of a footpath or bridleway as lies in another county except with the consent of the council of that county and, if the last mentioned council are not the local planning authority, the consent of that authority.

(5) Where it appears to the Minister of Housing and Local Government as respects a footpath or bridleway that it is expedient as mentioned in subsection (1) of section one hundred and ten of this Act that the path or way should be stopped up, or where an owner, lessee or occupier of land crossed by a footpath or bridleway satisfies the said Minister that a diversion thereof is expedient as mentioned in subsection (1) of the last foregoing section, then if—

- (a) the appropriate authority have not made and submitted to him a public path extinguishment order or a public path diversion order, as the case may be, and
- (b) the said Minister is satisfied that, if such an order were made and submitted to him, he would have power to confirm the order in accordance with the provisions in that behalf of the two last foregoing sections,

the said Minister, after consultation with the said authority, may direct the authority to make and submit to him a public path extinguishment order or a public path diversion order, as the case may be, or may himself make the order; and where the said Minister gives a direction under this subsection, the restrictions on the making of such an order imposed by the relevant provisions of this section, that is to say, subsection (1), or that subsection and the proviso to subsection (2), or the proviso to the last foregoing subsection, as the case may be, shall not apply.

(6) A council proposing to make a public path diversion order such that the authority who will be the highway authority for a part of the path or way after the diversion will be a different body from the authority who before the diversion are the highway authority for it shall, before making the order, notify the first mentioned authority.

(7) In this section “the appropriate authority”, in relation to the making of a public path extinguishment order or a public path diversion order, means the authority upon whom power to make the order (whether the power is exercisable with the consent of any other authority or not) is conferred by or under the relevant provisions of the two last foregoing sections and of subsections (2) and (3) of this section.

**113.—(1)** A public path extinguishment order or a public path diversion order affecting in any way the area of more than one authority may contain provisions requiring one of the authorities to defray, or contribute towards, expenses incurred in consequence of the order by another of the authorities; and a public path diversion order diverting a part of the line of a path or way from a site in the area of one local highway authority to a site in the area of another may provide that the first mentioned authority shall continue to be the highway authority for that part of the path or way after the diversion.

Supplementary provisions as to public path extinguishment and diversion orders.

**PART VI**  
—cont.

(2) Section thirty-one of this Act shall apply in relation to public path extinguishment orders and public path diversion orders as it applies in relation to public path creation orders as if the references therein to subsection (3) of section twenty-nine of this Act were references to subsection (5) of the last foregoing section.

(3) Section thirty-two of this Act shall apply in relation to the making of public path extinguishment orders and public path diversion orders as it applies in relation to the making of public path creation agreements and public path creation orders.

(4) The Minister of Housing and Local Government shall not make or confirm a public path extinguishment order or a public path diversion order which extinguishes a right of way over land under, in, upon, over, along or across which there is any apparatus belonging to or used by any statutory undertakers for the purpose of their undertaking unless the undertakers have consented to the making or confirmation of the order, as the case may be; and any such consent may be given subject to the condition that there are included in the order such provisions for the protection of the undertakers as they may reasonably require.

The consent of statutory undertakers to any such order shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of a consent is unreasonable or whether any requirement is reasonable shall be determined by the appropriate Minister.

(5) In the last foregoing subsection the “appropriate Minister” means—

- (a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Minister of Power;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of water, the Minister of Housing and Local Government; and
- (c) in relation to any other statutory undertakers, the Minister.

**Power to make temporary diversion where highway about to be repaired or widened.**

**114.—**(1) A highway authority who are about to repair or widen a highway, and a person who is about to repair or widen a highway maintainable by him by reason of tenure, enclosure or prescription, may, subject to the provisions of this section, construct on adjoining land a temporary highway for use while the work is in progress.

(2) Where any damage is sustained by the owner or occupier of any land in consequence of the construction of a highway on that land in exercise of a power conferred by this section

the owner or occupier of the land may recover compensation in respect of that damage from the authority or other person by whom the highway was constructed.

**PART VI**  
—*cont.*

(3) Nothing in this section shall authorise interference with land which is part of the site of a house, or is a garden, lawn, yard, court, park, paddock, plantation, planted walk or avenue to a house, or is inclosed land set apart for building or as a nursery for trees.

**115.**—(1) The provisions of any enactment contained in this Part of this Act shall not prejudice any power conferred by any other enactment (whether contained in this Part of this Act or not) to stop up or divert a highway, and shall not otherwise affect the operation of any enactment not contained in this Part of this Act relating to the extinguishment, suspension, diversion or variation of public rights of way. Saving and interpretation.

(2) Unless the context otherwise requires, expressions in this Part of this Act, other than expressions to which meanings are assigned by sections two hundred and ninety-four and two hundred and ninety-five of this Act, have the same meanings respectively as in the Town and Country Planning Act, 1947.

## PART VII

### LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

#### *Protection of public rights*

**116.**—(1) The Minister may assert and protect the rights of the public to the use and enjoyment of any trunk road, including any roadside waste which forms part of it. Protection of public rights.

(2) The council of a county or county borough may assert and protect the rights of the public to the use and enjoyment of any county road in the county or, as the case may be, of any highway in the borough, including any roadside waste which forms part of such a road or highway.

(3) Without prejudice to subsections (1) and (2) of this section, it shall be the duty of the council of a county district to assert and protect the rights of the public to the use and enjoyment of all highways in their district and to prevent, as far as possible, the stopping up or obstruction of those highways, and the duty imposed by this subsection on the council of a county district shall extend to a highway in an adjoining county district in the county in which their district is situated if, in the opinion of the council, the stopping up or obstruction

**PART VII**  
—*cont.*

of that highway would be prejudicial to the interests of their district.

(4) Without prejudice to the foregoing provisions of this section, it shall be the duty of the council of a county district to prevent any unlawful encroachment on any roadside waste comprised in a highway within their district.

(5) Without prejudice to their powers under section two hundred and seventy-six of the Local Government Act, 1933, a council may, in the performance of their functions under the foregoing provisions of this section, institute or defend any legal proceedings and generally take such steps as they deem expedient.

(6) If the council of a parish, or, in the case of a rural parish not having a separate parish council, the parish meeting of the parish, represent to the council of the county district within which the parish is situated—

(a) that a highway, being one as to which the council of the county district have the duty imposed by subsection (3) of this section, has been unlawfully stopped up or obstructed, or

(b) that an unlawful encroachment has taken place on a roadside waste comprised in a highway within the county district,

it shall be the duty of the council of that district, unless satisfied that the allegations are incorrect, to take proper proceedings accordingly.

(7) Where a parish council or a parish meeting have made representations under the last foregoing subsection to the council of a county district, and the council of that district refuse or fail to take proper proceedings in consequence of those representations, the parish council or parish meeting by whom the representations were made may petition the council of the county in which the highway to which the representations relate is situated, and, if that council so resolve, the functions of the district council under this section, as respects the highway in connection with which the representations were made, shall be transferred to the county council.

(8) The provisions of subsection (1) of section sixty-three of the Local Government Act, 1894 (which makes provision for the case where the powers of a district council are by virtue of a resolution under that Act transferred to a county council), shall apply in relation to a resolution passed under the last foregoing subsection as if it were a resolution passed under that Act.

(9) Any proceedings or steps taken by a council in relation to an alleged right of way shall not be treated as unauthorised by reason only that the alleged right is found not to exist.



*Damage to highways, streets, etc.*

PART VII

—cont.

- 117.**—(1) If a person, without lawful authority or excuse,—
- (a) makes a ditch or excavation in a highway which consists of or comprises a carriageway, or
  - (b) removes any soil or turf from any part of a highway, except for the purpose of improving the highway and with the consent of the highway authority for the highway, or
  - (c) deposits anything whatsoever on a highway so as to damage the highway, or
  - (d) lights any fire, or discharges any firearm or firework, within fifty feet from the centre of a highway which consists of or comprises a carriageway, and in consequence thereof the highway is damaged, or
  - (e) in any other manner wilfully damages a highway, any part of an embankment supporting a highway, any part of a bank which flanks a highway or any retaining wall or flank wall belonging to a highway,

Penalty for  
damaging  
highway, etc

he shall be guilty of an offence.

- (2) If a person, without lawful authority or excuse,—

- (a) wilfully damages a post, rail, wall or fence erected on or by the side of a highway, or a tree, hedge or shrub, or grass, planted or laid out in a highway, or
- (b) wilfully destroys or damages a cattle-grid provided under this Act, a gate or other works on a highway for use in connection with such a cattle-grid, or a gate or other works for the proper control of traffic passing over a by-pass for use in connection with such a cattle-grid, or
- (c) pulls down, damages or obliterates a traffic sign placed on or near a highway, or a milestone or direction post (not being a traffic sign) so placed,

he shall be guilty of an offence:

Provided that it shall be a defence in any proceedings brought under paragraph (c) of this subsection to show that the traffic sign, milestone or post was not lawfully so placed.

- (3) A person guilty of an offence under this section shall be liable in respect thereof to a fine not exceeding forty shillings.

**118.**—(1) If the footway of a street, being a highway maintainable at the public expense, is damaged by or in consequence of any excavation or other work on land adjoining the street, the highway authority for the highway may, subject to the following subsection, make good the damage and recover the expenses reasonably incurred by them in so doing from the owner of

Damage  
to footways  
of streets by  
excavations.

**PART VII**  
—*cont.*

the land in question or the person causing or responsible for the damage.

(2) The powers conferred by this section shall not be exercisable by a highway authority, being the council of a borough or of an urban district, unless this section applies in the borough or district, as the case may be, by virtue of section two hundred and ninety of this Act.

**Ploughing of  
footpath or  
bridleway.**

**119.**—(1) Where a footpath or bridleway crosses agricultural land or land which is being brought into use for agriculture, then, if—

- (a) it is proposed in accordance with the rules of good husbandry to plough the land, and
- (b) it is convenient, in so ploughing the land, to plough the path or way together with the rest of the land,

the public right of way shall be subject to the condition that the occupier shall have the right, subject to the following provisions of this section, to plough the path or way as well as the rest of the land.

(2) Before ploughing a footpath or bridleway in the exercise of the right conferred by the foregoing subsection the occupier shall give to the highway authority for the path or way not less than seven days' notice of his intention to plough it.

(3) Where a footpath or bridleway is ploughed in the exercise of the said right the occupier of the land shall as soon as may be after the ploughing is completed make good the surface of the path or way so as to make it reasonably convenient for the exercise of the public right of way.

(4) A person who fails to comply with the foregoing provisions of this section shall be guilty of an offence and shall be liable in respect thereof—

- (a) in the case of a failure to comply with the provisions of subsection (2) of this section, to a fine not exceeding forty shillings ;
- (b) in the case of a failure to comply with the provisions of the last foregoing subsection, to a fine not exceeding ten pounds ;

and where a person is convicted of the offence of failing to comply with the provisions of the last foregoing subsection and the offence in respect of which he was convicted is continued after the conviction he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding twenty shillings for each day on which the offence is so continued.

(5) It shall be the duty of a highway authority to enforce the provisions of subsections (2) to (4) of this section as respects any footpath or bridleway for which they are the highway

authority; and no proceedings in respect of an offence under those provisions shall be brought except by the authority required by this subsection to enforce those provisions as respects the path or way in question.

PART VII  
—cont.

(6) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

**120.**—(1) If a highway which consists of or comprises a carriageway is being damaged in consequence of the exclusion therefrom of the sun and wind by a hedge or tree (other than a tree planted for ornament or for shelter to a building, courtyard or hop ground), a magistrates' court may, on a complaint made by the highway authority for the highway, or, in the case of a highway maintainable by reason of tenure, enclosure or prescription, by the person liable to maintain the highway, by order require the owner or occupier of the land on which the hedge or tree is growing, so to cut, prune or plash the hedge or prune or lop the tree as to remove the cause of damage.

Damage to  
highway  
consequent  
on exclusion  
of sun and  
wind.

(2) If a person against whom an order under the foregoing subsection is made fails to comply with it within ten days from such date as may be specified in the order, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding forty shillings, and the highway authority or other person on whose complaint the order was made may carry out the work required by the order and may recover the expenses reasonably incurred by them or him in so doing from the person in default.

(3) No person shall be required by an order made under this section, nor shall any person be permitted by the last foregoing subsection, to cut or prune a hedge at any time except between the last day of September and the first day of April.

(4) If it appears to the highway authority for a highway to which this subsection applies that the highway is being damaged in consequence of the exclusion therefrom of the sun and wind by a tree or hedge or other vegetation growing in or near the highway, the highway authority may, at any time, with the consent of the owner and occupier of the land on which it is growing, prune or lop the tree or cut, prune or plash the hedge or other vegetation.

This subsection applies to any highway, being a trunk road or a county road (other than a claimed county road), situated in any of the following counties, that is to say, Wilts, Dorset, Somerset, Devon and Cornwall.

L

## PART VII

—cont.

Penalty for wilful obstruction.

*Obstruction of highways and streets*

**121.**—(1) If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding forty shillings.

(2) A constable may arrest without warrant any person whom he sees committing an offence against this section.

Penalty for erecting building, etc., in highway.

**122.** If a person, without lawful authority or excuse, erects a building or fence, or plants a hedge, in a highway which consists of or comprises a carriageway he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding forty shillings.

Restriction on planting of trees, etc., in or near carriageway.

**123.**—(1) Subject to the provisions of sections sixty-five and eighty-two of this Act, no tree or shrub shall be planted in a made-up carriageway, or within fifteen feet from the centre of a made-up carriageway.

(2) If a tree or shrub is planted in contravention of this section, the highway authority for the highway, or, in the case of a highway maintainable by reason of tenure, enclosure or prescription, the person liable to maintain the highway, may, by notice given either to the owner or to the occupier of the land in which the tree or shrub is planted, require him to remove it within twenty-one days from the date of service of the notice.

(3) If a person fails to comply with a notice given under the last foregoing subsection he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding ten shillings, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding ten shillings for each day on which the offence is so continued.

Power to remove structures from highways.

**124.**—(1) Where a structure has been erected or set up on a highway otherwise than under a provision of this Act or some other enactment, the highway authority for the highway may by notice require the person having control or possession of the structure to remove it within such time as may be specified in the notice.

(2) Where a local highway authority serve a notice under this section, the person on whom the notice is served may, within one month from the date of service of the notice, appeal to the Minister, and, if it is shown to the satisfaction of the Minister that the removal of the structure within the time specified in the notice would cause undue hardship to any person, the Minister may extend the time by such period as he thinks just.

(3) If a structure in respect of which a notice has been served under this section is not removed within the time specified in the notice, or, in a case where the Minister has under the last foregoing subsection extended the time so specified, within the time as so extended, the highway authority may remove the structure and recover the expenses reasonably incurred by them in so doing from the person having control or possession of the structure :

Provided that the power of the highway authority under this subsection shall not be exercised until the expiration of one month from the date of service of the notice or, if an appeal has been made to the Minister against the notice, until after the appeal has been determined.

(4) In this section “ structure ” includes any machine, pump, post or other object of such a nature as to be capable of causing obstruction, and a structure may be treated for the purposes of this section as having been erected or set up notwithstanding that it is on wheels.

**125.**—(1) Where there is a gate of less than the minimum width across so much of a highway as consists of a carriageway, or across a highway being a bridleway, the highway authority for the highway may by notice to the owner of the gate require him to enlarge the gate to that width or remove it.

Powers as to gates across highways.

In this subsection “ the minimum width ” means, in relation to a gate across so much of a highway as consists of a carriageway, ten feet, and, in relation to a gate across a bridleway, five feet, measured in either case between the posts of the gate.

(2) If a person on whom a notice under the foregoing subsection is served fails to comply, within twenty-one days from the date of service of the notice on him, with a requirement of the notice, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding ten shillings for each day during which the failure continues.

**126.**—(1) Where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to the highway authority for a footpath or bridleway which crosses the land, that, for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way, the highway authority may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

Power to authorise erection of stiles, etc., in footpath or bridleway.

**PART VII**  
—cont.

(2) If, on a representation duly made under the foregoing subsection, the highway authority refuse to grant an authorisation thereunder, or grant such an authorisation subject to conditions, the person who made the representation may appeal to the Minister of Housing and Local Government against the refusal or against the imposition of the conditions, as the case may be; and if the said Minister, after giving to the appellant and to the highway authority an opportunity of being heard by a person appointed by him for the purpose and considering the report of that person, determines to allow the appeal, he shall—

- (a) if the appeal was against a refusal, authorise the erection of the stiles, gates or other works in question, subject to such conditions as he may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public;
- (b) if the appeal was against the imposition of conditions, direct that the authorisation granted by the highway authority shall, as may be specified in the direction, have effect either unconditionally or subject to such modified conditions as may be so specified.

(3) Where in the case of a footpath or bridleway an authorisation is granted by the highway authority under subsection (1) of this section or by the Minister of Housing and Local Government under the last foregoing subsection, the public right of way shall be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached thereto are complied with.

(4) For the purposes of section one hundred and twenty-four of this Act, any stile, gate or works erected in pursuance of an authorisation under subsection (1) or subsection (2) of this section shall be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached thereto are complied with.

(5) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

Penalty for depositing things, or pitching booths, etc., on highway.

**127.** If, without lawful authority or excuse,—

- (a) a person deposits on a made-up carriageway, or on any highway which consists of or comprises a made-up carriageway within fifteen feet from the centre of that carriageway, any dung, compost or other material for dressing land, or any rubbish, or
  - (b) a person deposits any thing whatsoever on a highway to the interruption of any user of the highway, or
  - (c) a hawker or other itinerant trader or a gipsy pitches a booth, stall or stand, or encamps, on a highway,
- he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding forty shillings.

128.—(1) If any thing is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited it there to remove it forthwith and, if he fails to comply with the notice, the authority may make a complaint to a magistrates' court for an order under this section.

PART VII  
—cont.  
Removal of things so deposited on highways as to be a nuisance.

(2) A magistrates' court may, on a complaint made under this section, make an order authorising the complainant authority to remove the thing in question and to dispose of it and, after payment out of any proceeds arising therefrom of the expenses incurred in the removal and disposal, to apply the balance, if any, of the proceeds to the maintenance of highways maintainable at the public expense by them.

(3) If the thing in question is not of sufficient value to defray the expenses of removing it, the authority may recover from the person who deposited it on the highway the expenses, or the balance of the expenses, reasonably incurred by them in removing it.

(4) A magistrates' court composed of a single justice may hear a complaint under this section.

129.—(1) If an obstruction arises in a highway from accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause, the highway authority for the highway shall cause the obstruction to be removed from time to time, and within twenty-four hours from the date of service of a notice from a justice of the peace acting for the petty sessions area in which the highway is situated requiring the removal of the obstruction.

Duty to remove snow, soil, etc., which has fallen on highway.

(2) A person liable to maintain a highway by reason of tenure, enclosure or prescription shall be subject to the like duty to remove any obstruction arising in that highway from any cause specified in the foregoing subsection as is imposed by that subsection on the highway authority for the highway.

(3) A highway authority or other person who fails to comply with the foregoing provisions of this section shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds.

130.—(1) The appropriate authority may, by notice to the owner or occupier of any land adjoining a street, being a highway maintainable at the public expense, require him, within twenty-eight days from the date of service of the notice, to execute such works as will prevent soil or refuse from that land from falling, or being washed or carried, on to the street or into any sewer or gully in it in such quantities as to obstruct the street or choke the sewer or gully.

Prevention of soil, etc., being washed into street.

**PART VII**  
—cont.

(2) A person aggrieved by a requirement of an authority under this section may appeal to a magistrates' court.

(3) Subject to any order made on appeal, if a person on whom a notice is served under this section fails to comply with the notice within the period specified in subsection (1) of this section, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding twenty shillings for each day on which the offence is so continued.

(4) In this section "the appropriate authority" means—

(a) in relation to a street in a borough or in an urban district, either the highway authority for the street or the council of the borough or district, as the case may be ;

(b) in relation to a street in a rural district, either the highway authority for the street or the council of the county in which it is situated.

Powers as to  
removal of  
projections  
from buildings.

**131.**—(1) The appropriate authority may by notice to the occupier of any building in their area require him to remove or alter any porch, shed, projecting window, step, cellar, cellar door, cellar window, sign, signpost, sign iron, show-board, window shutter, wall, gate, fence or other obstruction or projection which has been erected or placed after the material date against or in front of the building and is an obstruction to safe or convenient passage along a street.

(2) A notice under the foregoing subsection may, at the option of the authority, be served on the owner of the building in question instead of on the occupier or may be served on both the owner and the occupier of that building.

(3) A person aggrieved by a requirement of an authority under subsection (1) of this section may appeal to a magistrates' court.

(4) Subject to any order made on appeal, if a person on whom a notice under subsection (1) of this section is served fails to comply, within fourteen days from the date of service of the notice on him, with a requirement of the notice, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding forty shillings.

(5) Where an authority have served a notice under subsection (1) of this section on any person and he is guilty of an offence by reason of his failure to comply with a requirement of the notice within the time specified in the last foregoing subsection



then, whether or not proceedings are taken against him in respect of the offence, the authority may remove the obstruction or projection to which the notice relates and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the building to which the notice relates if, in either case, he is a person on whom the notice was served.

(6) If any such obstruction or projection as aforesaid was erected or placed before the material date against or in front of a building in a street, the appropriate authority may, on the expiration of thirty days from the date of service on either the owner or the occupier of the building of a notice of their intention so to do, remove or alter the obstruction or projection as they think fit, and, if the obstruction or projection was lawfully erected or placed, the authority shall pay reasonable compensation to every person who suffers damage by reason of its removal or alteration.

(7) Subject to subsection (10) of this section, a projection which is erected or placed against or in front of a building, and which by reason of its being insecurely fixed or of defective construction or otherwise is a source of danger to persons lawfully using a street, shall be deemed for the purposes of this section to be an obstruction to safe or convenient passage along the street.

(8) The Thirteenth Schedule to this Act shall apply in relation to any sum paid by an occupier of premises in complying with a requirement of an authority under subsection (1) of this section or, where the requirement was not complied with, in reimbursing the authority for expenses reasonably incurred by them under subsection (5) thereof:

Provided that the said Thirteenth Schedule shall not so apply if the requirement was made in connection with an obstruction or projection erected or placed by that occupier.

(9) In this section—

“the appropriate authority” means the local authority in whose area the street is situated and, where the street is a highway, includes the highway authority therefor;

“the material date” means the date when section sixty-nine of the Towns Improvement Clauses Act, 1847, first applied in the area in which the building in question is situated.

(10) Subsection (7) of this section shall have effect in relation to a building situated in a street in a rural district which is a trunk road but except as aforesaid it shall not have effect in relation to a building situated in a rural district unless it applies in that district by virtue of section two hundred and ninety of this Act.

**PART VII**  
—*cont.*

Doors, etc.,  
not to be put  
up in streets  
so as to open  
outwards.

**132.**—(1) A door, gate or bar which is put up on any premises in a borough or urban district, or in a rural district in which this section applies by virtue of section two hundred and ninety of this Act, and which opens on a street, shall be so put up as not to open outwards unless, in the case of a door, gate or bar which is put up on a public building, the council of the borough or district in which the building is situated consent to its being otherwise put up.

(2) Where a door, gate or bar is put up on any premises in contravention of the foregoing subsection, the council of the borough or district in which the premises are situated may, by notice to the occupier thereof, require him to alter, so as not to open outwards, the door, gate or bar.

(3) A notice under the last foregoing subsection may, at the option of the local authority, be served on the owner of the premises in question instead of on the occupier or may be served on both the owner and the occupier of those premises.

(4) A person aggrieved by the refusal of a consent under subsection (1) of this section, or by a requirement of a local authority under subsection (2) thereof, may appeal to a magistrates' court.

(5) Subject to any order made on appeal, if a person on whom a notice under subsection (2) of this section is served fails to comply, within eight days from the date of service of the notice on him, with a requirement of the notice, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding forty shillings.

(6) Where a local authority have served a notice under subsection (2) of this section on any person and he is guilty of an offence by reason of his failure to comply with a requirement of the notice within the time specified in subsection (5) of this section, then, whether or not proceedings are taken against him in respect of the offence, the authority may do the work required by the notice and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises to which the notice relates if, in either case, he is a person on whom the notice was served.

(7) Where this section applies in a rural district by virtue of an order made after the commencement of this Act under section two hundred and ninety of this Act, and a door, gate or bar was put up on premises situated in that district before the date of the coming into operation of the order, then, subject to the provisions of this section, the council of the district may, after the expiration of eight days from the date of service on either the owner or the occupier of the premises of a notice of their intention so to do, alter, so as not to open outwards, the door, gate or bar.

(8) The Thirteenth Schedule to this Act shall apply in relation to any sum paid by an occupier of premises in complying with a requirement of a local authority under subsection (2) of this section or, where the requirement was not complied with, in reimbursing the authority for expenses reasonably incurred by them under subsection (6) thereof:

PART VII  
—*cont.*

Provided that the said Thirteenth Schedule shall not so apply if the requirement was made in connection with a door, gate or bar put up by that occupier.

**133.**—(1) Byelaws prohibiting gates opening outwards on highways may be made by the council of a county with respect to all or any of the highways in any rural district comprised in the county and by the council of a borough or urban district with respect to all or any of the highways in the borough or district.

Power to prohibit gates opening outwards on highways.

(2) Byelaws made under this section may provide for imposing on persons contravening the byelaws fines not exceeding, for any one offence, the sum of forty shillings.

(3) Byelaws made under this section shall not apply in a case where consent has been given under subsection (1) of the last foregoing section to the putting up of a gate so as to open outwards on a highway.

(4) The Minister shall be the confirming authority as respects byelaws made under this section.

**134.**—(1) Where a hedge, tree or shrub overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians, or to obstruct or interfere with the view of drivers of vehicles or the light from a public lamp, the appropriate authority may, by notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is growing, require him within fourteen days from the date of service of the notice so to lop or cut it as to remove the cause of the danger, obstruction or interference.

Lopping of vegetation overhanging highways and certain other roads and paths.

(2) A person aggrieved by a requirement of an authority under the foregoing subsection may appeal to a magistrates' court.

(3) Subject to any order made on appeal, if a person on whom a notice is served under subsection (1) of this section fails to comply with it within the period specified in that subsection, the appropriate authority may carry out the work required by the notice and recover the expenses reasonably incurred by them in so doing from the person in default.

(4) In this section "the appropriate authority" means—

(a) in relation to a highway in a borough or urban district, being a highway for which the Minister is the highway

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**PART VII**  
—*cont.*

authority, either the Minister or the council of the borough or district, as the case may be :

- (b) in relation to a highway in a rural district, being a highway for which the Minister is the highway authority, either the Minister or the council of the county in which the highway is situated ;
- (c) in relation to a highway for which a local highway authority are the highway authority, that authority ;
- (d) in relation to a road or footpath not being a highway, the local authority in whose area the road or footpath is situated ;

and “ hedge, tree or shrub ” includes vegetation of any description.

(5) If it appears to the highway authority for a highway to which subsection (4) of section one hundred and twenty of this Act applies that an obstruction is caused in the highway by a hedge or tree, or by a bank, or by any vegetation growing on a bank adjoining the highway, the highway authority may, at any time, with the consent of the owner and occupier of the land on which the hedge or tree is growing or the bank is situated, cut, prune or plash the hedge or vegetation, or prune or lop the tree or remove the obstruction.

**Penalties in connection with straying animals.**

**135.**—(1) If any horses, cattle, sheep, goats or swine are at any time found straying or lying on or at the side of a highway their owner shall be guilty of an offence :

Provided that this subsection shall not apply in relation to a part of a highway passing over any common, waste or unenclosed ground.

(2) A person guilty of an offence under this section shall be liable to a fine not exceeding five shillings in respect of each animal so found straying or lying, subject to a maximum of thirty shillings in any one case.

(3) A person guilty of an offence under this section shall also be liable to pay the reasonable expenses of removing any animal so found straying or lying to the premises of the owner thereof or to the common pound or to such other place as may have been provided for the purpose (including in a case where any such animal has been removed to the common pound, the usual fees and charges of the authorised keeper of the pound) ; and any person who has incurred such expenses shall be entitled to recover them summarily as a civil debt.

(4) If a person, without lawful authority or excuse, releases any animal seized for the purpose of being impounded under

this section from the pound or other place where it is impounded, or on the way to or from any such place, or damages any such place, he shall be guilty of an offence, and shall be liable to a fine not exceeding twenty pounds.

PART VII  
—cont.

(5) Nothing in this section shall prejudice or affect any right of pasture on the side of a highway.

*Provisions for mitigating obstruction caused by the execution of works in highways*

**136.**—(1) Subject to the provisions of this section, a statutory power of undertakers to break up or open a highway maintainable at the public expense which consists of or comprises a carriageway, being a power conferred for any purpose other than road purposes or purposes of a railway undertaking or a tramway undertaking, shall not be exercisable in the highway during the twelve months following either—

Restriction on breaking up by undertakers of maintainable highways recently closed or re-surfaced.

- (a) the end of any period during which the use by vehicles of the carriageway has been prohibited, or the width thereof available for vehicular traffic has been reduced to less than two-thirds of its width, for the purposes of the execution of works for road purposes or of such works and other works, or
- (b) the completion of a re-surfacing extending to one-third or more of the width of the carriageway,

if the following conditions are satisfied, that is to say—

- (i) that the highway authority had given to the undertakers, more than three months before the date on which the works for road purposes, or the re-surfacing works, as the case may be, were substantially begun, a notice stating that works for road purposes, or re-surfacing works, relevant for the purposes of this section were in prospect and specifying a date intended for beginning them; and
- (ii) that the works for road purposes, or the re-surfacing works, as the case may be, were substantially begun on, or within one month from, the date so specified, or, if any undertakers' works were in progress in, under, over, across, along or upon the highway on that date, within one month from the completion of those undertakers' works, or in either case within some extended period agreed between the highway authority and the undertakers for the purposes of the operation of this subsection in relation to the works for road purposes, or the re-surfacing works, as the case may be.

**PART VII**  
—*cont.*

(2) The foregoing subsection shall not apply to breaking up or opening for the purposes of emergency works.

(3) Subsection (1) of this section shall not apply to breaking up or opening a part of the highway other than the carriageway for the purposes of—

- (a) works relating only to a service pipe or service line or an overhead telegraphic line or an overhead electric line, but, in the case of a placing of a service pipe or a service line, only if it is for affording a supply or service to premises to which it is not already afforded ; or
- (b) works required for satisfaction by the undertakers of an obligation of theirs created by an enactment, or created by an agreement made before the giving of the notice referred to in subsection (1) of this section, which it is not reasonably practicable for them to satisfy without the breaking up or opening in question.

(4) Subsection (1) of this section shall not apply to breaking up or opening done with the consent of the highway authority, and a consent for the purposes of this subsection shall not be unreasonably withheld.

Any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister and the Minister of the Crown in charge of the department concerned with the purposes for which the power to break up or open is conferred acting jointly (any question which is the department so concerned being determined by the Treasury), and a determination of the said Ministers shall not be impugned on the ground that either of them is himself the highway authority or the authority by whom the power is exercisable.

(5) Subsection (1) of this section shall not apply to breaking up or opening a highway to which section one hundred and thirty-seven of this Act applies.

(6) If undertakers break up or open a highway in any case in which it is unlawful by virtue of subsection (1) of this section for them so to do—

- (a) they shall pay to the highway authority therefor an amount equal to any cost reasonably incurred by the authority of reinstating and making good the highway ; and
- (b) without prejudice to their liability under the foregoing paragraph, they shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding fifty pounds.

If any question arises in relation to a claim made for a payment under paragraph (a) of this subsection, the question shall be determined by a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

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—cont.

(7) Proceedings for the enforcement of the obligation imposed by subsection (1) of this section shall not, without the written consent of the Attorney General, be taken by any person other than a person having an interest in the performance of the obligation.

(8) In so far as any failure of undertakers to satisfy an obligation to which they are subject by virtue of any enactment is attributable to the prohibition by this section of breaking up or opening for which the undertakers have duly sought the consent of the highway authority and for which consent has been withheld and has been determined to have been reasonably withheld, the failure shall not be treated as a contravention of that enactment.

(9) The reference in this section to a power conferred for purposes of a railway undertaking or a tramway undertaking includes a reference to a power conferred primarily for those purposes but for other purposes also.

(10) In this section "emergency works", "railway", "reinstatement and making good", "road purposes", "service line", "service pipe", "telegraphic line", "tramway", "undertakers" and "undertakers' works" have the same meanings respectively as in the Public Utilities Street Works Act, 1950.

**137.**—(1) With a view to securing that the times for the execution of works of road maintenance and improvement by various highway authorities within the London Traffic Area may be so arranged as to mitigate as far as possible the congestion of traffic due to the closing of highways for the purposes of the execution of such works, it shall be the duty of every highway authority for highways within that area to prepare and, except in the case of the Minister, to submit to the Minister in accordance with the next following subsection statements of works of road maintenance and improvement.

Highway authorities in London Traffic Area to prepare half-yearly programmes of repair and improvement works.

(2) The statements required by the foregoing subsection of highway authorities, other than the Minister, shall be submitted to the Minister, and the statements required of the Minister shall be prepared by him, on or before such half-yearly dates in each year as the Minister may by order fix and shall be in such form and shall contain such particulars as the Minister may require, or in the case of a statement prepared by him, think fit,

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—cont.

of all works of road maintenance and improvement proposed to be begun or continued by the authority during the periods of six months commencing at the expiration of such interval, not being less than two months, from the said half-yearly dates as the Minister may by order fix, being works of such a nature as will involve the closing to vehicular traffic of any part of any highway to which this section applies either absolutely or to the extent of one-third or more of the width of the carriageway.

(3) The Minister shall refer all statements submitted to, or prepared by, him under this section to the Advisory Committee constituted under the London Traffic Act, 1924, and it shall be the duty of that Committee to consider the proposals contained in those statements in relation to one another and report to the Minister thereon; and the Minister, after considering the report, shall draw up schemes prescribing the times during which the several works are to be begun and the order in which they are to be executed, or prohibiting or restricting the execution of any of the works, and shall send copies of each scheme drawn up by him to all highway authorities and undertakers affected thereby, and—

- (a) if, within fourteen days from the date on which copies of any scheme have been so sent, no objection in writing to the scheme has been received by the Minister from any highway authority or undertakers affected thereby, or every objection so made has been withdrawn, the Minister may by order confirm the scheme;
- (b) if any objection so made to a scheme has been received by the Minister within that time and has not been withdrawn, the Minister may, after considering the objection, either by order confirm the scheme, with or without amendments, or revoke the scheme;

and upon the confirmation of a scheme drawn up by the Minister under this section it shall become final and binding on all the highway authorities affected and shall not be subject to appeal to any court:

Provided that the Minister may subsequently by order modify a scheme confirmed by him under this section, in so far as it imposes a prohibition or restriction on the execution of any works, in such manner as he may consider expedient.

(4) Nothing in this section shall—

- (a) prevent a highway authority from carrying out works in a highway in a case of emergency, or
- (b) empower the Minister to impose any obligation on a local highway authority to incur any expenditure on or in connection with the construction or improvement of a highway without the consent of that authority.



(5) The highways to which this section applies are such highways, or highways of such classes, being in either case highways maintainable at the public expense within the London Traffic Area which consist of or comprise a carriageway, as may be prescribed by an order made by the Minister.

(6) In this and the next following section “undertakers” means persons (including persons acting on behalf of the Crown) having powers to break up or open highways in the London Traffic Area for the purposes of any sewerage system, or any water, gas, electricity, tramway or other undertaking.

**138.**—(1) With a view to securing that, so far as possible, all works involving breaking up or opening of highways to which the last foregoing section applies by undertakers shall be carried out at the same time as or in connection with works of road maintenance and improvement, the Minister shall send to all undertakers copies of—

(a) the proposals of other highway authorities when submitted to him under the last foregoing section, and

(b) the proposals prepared by him under that section,

so far as the proposals relate to highways to which the powers of the undertakers extend and shall consider any representations made to him by those undertakers.

(2) Where works of road maintenance and improvement involving the closing to vehicular traffic of any part of a highway either absolutely or to the extent of one-third or more of the width of the carriageway have been executed in accordance with a scheme confirmed under the last foregoing section, it shall not be lawful for any undertakers during the twelve months following the completion of those works to break up or open the highway so closed without the previous consent of the Minister and unless they prove to the satisfaction of the Minister—

(a) that there were reasonable grounds for their failure or omission to execute, while the highway or part thereof was closed, the works for the execution of which they require to break up or open the highway; and

(b) that it is essential that the works should be executed or begun during the said twelve months.

(3) The Minister may, if he thinks fit, make it a condition of giving his consent under the last foregoing subsection to breaking up or opening a highway that all works in connection therewith shall be carried out at night by beginning them after the hour of eight in the evening and completing them by the

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—*cont.*

hour of eight in the morning, and if not then completed by carrying on the same continuously by day and night.

(4) Nothing in this section shall prevent any undertakers from carrying out works in a highway in a case of emergency or from making, altering, repairing or disconnecting service connections.

Powers of highway authority where obstruction of highway in London Traffic Area is greater, etc., than necessary.

**139.**—(1) If it appears to an officer of police authorised for the purpose that, in the exercise of a statutory power to break up or open a highway within the London Traffic Area, any undertakers, by the deposit of excavated matter or other material, or by means of the erection of barriers, or otherwise, have created an obstruction in the highway to a greater extent or for a longer period than is reasonably necessary, he shall report the matter to the highway authority for the highway and that authority shall cause an inspection to be made, and, if on the inspection it appears to them that the allegation is well founded, they may by notice require the undertakers to take such steps as may be necessary to mitigate or discontinue the obstruction, and, if the undertakers fail to do so within twenty-four hours of the receipt of the notice, the highway authority may take the necessary steps and may recover any expenses reasonably incurred by them in connection therewith from the undertakers:

Provided that, where the highway in question is not one for which the Minister is the highway authority, the undertakers may within the said twenty-four hours represent to the Minister that the obstruction to which the notice relates is not greater, or has not been continued for a longer period, than is reasonably necessary, and shall send to the highway authority by whom the notice was given a copy of the representations so made, and in that case the authority shall not take any such steps as aforesaid without the consent of the Minister.

(2) A highway authority may, if they think fit, delegate to an officer of the authority the powers of causing inspection to be made and of making requirements conferred on the authority by this section.

(3) In this section “undertakers” does not include persons acting on behalf of the Crown but, except as aforesaid, has the same meaning as in section one hundred and thirty-seven of this Act.

*Danger or annoyance to users of highways and streets*

Penalty for causing certain kinds of danger or annoyance.

**140.**—(1) If a person, without lawful authority or excuse, deposits any thing whatsoever on a highway in consequence whereof a user of the highway is injured or endangered, that person shall be guilty of an offence.

(2) If a person, without lawful authority or excuse, lights any fire, or discharges any firearm or firework, within fifty feet of the centre of a highway which consists of or comprises a carriage-way, and in consequence thereof a user of the highway is injured, interrupted or endangered, that person shall be guilty of an offence.

(3) If a person plays at football or any other game on a highway to the annoyance of a user thereof he shall be guilty of an offence.

(4) If a person, without lawful authority or excuse, allows any filth, dirt, lime or other offensive matter or thing to run or flow on to a highway from any adjoining premises, he shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable in respect thereof to a fine not exceeding forty shillings.

141. A person who for any purpose places any rope, wire or other apparatus across a highway in such a manner as to be likely to cause danger to persons using the highway shall, unless he proves that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence, in respect of which he shall be liable, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of any subsequent offence, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

Penalty for placing rope, etc., across highway.

142.—(1) The appropriate authority may, by notice to the occupier of premises adjoining a highway, require him within twenty-eight days from the date of service of the notice to construct or erect and thereafter to maintain such channels, gutters or downpipes as may be necessary to prevent—

Prevention of water falling or flowing on to highway.

- (a) water from the roof or any other part of the premises falling upon persons using the highway, or
- (b) so far as is reasonably practicable, surface water from the premises flowing on to, or over, the footway of the highway.

(2) A notice under the foregoing subsection may, at the option of the appropriate authority, be served on the owner of the premises in question instead of on the occupier or may be served on both the owner and the occupier of those premises.

(3) A person aggrieved by a requirement of an authority under this section may appeal to a magistrates' court.

(4) Subject to any order made on appeal, if a person on whom a notice is served under this section fails to comply with a requirement of the notice within the period specified in subsection (1) of this section, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted

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—*cont.*

is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

(5) In this section “the appropriate authority” means—

- (a) in relation to a highway in a borough or urban district, either the highway authority for the highway or the council of the borough or district, as the case may be ;
- (b) in relation to a highway in a rural district, either the highway authority for the highway or the council of the county in which the highway is situated.

**Power to  
require  
removal of  
barbed wire.**

**143.**—(1) Where on land adjoining a highway there is a fence made with barbed wire, or having barbed wire in or on it, and the wire is a nuisance to the highway, the appropriate authority may by notice served on the occupier of the land require him to abate the nuisance within such time, not being less than one month nor more than six months from the date of service of the notice, as may be specified therein.

(2) If at the expiration of the time so specified the occupier has failed to comply with the notice, a magistrates’ court, if satisfied, on complaint made by the appropriate authority, that the wire is a nuisance to the highway, may order the occupier to abate the nuisance, and, if he fails to comply with the order within a reasonable time, the authority may do whatever may be necessary in execution of the order and recover from him the expenses reasonably incurred by them in so doing.

(3) If the appropriate authority are the occupiers of the land in question, proceedings under this section may be taken against them by any ratepayer within the county borough or county district in which the nuisance exists, and the foregoing provisions shall apply accordingly in relation to him and to the authority as they apply in relation to an authority and to an occupier of land.

(4) For the purposes of this section “barbed wire” means wire with spikes or jagged projections, and barbed wire shall be deemed to be a nuisance to a highway if it is likely to be injurious to persons or animals lawfully using the highway.

(5) In this section “the appropriate authority” means—

- (a) in relation to a highway in a borough or urban district, being a highway for which the Minister is the highway authority, either the Minister or the council of the borough or district, as the case may be ;

- (b) in relation to a highway in a rural district, being a highway for which the Minister is the highway authority, either the Minister or the council of the county in which the highway is situated ;
- (c) in relation to a highway other than a highway for which the Minister is the highway authority, the council of the county, borough or urban district in which the highway is situated.

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**144.**—(1) If, in or on any land adjoining a street, there is an unfenced or inadequately fenced source of danger to persons using the street, the local authority in whose area the street is situated may, by notice to the owner or occupier of that land, require him, within such time as may be specified in the notice, to execute such works of repair, protection, removal or enclosure as will obviate the danger.

Dangerous  
land adjoining  
street.

(2) A person aggrieved by a requirement of a local authority under the foregoing subsection may appeal to a magistrates' court.

(3) Subject to any order made on appeal, if a person on whom a notice is served under this section fails to comply with the notice within the time specified therein, the local authority by whom the notice was served may execute such works as are necessary to comply with the notice and may recover the expenses reasonably incurred by them in so doing from that person.

**145.**—(1) If it appears to a local authority that a building or wall situated in their area is in such a condition, or that a building so situated is used to carry such loads, as to be dangerous to persons in a street, the authority may make a complaint to a magistrates' court, and the court may—

Buildings  
and other  
structures  
dangerous to  
persons in  
street.

- (a) where the danger arises from the condition of the building or wall, make an order requiring the owner thereof to execute such works as will obviate the danger ; and
- (b) where the danger arises from overloading of the building, make an order restricting the use thereof until a magistrates' court, being satisfied that works have been executed to obviate the danger, withdraws or modifies the restriction.

(2) If the person against whom an order is made under paragraph (a) of the foregoing subsection fails to comply with the order within the time therein specified, the local authority may execute the order in such manner as they think fit and may recover the expenses reasonably incurred by them in so doing from that person, and, without prejudice to the right of the authority to exercise those powers, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding ten pounds.

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—cont.

(3) If, in a case where a local authority have power to make a complaint under subsection (1) of this section, the authority are satisfied that immediate action should be taken for the protection of persons in the street, the authority may shore up or fence off the building or wall and may recover from the owner thereof the expenses reasonably incurred by them in so doing.

(4) In this section—

“building” includes any erection of whatsoever material and in whatsoever manner constructed and any part of a building;

“wall” includes a fence or hoarding.

*Precautions to be taken in doing works in highways or streets or on adjacent premises*

Regulation  
of deposit of  
building  
materials and  
making of  
excavations  
in streets.

146.—(1) A person may, with the consent of the highway authority for a street, being a highway maintainable at the public expense, temporarily deposit building materials, rubbish or other things in the street or make a temporary excavation therein:

Provided that where the council of a borough or urban district are the highway authority for the street, they shall not be entitled to give consent for the purposes of this subsection unless this subsection applies in the borough or district, as the case may be, by virtue of section two hundred and ninety of this Act.

(2) A person aggrieved by the refusal of a consent under the foregoing subsection may appeal to a magistrates' court.

(3) Where a person places any building materials, rubbish or other thing in a street, or makes an excavation therein, he shall cause the obstruction or excavation to be properly fenced and, during the hours of darkness, to be properly lighted and, if required so to do by the highway authority for the street or, in the case of a street not being a highway, by the local authority in whose area the street is situated, shall remove the obstruction or, as the case may be, fill in the excavation, and in any case shall not allow the obstruction or excavation to remain in the street longer than is necessary.

(4) If a person contravenes the provisions of the last foregoing subsection he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

(5) Where an offence under this section has been committed in a street, the highway authority for the street or, in the case of a street not being a highway, the local authority in whose area the street is situated, may remove the obstruction or, as the case

may be, fill in the excavation and recover the expenses reasonably incurred by them in so doing from the person convicted of the offence.

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—cont.

**147.**—(1) A person proposing to erect or take down a building in a street or court, or to alter or repair the outside of a building in a street or court, shall, before beginning the work, erect a close boarded hoarding or fence to the satisfaction of the local authority in whose area the street or court is situated so as to separate the building from the street or court:

Hoardings to be set up during building, etc.

Provided that the obligation to erect a hoarding or fence imposed by this subsection may be dispensed with if the local authority so consent.

(2) Where a person has in compliance with the foregoing subsection erected such a hoarding or fence as is therein referred to, he shall—

- (a) if the local authority so require, make a convenient covered platform and handrail to serve as a footway for pedestrians outside the hoarding or fence;
- (b) maintain the hoarding or fence and any such platform and handrail as aforesaid in good condition to the satisfaction of the authority during such time as the authority may require;
- (c) if the authority so require, sufficiently light the hoarding or fence and any such platform and handrail during the hours of darkness; and
- (d) remove the hoarding or fence and any such platform and handrail when required by the authority.

(3) A person aggrieved by the refusal of a consent under subsection (1) of this section, or by a requirement of a local authority under subsection (2) thereof, may appeal to a magistrates' court.

(4) Subject to any order made on appeal, if a person contravenes the provisions of this section he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

**148.**—(1) No person shall use for any purpose a hoarding or similar structure that is in, or adjoins, a street situated in an area in which this section applies by virtue of section two hundred and ninety of this Act, unless it is securely fixed to the satisfaction of the local authority for the area.

Hoardings to be securely erected.

(2) If a person contravenes the provisions of this section he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he

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**—cont.**

shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding twenty shillings for each day on which the offence is so continued.

**Precautions to be taken by urban authorities executing works in streets.**

**149.**—(1) Without prejudice to section eight of the Public Utilities Street Works Act, 1950 (which contains requirements as to safety, obstruction and other matters to be observed during and in connection with the execution of certain works in streets and in controlled land within the meaning of that Act), where the council of a borough or urban district, for the purpose of the construction or maintenance of any sewer or drain or for the purpose of the construction or maintenance of any street vested in them, are carrying out works in such a street, they—

- (a) shall erect such barriers for preventing danger to traffic, and for regulating traffic, as may be necessary,
- (b) shall cause the works to be properly guarded and lighted during the hours of darkness, and
- (c) where the nature of the works so requires, shall cause any building adjoining the street to be shored up or otherwise protected.

(2) If a person, without lawful authority or excuse, takes down, alters or removes any barrier erected, or extinguishes any light placed, in pursuance of the foregoing subsection, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds.

**Liability of certain persons in respect of materials left on highway.**

**150.** If any officer or servant of the highway authority for a highway, or a person liable to maintain the highway by reason of tenure, enclosure or prescription, causes any heap of materials or any other object to be laid on the highway, he shall, if he allows it to remain there at night to the danger of traffic without taking all reasonable precautions for the prevention of accidents, be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds.

*Miscellaneous*

**Restriction on construction of bridges over highways.**

**151.**—(1) The highway authority for a highway may grant to the owner or occupier of any premises adjoining the highway a licence to construct a way by means of a bridge over the highway on such terms and conditions, and to use it for such period and on such terms and conditions, as the authority think fit:

Provided that—

- (a) no fine, rent or other sum of money, except a reasonable sum in respect of legal or other expenses, shall be payable in respect of the licence;
- (b) the licence shall not authorise any interference with the convenience of persons using the highway, or affect the rights of the owners of premises adjoining the highway, or the rights of tramway, railway, dock, harbour or electricity undertakers; and



(c) it shall be a condition of every such licence that the person to whom it is granted shall, at his own expense, remove the bridge or alter it in such manner as the authority may require, if at any time they consider the removal or alteration necessary or desirable in connection with the carrying out of improvements to the highway, and the decision of the authority that the removal or alteration is necessary or desirable in that connection shall be final, and the said condition shall be enforceable by the authority against the owner for the time being of the premises.

(2) A person aggrieved by the refusal of an authority to grant a licence under this section or by the period for which the licence is granted or by a term or condition (other than that mentioned in paragraph (c) of the proviso to the foregoing subsection) of the licence may appeal to a court of quarter sessions:

Provided that no appeal shall lie under this subsection against any term or condition of a licence granted by the Minister under this section, being a term or condition which he declares to be necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon.

(3) If a person, except in the exercise of statutory powers, constructs a bridge over a highway without a licence under this section, or constructs or uses a bridge otherwise than in accordance with the terms and conditions of the licence, or fails to remove or alter a bridge when required to do so in accordance with any condition of the licence or within one month from the date of the expiration of the licence, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding twenty pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding five pounds for each day on which the offence is so continued.

**152.**—(1) No person shall fix or place any overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway without the consent of the highway authority for the highway, and that authority may attach to their consent such reasonable terms and conditions as they think fit.

Restriction on placing rails, beams, etc., over highways.

(2) A person aggrieved by the refusal of a consent required by this section, or by any terms or conditions attached thereto, may appeal to a magistrates' court:

Provided that no appeal shall lie under this subsection against any term or condition attached by the Minister to a consent given by him under this section, being a term or condition which he declares to be necessary for the purpose of securing the safety of persons using the highway to which the consent relates or of preventing interference with traffic thereon.

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—*cont.*

(3) If a person contravenes the provisions of subsection (1) of this section, or the terms or conditions of any consent given thereunder, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding twenty shillings for each day on which the offence is so continued.

(4) This section does not apply to any works or apparatus belonging to any statutory undertakers or the Postmaster-General.

Prohibition of construction of cellars, etc., under carriageway without consent.

**153.**—(1) No person shall construct a vault, arch or cellar under the carriageway of a street without the consent of the local authority in whose area the street is situated, and the authority may by notice served on a person who has constructed a vault, arch or cellar in contravention of this section require him to remove it, or to alter or deal with it in such manner as may be specified in the notice.

(2) A person aggrieved by the refusal of a consent required by the foregoing subsection, or by a requirement of a local authority thereunder, may appeal to a magistrates' court.

(3) A person who constructs a vault, arch or cellar in contravention of this section shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, subject to any order made on appeal, if he fails to comply with a requirement of a notice served on him under subsection (1) thereof, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day during which the failure continues.

(4) The authority may also cause a vault, arch or cellar constructed in contravention of this section to be removed, altered or otherwise dealt with as they think fit, and may recover the expenses reasonably incurred by them in so doing from the offender.

(5) As soon as may be after an authority consent to the construction of a vault, arch or cellar under a street they shall give notice thereof to any public utility undertakers having any apparatus under the street.

(6) The council of a rural district shall, before commencing legal proceedings under this section, obtain the consent of the council of the county comprising the district.

Openings into, and repair of, cellars, etc., under streets.

**154.**—(1) It shall not be lawful in any borough or urban district, and, if this subsection applies in a rural district by virtue of section two hundred and ninety of this Act, it shall not be lawful in that rural district, to make an opening in the footway of a street as an entrance to a cellar or vault thereunder without the consent of the local authority in whose area the street is situated, and where the authority give consent under this subsection they shall require the person to whom the consent is

given to provide a door or covering constructed in such manner and of such materials as they direct.

(2) A person aggrieved by the refusal of a consent required by the foregoing subsection, or by a requirement of a local authority thereunder, may appeal to a magistrates' court.

(3) A person who makes an opening in the footway of a street in contravention of subsection (1) of this section, or who fails to comply with a requirement of a local authority made to him under that subsection, shall, subject to any order made on appeal, be guilty of an offence and shall, without prejudice to any other liability to which he may be subject, be liable in respect thereof to a fine not exceeding five pounds.

(4) As soon as may be after an authority consent to the making of an opening in the footway of a street they shall give notice thereof to any public utility undertakers having any apparatus under the street.

(5) Every vault, arch and cellar under a street, and every opening in the surface of any street into any vault, arch or cellar thereunder, and every door or covering to any such opening, and every cellar-head, grating, light and coal hole in the surface of a street, and all landings, flags or stones of the street by which they are supported, shall be kept in good condition and repair by the owner or occupier of the vault, arch or cellar, or of the premises to which it belongs.

(6) If default is made in complying with the provisions of the last foregoing subsection, the local authority may, after the expiration of twenty-four hours from the service of a notice on any person in default of their intention so to do, cause any thing as respects which there has been a default under that subsection to be repaired or put into good condition, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier thereof or of the premises to which it belongs.

The power conferred by this subsection shall not be exercisable by the council of a rural district except with the consent of the council of the county comprising the district.

155.—(1) Where the occupier of any premises adjoining or having access to a highway maintainable at the public expense habitually takes or permits to be taken a horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle or a vehicle of which the cylinder capacity of the engine does not exceed two hundred and fifty cubic centimetres) across a grass verge or kerbed footway in the highway to those premises, the appropriate authority may give notice to the occupier of the premises—

Carriage  
crossings  
over footways.

(a) that they propose to construct across the verge or footway a carriage crossing formed of such materials

**PART VII**  
—*cont.*

and in such manner as may be specified in the notice ;  
or

- (b) in the case of a footway, that they propose to strengthen or adapt it in such manner as may be so specified ; or
- (c) imposing such reasonable conditions on the use of the verge or footway as a crossing as aforesaid as may be so specified :

Provided that this subsection shall not apply in relation to any premises used exclusively for agricultural purposes.

(2) A person aggrieved by a notice of an authority under the foregoing subsection may appeal to a magistrates' court.

(3) Subject to any order made on appeal, an authority by whom a notice for the purposes of paragraph (a) or paragraph (b) of subsection (1) of this section has been given may execute such works as are specified in the notice and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises in question.

(4) If a person knowingly uses a grass verge or a footway as a crossing as aforesaid in contravention of any condition imposed under paragraph (c) of subsection (1) of this section, or knowingly permits it to be so used, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding ten pounds.

(5) Any person may request the appropriate authority to carry out such works as are specified in the request for the purpose of forming a carriage crossing across a grass verge or a footway in a highway maintainable at the public expense, or of strengthening or adapting a footway in any such highway for use as a carriage crossing, and the authority may approve the request, with or without modification, or may propose alternative works or reject the request.

(6) An authority to whom a request under the last foregoing subsection is made shall notify the person making the request of their decision and if they approve, with or without modification, the works proposed in the request, or propose alternative works, they shall supply him with an estimate of the cost of the works as approved or proposed by them, and he may, on depositing with them the amount of the estimate, require them to execute the said works.

(7) As soon as practicable after such a deposit has been made with an authority the authority shall execute the works as approved or proposed by them, and—

- (a) if the sum deposited exceeds by any amount the actual cost of the works, the authority shall return that amount to the person by whom the deposit was made, but

(b) if the sum deposited is less by any amount than the actual cost of the works, the authority may recover from that person a further sum equal to that amount.

(8) In relation to works carried out by the appropriate authority in pursuance of a notice under subsection (1) of this section or under powers conferred by the last foregoing subsection, being works to which, apart from this subsection, the provisions contained in Part II of the Public Utilities Street Works Act, 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were executed for road purposes and were mentioned in paragraph (a) of subsection (1) of section twenty-one of that Act.

(9) The expenses recoverable under subsection (3) of this section and the cost of the works for the purposes of subsections (6) and (7) of this section shall include the cost of any works which are required by the Public Utilities Street Works Act, 1950, to be executed in consequence of the construction of the crossing or the strengthening or adaptation of the footway.

(10) Nothing in this section shall impose on any person, other than a highway authority, any obligation to maintain a carriage crossing or footway.

(11) In this section “the appropriate authority” means, in relation to a highway in a rural district, the council of the county in which the highway is situated, and, in relation to a highway in a borough or urban district, the council of the borough or district, as the case may be :

Provided that a council shall not exercise a power conferred by subsection (1) or subsection (5) of this section in relation to a highway for which they are not the highway authority without the consent of the highway authority therefor.

**156.**—(1) Subject to the provisions of this section, the appropriate authority may provide and maintain in or under a street orderly bins or other receptacles, of such dimensions and in such positions as the authority may determine, for the collection and temporary deposit of street refuse and waste paper, or the storage of sand, grit or other materials. Power to instal  
refuse or  
storage bins  
in streets.

(2) An authority shall not have power by virtue of this section to place a bin or other receptacle on a bridge over a railway, or under a bridge carrying a railway over a street, or within ten feet of the abutments of a bridge carrying a railway over a street, except with the consent of the railway undertakers concerned.

(3) An authority shall not exercise the power conferred by this section so as to obstruct or render less convenient the access to, or exit from—

(a) a station or goods yard belonging to railway undertakers ; or

**PART VII**  
—cont.

(b) premises belonging to canal, inland navigation, dock, harbour, tramway, electricity, gas or water undertakers, or to persons authorised by any enactment to carry on any other public undertaking, and used by those undertakers or persons for the purposes of their undertaking.

(4) Nothing in this section shall be taken as empowering an authority to hinder the reasonable use of a street by the public or any person entitled to use it or as empowering an authority to create a nuisance to the owner or occupier of premises adjacent to a street.

(5) In this section “the appropriate authority” means—

(a) in relation to a street being a highway, either the highway authority for the highway or the local authority in whose area it is situated acting with the consent of the highway authority therefor;

(b) in relation to any other street, the local authority in whose area the street is situated.

**PART VIII**

**NEW STREETS**

*New street byelaws*

Power of local authority to make new street byelaws.

**157.**—(1) The council of every borough and of every urban district may, and if required by the Minister of Housing and Local Government shall, make byelaws for regulating all or any of the following matters, that is to say, the level, width and construction of new streets in their area and the provision for the sewerage of such streets:

Provided that no byelaw made under this subsection shall regulate the level, width or construction of a new street in so far as it is to be carried by a bridge or is to form the approaches thereto.

(2) If the council of a borough or of an urban district, when required by the Minister of Housing and Local Government to make byelaws under the foregoing subsection, do not within three months from the date on which the requirement is made to them make in accordance with the requirement byelaws satisfactory to him, the said Minister may himself make the byelaws.

(3) The council of a rural district may, after consultation with the council of the county comprising the district, make with respect to new streets in the district byelaws for regulating any such matter as may be regulated by byelaws made under subsection (1) of this section, and if the rural district council do not, within six months from the date of the service on them of a

notice from the council of the county requiring them to do so, exercise the power conferred by this subsection, the county council may themselves exercise that power, and byelaws made by them under this subsection shall, when confirmed, have effect as if they were byelaws made by the rural district council and confirmed.

(4) Byelaws for regulating matters that may be regulated under this section are hereafter in this Part of this Act referred to as “new street byelaws”.

(5) New street byelaws may include provision as to—

- (a) the giving of notices and the deposit of plans;
- (b) the inspection of work, the testing of sewers, and the taking by the local authority of samples of the materials to be used in the execution of works.

(6) New street byelaws may require that plans to be deposited in pursuance of the byelaws shall be deposited in duplicate.

(7) The Minister of Housing and Local Government shall be the confirming authority as respects new street byelaws, and any byelaws made by the said Minister under this section shall have effect as if they had been made by the local authority and confirmed by the Minister.

(8) A new street byelaw made under this Act shall cease to have effect on the expiration of ten years from the date on which it was made:

Provided that the Minister of Housing and Local Government may by order extend the period during which any new street byelaw is to remain in force.

**158.** A continuation of an existing street may be deemed to be a new street for the purpose of the application thereto of new street byelaws. Continuation of existing street to be a new street.

**159.**—(1) Where it appears to the appropriate council that an existing highway will be converted into a new street as a consequence of building operations which have been, or are likely to be, undertaken in the vicinity, the council may by order prescribe the centre line of the new street and outer lines defining the minimum width of the new street, which shall be the minimum width required by the relevant byelaw provisions. Power to declare existing highway to be a new street.

In this subsection “the relevant byelaw provisions” means the provisions of new street byelaws in force in the area of the appropriate council regulating the width of a new street intended to be the principal means of access to any building and of a length equal to the length of the highway to which the order relates.

**PART VIII**  
—cont.

(2) Not less than one month before making an order under this section, the appropriate council shall cause notice of the intended order to be displayed at each end of, or in some conspicuous position in, the highway to which the order relates.

(3) Every such notice shall contain a statement that the intended order may be made by the council on or at any time after a day named in the notice, and shall state the right of appeal conferred by the next following subsection.

(4) A person aggrieved by an order under this section may appeal to a court of quarter sessions.

(5) Where an order under this section has effect, no person shall erect a new building on the land situated between the outer lines prescribed by the order (hereafter in this section referred to as "the prescribed land").

(6) If, where an order under this section has effect, work for the erection of a new building is commenced on land adjoining the prescribed land, then, on the commencement of that work—

(a) the appropriate portion of the prescribed land shall become part of the existing highway, and

(b) the owner of that portion shall remove any boundary fence or other obstruction situated thereon and bring the level thereof into conformity with that of the existing highway:

Provided that, if the existing highway is a highway maintainable at the public expense, land which, in accordance with this subsection, becomes part thereof shall not by virtue of this subsection become a highway maintainable at the public expense.

For the purposes of this subsection the appropriate portion of the prescribed land shall be the portion thereof which is situated between the centre line prescribed by the order and the land on which the building is to be erected or which is to be occupied therewith, other than land so situated which forms part of the existing highway.

(7) Nothing in this section shall extend to a building (not being a dwelling house) erected, in pursuance of their statutory powers, by any of the following undertakers and used or occupied, or intended to be used or occupied, by them for the following purposes respectively, that is to say, by railway undertakers for those of a railway comprised in the railway undertaking, by canal undertakers for those of a canal comprised in the canal undertaking, by inland navigation undertakers for those of a navigation comprised in the inland navigation undertaking, by dock undertakers for those of a dock comprised in the dock undertaking, or by harbour undertakers for those of a harbour comprised in the harbour undertaking.



(8) In this section—

“ the appropriate council ” means—

(a) in relation to a highway in a rural district, the council of the county in which the highway is situated ;

(b) in relation to a highway in a borough or urban district, the council of the borough or of the district, as the case may be ;

“ building ” includes a wall.

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—cont.

**160.** Where a local authority consider that the operation of a new street byelaw in force in their area would be unreasonable in relation to a particular case, they may, with the consent of the Minister of Housing and Local Government, and, in the case of the council of a rural district, after consultation with the council of the county comprising the district, relax the requirements of the byelaw or dispense with compliance therewith:

Power of local authority with consent of Minister of Housing and Local Government to relax requirements of byelaws.

Provided that the authority shall give notice of any such proposed relaxation or dispensation in such manner and to such persons, if any, as the said Minister may direct, and that Minister shall not give his consent before the expiration of one month from the date of the giving of the notice and, before giving his consent, shall take into consideration any objection which may have been received by him.

#### *Passing of plans deposited under byelaws*

**161.**—(1) Where plans of any proposed work are, in accordance with new street byelaws, deposited with a local authority, then, subject to the provisions of the last foregoing section and of section one hundred and sixty-three of this Act, the authority shall pass the plans unless they either are defective or show that the proposed work would contravene any of those byelaws, and, if the plans are defective or show that the proposed work would contravene any of those byelaws, they shall reject the plans.

Passing or rejection of plans, etc.

(2) The authority shall within the appropriate period from the deposit of the plans give notice to the person by whom or on whose behalf they were deposited whether or not they are passed, and—

(a) a notice of rejection shall specify the defects on account of which, or the byelaw for non-conformity with which, the plans have been rejected ; and

(b) a notice that plans have been passed shall state that the passing of the plans operates as an approval thereof only for the purposes of the requirements of the byelaws.

**PART VIII**  
—*cont.*

(3) Any question arising under this section between a local authority and the person by whom or on whose behalf plans are deposited whether the plans are defective, or whether the proposed work would contravene any of the byelaws, may on the application of that person be determined by a magistrates' court:

Provided that no such application shall be entertained unless it is made before the proposed work has been substantially begun.

Deposit of plans to be of no effect after certain interval.

**162.**—(1) Where plans of any proposed work have, in accordance with new street byelaws, been deposited with a local authority, and either the plans have been passed by the authority or notice of rejection of the plans has not been given within the appropriate period from the deposit thereof, and the work to which the plans relate has not been begun within three years from the date of the deposit of the plans, the local authority may, at any time before the work is begun, by notice to the person by whom or on whose behalf the plans were deposited, or other the owner for the time being of the land to which the plans relate, declare that the deposit of the plans shall be of no effect, and when such a notice is given, this Part of this Act and the byelaws made thereunder shall as respects the proposed work have effect as if no plans had been deposited.

(2) A local authority shall attach a notice of the provisions of the foregoing subsection to every notice of the passing of plans of proposed work deposited in accordance with new street byelaws.

*Requirements and prohibitions as to new streets*

Imposition of requirements as to width of new streets in certain cases.

**163.**—(1) Where, in pursuance of a new street byelaw requiring plans to be deposited with them, application is made to the council of a borough or of an urban district to pass plans of a new street, and that new street will, in the opinion of the council, form—

- (a) a main thoroughfare or a continuation of a main thoroughfare, or means of communication between main thoroughfares in their area ; or
  - (b) a continuation of a main approach, or means of communication between main approaches, to their area ;
- the council—
- (i) may, as a condition of passing the plans, require that the new street shall be formed of such width as they may determine, and
  - (ii) if they make a requirement under the foregoing paragraph, shall, as such a condition, determine how much of the width of the street is to be laid out as a carriage-way and how much as a footway or footways.

(2) Where, in pursuance of a new street byelaw requiring plans to be deposited with them, application is made to the council of a rural district to pass plans of a new street, they shall, within seven days from the receipt of the application, notify the council of the county comprising the district of the making of the application, and if, in the opinion of the county council, the new street will form—

(a) a main thoroughfare or a continuation of a main thoroughfare, or means of communication between main thoroughfares in the district, or

(b) a continuation of a main approach, or means of communication between main approaches, to the district,

the county council—

(i) may, as a condition of the rural district council's passing the plans, make such a requirement as is referred to in paragraph (i) of the foregoing subsection, and

(ii) if they make such a requirement, shall, as such a condition, make such a determination as is referred to in paragraph (ii) of the foregoing subsection.

The council of a county may authorise the county surveyor to discharge on their behalf their functions under this subsection.

(3) If the council of a borough or of an urban district under subsection (1) of this section, or the council of a county under subsection (2) thereof, require a new street to be formed of a width which exceeds the normal maximum width by an amount greater than twenty feet, the council making the requirement shall pay compensation for any loss or injury which may be sustained by reason of the requirement.

(4) Nothing in this section shall empower a council to require any person to defray any greater expenses in the execution of any street works than would have been payable if the street had been of no greater width than the normal maximum width, and the additional expense incurred in the execution of the street works by reason of the street being of such greater width shall be certified by the surveyor of the council, or in the case of dispute shall be determined by a magistrates' court, and shall be borne by the council.

(5) In this section "the normal maximum width" means the maximum width of which, apart from this section, the street could have been required to be formed under any byelaw or enactment with respect to the width of new streets which is in force in the borough, urban district or rural district in question.

(6) A person aggrieved by a condition imposed under this section may appeal to a court of quarter sessions.

**PART VIII**  
—*cont.*

Power of local authority to vary position or direction, and to fix beginning and end, of new street.

**164.**—(1) A local authority in whose area this section applies by virtue of section two hundred and ninety of this Act may, on the deposit with them of plans of a new street in pursuance of a new street byelaw, by order vary the intended position, direction, termination or level of the new street so far as is necessary for the purpose of securing—

- (a) more direct, easier or more convenient means of communication with any other street or intended street ; or
- (b) an adequate opening at one or each of the ends of the new street ; or
- (c) compliance with any byelaw in force in their area for the regulation of streets or buildings.

(2) A local authority may by an order made under the foregoing subsection fix the points at which the new street is to be deemed to begin or end, and the limits of the new street as determined by the points so fixed shall be treated as the limits thereof for the purposes of this Part of this Act and of any byelaws made thereunder.

(3) A person aggrieved by an order under this section may appeal to a court of quarter sessions.

(4) If a person lays out or constructs a new street in contravention of an order under this section, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

(5) A local authority shall pay compensation to any person for any loss or injury sustained by him by reason of the exercise by them of their powers under this section.

(6) A local authority shall not make an order under this section in a case in which it is shown to their satisfaction that compliance with the order would entail the purchase of additional land by the owner of the land on which the new street is intended to be laid out, or the execution of works elsewhere than on the last-mentioned land or land held therewith on which building operations associated with the new street are intended to be undertaken.

Construction of bridge carrying new street.

**165.**—(1) No person shall, except in the exercise of statutory powers, construct a bridge to carry a new street unless the bridge and the approaches thereto are of such width and gradients as are approved—

- (a) in the case of a new street which is, or is to be, situated in a borough or in an urban district, by the council of the borough or district, as the case may be, and

5 (b) in any other case, by the council of the county in which the new street is, or is to be, situated, and are constructed in accordance with plans so approved.

(2) A person aggrieved by the refusal of an approval required by the foregoing subsection may appeal to a court of quarter sessions.

(3) If a person contravenes the provisions of this section, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding twenty pounds, and the council of the borough, urban district or county, as the case may be, may remove, alter or pull down any work done in contravention of those provisions and may recover the expenses reasonably incurred by them in so doing from him.

**166.—(1) Where—**

(a) an owner of land adjoining one side of an existing highway proposes to lay out on that land a new street along the line of the highway, and

(b) buildings have been or are intended to be erected on that side only,

Power to allow widening of existing street on one side only to less than prescribed width.

the appropriate council may make such an order as the following in a case in which they are empowered to require the owner to widen the existing highway to the width prescribed for a new street by a byelaw with respect to the width of new streets, that is to say, instead of requiring the existing highway to be widened to the width so prescribed, they may by order permit the owner to widen the highway on the said side only to such less width as may be specified in the order, being a width such that the distance between the centre line of the existing highway and the boundary, after the widening, of the highway on the said side shall not be less than one half of the said prescribed width.

(2) Not less than twenty-one days before making an order under this section, the appropriate council shall send notice of the intended order to such owner as aforesaid, and, unless he is the same person, to the owner of land adjoining the highway on the side thereof opposite the land to which the order will relate.

(3) If, where an order under this section has effect, building is begun on the said land on that opposite side, the owner of that land shall widen the existing highway on that opposite side where it adjoins that land so that the distance between—

(a) the boundary, after widening, of the highway on that opposite side, and

(b) the boundary, after widening under the said order, of the highway on the side to which the order relates,

shall be the said prescribed width.

**PART VIII**  
—cont

If a person fails to comply with the provisions of this subsection, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day on which the offence is so continued.

(4) Nothing in the last foregoing subsection shall impose on a person an obligation to pull down a building erected before the date of an order under this section relating to the land in question.

(5) A person aggrieved by an order under this section, or by the refusal to make an order thereunder, may appeal to a court of quarter sessions.

(6) In this section "the appropriate council" means—

- (a) in relation to a highway in a rural district, the council of the county in which the highway is situated ;
- (b) in relation to a highway in a borough or urban district, the council of the borough or district, as the case may be.

*Enforcement of byelaws and requirements  
of local authority*

Power to  
require  
removal or  
alteration of  
work not in  
conformity  
with byelaws.

**167.**—(1) If any work to which new street byelaws are applicable contravenes any of those byelaws, the local authority, without prejudice to their right, if any, to take proceedings for a fine, may by notice require any person by whom, or on whose behalf, the work was executed either to remove the work or, if he so elects, to effect such alterations therein as may be necessary to make it comply with the byelaws.

(2) If, in any case in which new street byelaws require plans of a new street to be deposited with the local authority, the council of a borough or of an urban district, or where the new street is in a rural district, the council of the county comprising the district, are of opinion that a new street in the borough, urban district or rural district, as the case may be, forms or will form such a way as is referred to in paragraph (a) or paragraph (b) of subsection (1) or of subsection (2) of section one hundred and sixty-three of this Act, and any work to which those byelaws are applicable is executed without plans having been passed, the council may, without prejudice to their right, if any, to take proceedings for a fine, by notice to any person by whom or on whose behalf the work was executed either—

- (a) require him to remove the work or
- (b) require him either to remove the work, or, if he so elects, to comply with any condition specified in the notice, being a condition which they could have imposed under the said section one hundred and sixty-three as a condition of the passing of plans deposited in accordance with the byelaws.

For the purposes of this subsection plans shall be deemed to have been passed if notice of their rejection was not given within the appropriate period from the deposit thereof.

(3) If in a case falling within section one hundred and sixty-three of this Act any work to which new street byelaws are applicable is executed otherwise than in accordance with any condition imposed under the said section one hundred and sixty-three, the council of the borough or urban district or, where the new street is in a rural district, the council of the county comprising the district, may, without prejudice to their right to take proceedings for a fine, by notice to any person by whom or on whose behalf the work was executed either—

(a) require him to remove the work, or

(b) require him either to remove the work or, if he so elects, to comply with any other condition specified in the notice, being a condition which they could have imposed under the said section one hundred and sixty-three as a condition of the passing of plans deposited in accordance with the byelaws.

(4) A person aggrieved by a requirement of an authority under the foregoing provisions of this section may appeal to a magistrates' court.

(5) Subject to any order made on appeal, if a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiration of twenty-eight days from the date of the service of the notice on him, or such longer period as a magistrates' court may on his application allow, the council by whom the notice was given may remove the work in question, or effect such alterations therein as they deem necessary, and may recover the expenses reasonably incurred by them in so doing from him.

(6) No such notice as is mentioned in subsection (1) or subsection (2) or subsection (3) of this section shall be given after the expiration of twelve months from the date of the completion of the work in question, and it shall not be open to an authority to give a notice under subsection (1) of this section in a case where plans have been deposited, if—

(a) either the plans were passed by the local authority, or notice of their rejection was not given within the appropriate period from the deposit thereof, and

(b) the work has been executed in accordance with the plans and any condition imposed under subsection (1) or subsection (2) of section one hundred and sixty-three of this Act.

(7) Nothing in this section shall affect the right of a local authority or of the Attorney-General, or of any other person,

**PART VIII**  
*—cont.*

to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any byelaw, but if—

- (a) the work is one in respect of which plans were deposited and either the plans were passed by the local authority or notice of their rejection was not given within the appropriate period from the deposit thereof, and
- (b) the work has been executed in accordance with the plans,

the court on granting an injunction shall have power to order the local authority to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall, in accordance with rules of court, cause the local authority, if not a party to the proceedings, to be joined as a party thereto.

Fine for executing work otherwise than in accordance with conditions.

**168.** Where in a case falling within section one hundred and sixty-three of this Act a local authority or county council have imposed a condition on the passing of plans deposited in pursuance of new street byelaws, a person who executes work proposed in the plans otherwise than in accordance with that condition shall be liable to the like fine as if he had executed the work in contravention of a byelaw.

Enforcement of conditions imposed by or under byelaws against owner.

**169.** Where a local authority have passed plans for a new street subject to conditions imposed or authorised by new street byelaws in force in the area of that authority, then, subject to the provisions of section fifteen of the Land Charges Act, 1925 (which provides that a local land charge shall be void as against a purchaser for money or money's worth unless registered under that section), those conditions may be enforced at any time by the authority against the owner for the time being of the land to which the conditions relate.

In this section "owner" in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease the unexpired term whereof exceeds three years.

*Provisions as to regulation of new streets by enactment*

Application of certain sections where new streets regulated by enactment.

**170.—(1)** Section one hundred and fifty-eight of this Act shall apply for the purpose of the application to a continuation of an existing street of a provision in a local Act with respect to the width of a new street as it applies for the purpose of the application to such a continuation of new street byelaws.

**(2)** Section one hundred and sixty-three of this Act shall apply where application is made to a local authority to pass plans of a new street in pursuance of an enactment requiring plans to be deposited with them as it applies where such an application is made in pursuance of a byelaw making such a requirement.



(3) A local authority in whose area this subsection applies by virtue of section two hundred and ninety of this Act shall have the like power under section one hundred and sixty-four of this Act to vary the position, direction, termination or level of a new street for the purpose of securing compliance with an enactment in force in their area for the regulation of streets or buildings as a local authority in whose area that section is in force have to make such a variation for the purpose of securing compliance with a byelaw for such regulation, and subsections (2) to (6) of the said section one hundred and sixty-four shall have effect accordingly.

PART VIII  
—cont.

(4) Section one hundred and sixty-six of this Act shall apply in a case where a council are empowered to require the widening of a highway to the width prescribed by an enactment with respect to the width of new streets as it applies where a council are empowered to require the widening of a highway to a width prescribed by a byelaw.

#### *Supplemental provisions*

171.—(1) Where new street byelaws require plans deposited in pursuance of the byelaws to be deposited in duplicate, the local authority may retain one copy of any plans so deposited, whether the plans are passed or not.

Right of local authority to retain deposited plans.

(2) A local authority may retain any plans deposited with and passed by them in pursuance of any enactment regulating the construction of new streets for the time being in force in their area.

172. In this Part of this Act references to plans include references to sections, specifications and written particulars, and references to the passing of plans, in relation to any enactment or byelaw (not being an enactment contained in this Act or a byelaw made thereunder), include references to the approval of plans; and for the purposes of this Part of this Act, "the appropriate period" in relation to the passing or rejection of plans means one month, but new street byelaws for the area of an authority whose meetings are normally held not more frequently than once a month may provide that, in the case of plans deposited less than three clear days before a meeting of the authority, the appropriate period shall be five weeks.

Interpretation of Part VIII.

### PART IX

#### MAKING UP OF PRIVATE STREETS

##### *Introductory*

173.—(1) Sections one hundred and seventy-four to one hundred and eighty-eight of this Act (in this Act referred to as "the code of 1892") shall have effect for the purpose of securing the execution of street works in private streets, and shall apply in all rural districts and in any borough or urban district in which either—

Purposes of the code of 1892, the code of 1875 and the advance payments code, and their application.

**PART IX**  
—*cont.*

- (a) immediately before the commencement of this Act, the Private Street Works Act, 1892, was in force, or
- (b) after the commencement of this Act, the council of the borough or district adopt the provisions of the code of 1892 for the borough or district in accordance with Part I of the Fourteenth Schedule to this Act.

(2) Sections one hundred and eighty-nine to one hundred and ninety-one of this Act (in this Act referred to as “the code of 1875”) shall have effect for the purpose of securing the execution of street works in private streets, and shall apply in all boroughs and urban districts in which, immediately before the commencement of this Act, there were in force the following enactments, that is to say, sections one hundred and fifty and one hundred and fifty-one of the Public Health Act, 1875, and either section one hundred and fifty-two of that Act or section forty-one of the Public Health Acts Amendment Act, 1890:

Provided that the code of 1875 shall not apply in any borough or urban district in which, after the commencement of this Act, the code of 1892 is adopted under the foregoing subsection.

(3) Sections one hundred and ninety-two to one hundred and ninety-nine of this Act (in this Act referred to as “the advance payments code”) shall have effect for securing payment of the expenses of the execution of street works in private streets adjacent to new buildings, and shall apply in all boroughs and urban districts, and shall apply in any rural district and in any contributory place within a rural district in which either—

- (a) immediately before the commencement of this Act, the New Streets Act, 1951, was in force, or
- (b) after the commencement of this Act, the Minister of Housing and Local Government applies the advance payments code in accordance with Part II of the Fourteenth Schedule to this Act.

*The Code of 1892*

**Street works  
in private  
streets.**

**174.**—(1) Where a private street is not, to the satisfaction of the street works authority, sewered, levelled, paved, metalled, flagged, channelled, made good and lighted, the authority may from time to time resolve with respect to the street to execute street works and, subject to the provisions of the code of 1892, the expenses incurred by the authority in executing those works shall be apportioned between the premises fronting the street:

Provided that where the authority so resolve with respect to a part only of the street (not being a part extending for the whole of the length of the street), the said expenses shall be apportioned only between the premises fronting the length of the street which constitutes or comprises that part.

(2) When an authority have passed a resolution under the foregoing subsection, the surveyor shall prepare—

PART IX

—cont.

(a) a specification of the street works referred to in the resolution, with any necessary plans and sections, (Code of 1892.)

—cont.

(b) an estimate of the probable expenses of the works, which may include, in addition to the estimated actual cost, a charge not exceeding five pounds per cent. in respect of surveys, superintendence and notices, and

(c) a provisional apportionment apportioning the estimated expenses between the premises liable to be charged therewith under the code of 1892,

and the specification, plans, sections, estimate and provisional apportionment shall comprise the particulars specified in paragraphs 1 to 4 of the Fifteenth Schedule to this Act and shall be submitted to the authority, who may by a further resolution approve them with or without modification or addition as they think fit:

Provided that if the street works referred to in the resolution under the foregoing subsection include the sewerage of a street in a rural district, and the council of that rural district are not discharging the functions of the county council by virtue of subsection (2) of section twenty-five of this Act, the county surveyor shall, when preparing the said specification, consult the council of the rural district.

The resolution of the authority approving the said documents is hereafter in the code of 1892 referred to as "the resolution of approval".

(3) After the resolution of approval has been passed, a notice containing the particulars specified in paragraph 5 of the said Fifteenth Schedule shall—

(a) be published once in each of two successive weeks in a local newspaper circulating in the area of the street works authority, and

(b) be posted in a prominent position in or near to the street to which the resolution relates once at least in each of three successive weeks, and

(c) within seven days from the date of the first publication under paragraph (a) of this subsection, be served on the owners of the premises shown in the provisional apportionment as liable to be charged,

and, during one month from the said date, a copy of the resolution of approval, and the approved documents or copies thereof certified by the surveyor, shall be kept deposited at the offices of the authority and open to inspection free of charge at all reasonable hours.

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**PART IX** (4) Where a notice is served on an owner of premises under  
 (Code of 1892.) paragraph (c) of the last foregoing subsection it shall be accom-  
 —cont. panied by a statement of the sum apportioned on those premises  
 by the provisional apportionment.

**Incidental  
works.**

**175.** A street works authority may include in street works to be executed under the code of 1892 with respect to a street any works which they think necessary for bringing the street, as regards sewerage, drainage, level, or other matters, into conformity with any other streets, whether maintainable at the public expense or not, including the provision of separate sewers for the reception of sewage and of surface water respectively.

**Provisional  
apportionment  
of expenses.**

**176.—(1)** In a provisional apportionment of expenses of street works under the code of 1892, the apportionment of expenses between the premises liable to be charged therewith shall, subject to the provisions of this section, be made according to the frontage of the respective premises.

(2) The street works authority may, if they think just, resolve that in settling the apportionment regard shall be had to the following considerations, that is to say—

- (a) the greater or less degree of benefit to be derived by any premises from the street works ;
- (b) the amount and value of any work already done by the owners or occupiers of any premises.

(3) The authority may, if they think just, include in the apportionment any premises which do not front the street, but have access thereto through a court, passage, or otherwise, and which will, in the opinion of the authority, be benefited by the works, and may fix, by reference to the degree of benefit to be derived by those premises, the amount to be apportioned thereon.

**Objections  
to proposed  
works.**

**177.—(1)** Within one month from the date of the first publication of a notice under paragraph (a) of subsection (3) of section one hundred and seventy-four of this Act, an owner of premises shown in a provisional apportionment of expenses as liable to be charged with any part of the expenses of executing street works with respect to a private street or a part of a private street may, by notice to the street works authority, object to their proposals on any of the following grounds, that is to say—

- (a) that the alleged private street is not a private street or, as the case may be, that the alleged part of a private street is not a part of a private street,
- (b) that there has been some material informality, defect or error in, or in respect of, the resolution, notice, plans, sections or estimate,

- (c) that the proposed works are insufficient or unreasonable, PART IX  
 (d) that the estimated expenses of the proposed works are excessive, (Code of 1892.)  
—cont.  
 (e) that any premises ought to be excluded from or inserted in the provisional apportionment,  
 (f) that the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or, where the provisional apportionment is made with regard to other considerations than frontage, in respect of the degree of benefit to be derived by any premises, or of the amount or value of any work already done by the owner or occupier of premises.

(2) Where premises are owned jointly by two or more persons, a notice under the foregoing subsection may be given on behalf of those persons by one of their number, if he is authorised in writing by a majority of them to do so.

**178.**—(1) If an objection is made under the last foregoing section within the period limited thereby, and is not withdrawn, the street works authority may, after the expiration of that period, apply to a magistrates' court to appoint a time for hearing and determining all objections so made within that period, and shall serve on the objectors notice of the time and place so appointed. Hearing and determination of objections.

(2) At the hearing the court shall hear and determine the objections in the same manner as nearly as may be as if the authority were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable.

The court may quash in whole or in part or may amend the resolution of approval, specification, plans, sections, estimate and provisional apportionment, or any of them, on the application either of an objector or of the authority, and may also, if it thinks fit, adjourn the hearing and direct further notices to be given.

(3) The costs of any proceedings before a magistrates' court in relation to objections under the code of 1892 shall be in the discretion of the court, and the court shall have power, if it thinks fit, to direct that the whole or a part of any costs ordered to be paid by an objector or objectors shall be paid in the first instance by the authority, and charged as part of the expenses of the works on the premises of the objector, or, as the case may be, on the premises of the objectors in such proportions as may appear just.

**179.**—(1) Subject to the provisions of this section, the street works authority may from time to time amend the specification, plans, sections, estimate and provisional apportionment for any street works proposed under section one hundred and seventy-four of this Act. Power to amend specification, apportionment, etc.

**PART IX**  
 (Code of 1892.)  
 —cont.

(2) If the street works authority propose to amend the estimate so as to increase the amount thereof, then, before the amendment is made, a notice containing the particulars specified in paragraph 6 of the Fifteenth Schedule to this Act shall—

- (a) be published once in each of two successive weeks in a local newspaper circulating in the area of the street works authority, and
- (b) be posted in a prominent position in or near to the street to which the resolution of approval relates once at least in each of three successive weeks, and
- (c) within seven days from the date of the first publication under paragraph (a) of this subsection, be served on the owners of the premises shown in the provisional apportionment as liable to be charged,

and, during one month from the said date, a document certified by the surveyor giving details of the amendment of the estimate and of the consequential amendment of the provisional apportionment shall be kept deposited at the offices of the authority and open to inspection free of charge at all reasonable hours.

(3) Where a notice is served on an owner of premises under paragraph (c) of the last foregoing subsection it shall be accompanied by a statement of the sum apportioned on those premises by the provisional apportionment as proposed to be amended.

(4) Within one month from the date of the first publication of a notice under paragraph (a) of subsection (2) of this section, objections may be made and, if made, shall be heard and determined in like manner, and subject to the like provisions with respect to the persons entitled to be heard and otherwise, as objections under section one hundred and seventy-seven of this Act.

Final apportionment and objections thereto.

**180.**—(1) When any street works to be executed under the code of 1892 have been completed, and the expenses thereof ascertained, the surveyor shall make a final apportionment by dividing the expenses in the same proportions as those in which the estimated expenses were divided in the original or amended provisional apportionment, as the case may be, and notice of the final apportionment shall be served on the owners of the premises affected thereby.

(2) Within one month from the date on which the said notice is served on him, the owner of any premises shown in the apportionment as liable to be charged may, by notice to the authority, object to the apportionment on the following grounds, or any of them, that is to say—

- (a) that there has been an unreasonable departure from the specification, plans and sections,

(b) that the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent.,

PART IX  
(Code of 1892.)  
—cont.

(c) that the final apportionment has not been made in accordance with this section.

Objections under this section shall be determined in the like manner, and subject to the like provisions with respect to the persons entitled to be heard and otherwise, as objections to the provisional apportionment.

(3) The final apportionment shall, subject to any amendment made therein by a court on the hearing of objections thereto under this section, be conclusive for all purposes.

**181.**—(1) A street works authority may from time to time recover from the owner for the time being of any premises in respect of which any sum is due for expenses of street works the whole or any portion of that sum together with interest from the date of the final apportionment.

Recovery of  
expenses and  
charge thereof  
on premises.

(2) The sum apportioned on any premises by the final apportionment, or, as the case may be, by that apportionment as amended by a court, together with interest from the date of the final apportionment shall, until recovered, be a charge on the premises and on all estates and interests therein.

(3) Subject to the provisions of the Land Charges Act, 1925, with respect to local land charges, a street works authority shall, for the purpose of enforcing a charge under the last foregoing subsection before it is registered under the Land Charges Act, 1925, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease and of appointing a receiver.

(4) A street works authority may by order declare the expenses apportioned on any premises by a final apportionment made by the surveyor, or, as the case may be, by that apportionment as amended by a court, to be payable by annual instalments within a period not exceeding thirty years, together with interest from the date of the final apportionment, and any such instalment and interest, or any part thereof, may be recovered from the owner or occupier for the time being of the premises.

The Thirteenth Schedule to this Act shall apply in relation to any sum paid by an occupier of premises under this subsection.

(5) The rate of interest chargeable under this section shall be such rate of interest as the Minister of Housing and Local Government may by order fix, and different rates of interest may be fixed in different cases.

**PART IX**  
(Code of 1892.)  
—cont.

Power  
for limited  
owners to  
borrow for  
expenses.

**182.** The owners of any premises, being persons who under the Lands Clauses Acts are empowered to sell and convey or release lands, may charge those premises with—

- (a) such sum as may be necessary to defray the whole or a part of any expenses which the owners of, or any other person in respect of, those premises for the time being are liable to defray under the code of 1892, and
- (b) the expenses of making such a charge,

and, for securing the repayment of that sum with interest, may mortgage the premises to any person advancing that sum, so, however, that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within twenty years.

Financial  
provisions.

**183.—**(1) A street works authority shall keep separate accounts of all moneys expended and recovered by them in the execution of the code of 1892.

(2) A street works authority may from time to time borrow money for the purpose of providing temporarily for expenses of street works in private streets.

(3) If the whole or a part of a loan raised in respect of expenses of street works is outstanding at the date when any sum is recovered in respect of the expenses of those street works under section one hundred and eighty-one of this Act, the sum so recovered shall be applied in repayment of the loan.

Exemption  
for place of  
public religious  
worship.

**184.—**(1) The incumbent or minister, or trustee, of a place of public religious worship shall not be liable to expenses of street works under the code of 1892 as the owner of that place, or of a churchyard or burial ground attached thereto, and the proportion of expenses in respect of which an exemption is allowed under this section shall be borne by the street works authority.

(2) No such expenses as aforesaid shall be deemed—

- (a) to be a charge on such a place, or churchyard or burial ground, or
- (b) to subject such a place, or churchyard or burial ground, to distress, execution or other legal process.

Certain  
railways and  
canals not to  
be chargeable  
with expenses.

**185.—**(1) No railway undertakers or canal undertakers shall be deemed to be owners or occupiers for the purposes of the code of 1892 of land upon which a street wholly or partly fronts, if the land—

- (a) at the time of the laying out of the street was used solely as part of their line of railway, canal, or siding, station, towing path, or works—



(i) by the undertakers, or

(ii) in a case where the rights of other railway (Code of 1892. —cont.  
or canal undertakers in respect of the land under section twenty-two of the Private Street Works Act, 1892, are vested in the undertakers, by those other railway undertakers or canal undertakers, and

(b) has no direct communication with the street,

and the amount of any expenses incurred by a street works authority under the code of 1892 which, but for this provision, the undertakers would be liable to pay shall be paid to the authority by the owners of the other premises included in the final apportionment in such proportion as may be settled by the surveyor:

Provided that in the event of the undertakers subsequently making a communication with the street, they shall pay to the authority the amount of the expenses which, but for the foregoing provision, the undertakers or such other undertakers as aforesaid would in the first instance have been liable to pay, and the authority shall divide among the owners for the time being of the other premises included in the final apportionment the amount so paid by the undertakers, less the costs and expenses attendant upon the division, in such proportion as may be settled by the surveyor.

(2) This section shall not apply to a street existing at the date when the Private Street Works Act, 1892, first became applicable in the county borough or county district in which the street is situated or the code of 1892 was adopted by the council thereof.

186. No objection which could be made under any provision of the code of 1892 shall be made in any proceeding or manner otherwise than as provided by that code.

Objections only to be made as provided by code of 1892.

187. In the code of 1892, "the surveyor" means the surveyor of the street works authority or, where that authority are a county council of which the council of a rural district are discharging the functions by virtue of subsection (2) of section twenty-five of this Act, means the surveyor of the council of the rural district.

Meaning of "the surveyor".

188. Nothing in the code of 1892 shall affect property or works of the Conservators of the River Thames on the shores of the river Thames, or of the Port of London Authority on those shores, or render those Conservators or that Authority liable to charges in respect of any such property or works.

Saving for Conservators of River Thames and Port of London Authority.

## PART IX

—cont.

Street works  
in private  
streets.*The Code of 1875*

**189.**—(1) Where a private street is not, to the satisfaction of the street works authority, sewered, levelled, paved, metalled, flagged, channelled, made good and lighted, the authority may, by notice to the owners or occupiers of the premises fronting the street, require those owners or occupiers to execute street works with respect to the street within such time as may be specified in the notice :

Provided that where street works are required by the street works authority to be executed with respect to a part only of the street (not being a part extending for the whole of the length of the street), the requirement shall be made only of the owners of the premises fronting the length of the street which constitutes or comprises that part.

(2) A person aggrieved by a requirement made under the foregoing subsection may appeal to a magistrates' court.

(3) Before giving a notice under subsection (1) of this section, the street works authority shall cause to be prepared under the direction of their surveyor plans and sections of any structural works intended to be executed under that subsection and an estimate of the probable cost thereof, and the plans, sections and estimate shall be deposited at the offices of the authority and shall be open to inspection free of charge at all reasonable hours during the time so specified as aforesaid.

The plans and sections shall be on a scale of not less than one inch to eighty-eight feet for a horizontal plan, and one inch to ten feet for a vertical section, and, in the case of a sewer, shall show the depth thereof below the surface of the ground.

(4) A notice given under subsection (1) of this section may contain a reference to a plan or section deposited under the last foregoing subsection without annexation of copies thereof to the notice.

Power of  
street works  
authority to  
execute works.

**190.**—(1) Subject to any order made on appeal, if a requirement under subsection (1) of the last foregoing section is not complied with within the time specified in the notice containing that requirement, the street works authority may themselves execute the street works so specified, and, subject to the provisions of the code of 1875, may recover, in accordance with the provisions of section two hundred and sixty-four of this Act, from each owner of premises in default such proportion of the expenses reasonably incurred by the authority in executing the works as may be apportioned to him under an apportionment according to the frontage of the premises and settled under the next following subsection.

(2) The amount apportioned to an owner of premises under this section shall be settled by the surveyor of the authority, or, if the owner by notice to the authority or their surveyor within three months from the date of service of notice on the owner of the amount so settled as aforesaid disputes that amount, by arbitration.

PART IX

(Code of 1875.)  
—cont.

**191.**—(1) The incumbent or minister, or trustee, of a place of public religious worship shall not be liable to expenses of street works under the code of 1875 as the owner of that place, or of a churchyard or burial ground attached thereto.

Exemption  
for place of  
public religious  
worship.

(2) No such expenses as aforesaid shall be deemed—

(a) to be a charge on such a place, or churchyard or burial ground, or

(b) to subject such a place, or churchyard or burial ground, to distress, execution or other legal process.

(3) A street works authority may execute any street works from the expenses of which an exemption is allowed under this section.

### *The Advance Payments Code*

**192.**—(1) Subject to the provisions of this section, where—

(a) it is proposed to erect a building for which plans are required to be deposited with the local authority in accordance with building byelaws, and

(b) the building will have a frontage on a private street in which the street works authority have power under the appropriate private street works code to require works to be executed or to execute works,

Payments to  
be made by  
owners of new  
buildings in  
respect of  
street works

no work shall be done in or for the purpose of erecting the building unless the owner of the land on which it is to be erected or a previous owner thereof has paid to the street works authority, or secured to the satisfaction of that authority the payment to them of, such sum as may be required under the next following section in respect of the cost of street works in that street.

(2) If work is done in contravention of the foregoing subsection, the owner of the land on which the building is to be erected and, if he is a different person, the person undertaking the erection of the building shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding one hundred pounds, and any further contravention in respect of the same building shall constitute a new offence and may be punished accordingly :

**PART IX**  
*(Advance  
 Payments  
 Code.)*  
 —cont.

Provided that where the person undertaking the erection of the building, not being the owner of the land on which it is to be erected, is charged with an offence under this subsection, it shall be a defence for him to prove that he had reasonable grounds for believing that the said sum had been paid or secured by the owner of the land in accordance with the foregoing subsection.

Proceedings under this subsection shall not be taken by any person other than the street works authority.

(3) This section shall not apply—

- (a) in a case where the owner of the land on which the building is to be erected will be exempt, by virtue of a provision in the appropriate private street works code, from liability to expenses incurred in respect of street works in the private street in question ;
- (b) in a case where the building proposed to be erected will be situated in the curtilage of, and be appurtenant to, an existing building ;
- (c) in a case where the building is proposed to be erected in a rural district or in a contributory place within a rural district and plans for the building were deposited with the rural district council before the date on which the New Streets Act, 1951, or the advance payments code was applied in the rural district or contributory place ;
- (d) in a case where an agreement has been made by any person with the street works authority under section forty of this Act providing for the carrying out at the expense of that person of street works in the whole of the street or a part of the street comprising the whole of the part on which the frontage of the building will be, and for securing that the street or the part thereof, on completion of the works, will become a highway maintainable at the public expense ;
- (e) in a case where the street works authority, being satisfied that the whole of the street or such a part thereof as aforesaid is not, and is not likely within a reasonable time to be, substantially built-up or in so unsatisfactory a condition as to justify the use of powers under the appropriate private street works code for securing the carrying out of street works in the street or part thereof, by notice exempt the building from this section ;
- (f) in a case where the street works authority, being satisfied that the street is not, and is not likely within a reasonable time to become, joined to a highway maintainable at the public expense, by notice exempt the building from this section ;

- PART IX**  
(*Advance Payments Code.*)  
—cont.
- (g) in a case where the whole street, being less than one hundred yards in length, or a part of the street not less than one hundred yards in length and comprising the whole of the part on which the frontage of the building will be, was on the first day of October, nineteen hundred and fifty-one, built-up to such an extent that the aggregate length of the frontages of the buildings on both sides of the street or part constituted at least one half of the aggregate length of all the frontages on both sides of the street or part ;
- (h) in a case (not falling within the last foregoing paragraph) where the street works authority, being satisfied that the whole of the street was on the first day of October, nineteen hundred and fifty-one, substantially built-up, by notice exempt the building from this section ;
- (i) in a case where the building is proposed to be erected on land belonging to, or in the possession of, the British Transport Commission or any Executive established by or under section five of the Transport Act, 1947, the council of a county (including the county of London), county borough, metropolitan borough or county district, the Common Council of the City of London, or a development corporation established under section two of the New Towns Act, 1946 ;
- (j) in a case where the building is proposed to be erected by a trading or industrial estate company within the meaning of section fifteen of the Distribution of Industry Act, 1945, and the cost thereof is to be defrayed wholly or mainly by a government department ;
- (k) in a case where the street works authority, being satisfied—
- (i) that more than three-quarters of the aggregate length of all the frontages on both sides of the street, or of a part of the street not less than one hundred yards in length and comprising the whole of the part on which the frontage of the building will be, consists, or is at some future time likely to consist, of the frontages of industrial premises, and
  - (ii) that their powers under the appropriate private street works code are not likely to be exercised in relation to the street, or to that part thereof, as the case may be, within a reasonable time,
- by resolution exempt the street, or that part thereof, from this section.

**PART IX**  
*(Advance  
 Payments  
 Code.)*  
 —cont.

(4) Where a sum has been paid or secured under this section by the owner of land in relation to a building proposed to be erected thereon, and thereafter a notice is served under the last foregoing subsection exempting the building from this section, or a resolution is passed under paragraph (k) of that subsection exempting the street or part of a street on which the building will have a frontage from this section, the street works authority shall refund that sum to the person who is for the time being owner of the land or shall release the security, as the case may be.

Where the said sum was paid, and after the payment thereof but before the service of the said notice or the passing of the said resolution, as the case may be, the land in respect of which it was paid was divided into two or more parts each having a frontage on the private street in question, the sum shall be treated for the purposes of this subsection as apportioned between the owners thereof according to their respective frontages.

(5) This section shall apply in relation to a building proposed to be erected in a rural district or in any contributory place within a rural district as if for references therein to the first day of October, nineteen hundred and fifty-one, there were substituted references to the date on which the New Streets Act, 1951, or the advance payments code was applied in the rural district or contributory place.

Determination  
of liability for,  
and amount  
of, payments.

**193.**—(1) In a case to which the last foregoing section applies, the street works authority shall, within one month from the passing of the plans of the building deposited in accordance with building byelaws, serve a notice on the person by or on whose behalf the plans were deposited requiring the payment or the securing under the last foregoing section of a sum specified in the notice.

Where the advance payments code is in force in a rural district or in a contributory place within a rural district and the rural district council are not discharging the functions of the county council under the advance payments code as agents for the county council, the rural district council, in any case to which the last foregoing section may be applicable, shall within one week from the date of the passing of any plans deposited with them relating to the erection of a building inform the county council that the plans have been passed.

(2) Subject to the provisions of this section, the sum to be specified in a notice under the foregoing subsection shall be such sum as, in the opinion of the street works authority, would be recoverable under the appropriate private street works code in respect of the frontage of the proposed building on the private street if the authority were then to carry out such street works in the street as they would require under

that code before declaring the street to be a highway which for the purposes of this Act is a highway maintainable at the public expense.

PART IX  
(Advance  
Payments  
Code.)  
—*cont.*

In this subsection a reference to a street shall not include a reference to a part of a street, except to a part which the street works authority think fit to treat as constituting a separate street for the purposes of this subsection and which comprises the whole of the part on which the frontage of the building will be.

(3) If, at any time after the service of a notice under subsection (1) of this section, the street works authority are of opinion that the sum specified in the notice exceeds such sum as in their opinion would be recoverable as mentioned in the last foregoing subsection if they were then to carry out such street works as are so mentioned, or are of opinion that no sum would be so recoverable, they may, by a further notice, served on the person who is for the time being owner of the land on which the building is to be, or has been, erected, substitute a smaller sum for the sum specified in the notice served under the said subsection (1) or, as the case may be, intimate that no sum falls to be paid or secured:

Provided that this subsection shall not apply where a sum has been paid or secured in compliance with a notice served under the said subsection (1) and the case is one in which the authority have power to make a refund or release under subsection (1) of the next following section.

(4) Where, under a local Act, the erection of buildings on land having a frontage on a new street is prohibited until works for the construction or sewerage of the street have been carried out in accordance with byelaws, the amount of the sum to be specified in a notice served under this section shall be calculated as if those works had been carried out.

(5) Where a notice has been served on any person under this section (other than a notice intimating that no sum falls to be paid or secured) that person or, if he is a different person, the owner of the land on which the building is to be, or has been, erected, may, not later than one month from the date of the service of the notice, appeal to the Minister of Housing and Local Government and that Minister may substitute a smaller sum for the sum specified by the street works authority.

On an appeal under this subsection, the said Minister shall give the appellant an opportunity of being heard before a person appointed by the said Minister.

(6) Where a sum has been paid or secured in compliance with a notice served under subsection (1) of this section and a notice is subsequently served under subsection (3) thereof substituting a smaller sum for the sum specified in the first-mentioned notice

**PART IX**  
*(Advance  
 Payments  
 Code.)*

—cont.

or intimating that no sum falls to be paid or secured, the street works authority—

- (a) if the sum was paid, shall refund the amount of the excess or, as the case may be, the whole sum to the person who is for the time being owner of the land on which the building is to be, or has been, erected ;
- (b) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of that land, shall release the security to the extent of the excess or, as the case may be, the whole security ;
- (c) if the sum was secured and the person whose property is security for the payment thereof is not for the time being owner of that land, shall pay to that owner an amount equal to the excess or, as the case may be, the whole sum, and shall be entitled to realise the security for the purpose of recovering the amount so paid.

Where any land in respect of which a sum has been so paid or secured is subsequently divided into two or more parts so that two or more owners would, if street works were carried out, incur liability in respect thereof, the sum shall be treated as apportioned between those owners according to their respective frontages and, if the sum was secured and the security is the property of one only of those owners, the street works authority shall only be required under paragraph (b) hereof to release the security to the extent of the amount apportioned to that owner and shall be entitled to realise the security for the purpose of recovering the amount or amounts paid to the other owner or owners under paragraph (c) hereof.

(7) Where a security is realised for the purpose of recovering an amount paid by a street works authority under paragraph (c) of the last foregoing subsection, and the sum produced by realising the security exceeds the amount so paid, the amount of the excess shall be held by the authority and dealt with under the advance payments code as if it had been an amount paid under the last foregoing section on the date on which the security was realised.

Refunds,  
 etc., where  
 work done  
 otherwise than  
 at expense of  
 street works  
 authority.

**194.**—(1) Where a sum has been paid or secured under section one hundred and ninety-two of this Act by the owner of land in respect of the cost of street works to be carried out in the private street on which that land has a frontage, and any street works are subsequently carried out in the private street in respect of that frontage to the satisfaction of but otherwise than at the expense of the street works authority, the authority may refund to the person at whose expense the works are carried out the whole or such proportion of that sum or, as the case may be, release the whole or such part of the security, as in



their opinion represents the amount by which the liability of the owner of that land in respect of street works has been reduced as a result of the carrying out of the said street works :

PART IX  
(*Advance  
Payments  
Code.*)  
—cont.

Provided that where the person at whose expense the works are carried out is not the person who is for the time being owner of that land no refund or release shall be made under this subsection unless the owner has been notified of the proposal to make the refund or release and has been afforded an opportunity of making representations to the street works authority in relation thereto.

(2) Where any land having a frontage on a private street, being land in respect of which a sum has been paid or secured under section one hundred and ninety-two of this Act, is subsequently divided into two or more parts each having a frontage on that private street, the sum shall be treated as apportioned between the owners thereof according to their respective frontages, and the foregoing subsection shall have effect accordingly.

(3) Where a sum has been paid or secured under section one hundred and ninety-two of this Act by the owner of land in respect of the cost of street works to be carried out in the private street on which that land has a frontage, and thereafter the street works authority enter into an agreement with any person under section forty of this Act providing for the carrying out at the expense of that person of street works in respect of that frontage, that agreement may also provide for the refund of the said sum or a part thereof either without interest or with interest at such rate as may be specified in the agreement, or for the release of the whole or a part of the security, as the case may be.

**195.**—(1) Where a sum has been paid or secured under section one hundred and ninety-two of this Act by the owner of land in respect of the cost of street works to be carried out in the private street on which that land has a frontage, the liability of that owner or any subsequent owner of that land in respect of the carrying out of street works in that street under the appropriate private street works code shall, as respects that frontage, be deemed to be discharged to the extent of the sum so paid or secured, and if, when the street is declared to be a highway which for the purposes of this Act is a highway maintainable at the public expense, the said sum is found to exceed the total liability aforesaid in respect of that frontage or there is no liability because the street was not made up at the expense of the street works authority, the street works authority—

Sums paid or secured to be in discharge of further liability for street works.

(a) if the sum was paid, shall refund the amount of the excess or, as the case may be, the whole sum to the person who is for the time being owner of the land ;

**PART IX**  
*(Advance  
 Payments  
 Code.)*  
 —cont.

- (b) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of the land, shall release the security to the extent of the excess or, as the case may be, the whole security ;
- (c) if the sum was secured and the person whose property is security for the payment thereof is not for the time being owner of the land, shall pay to that owner an amount equal to the excess or, as the case may be, the whole sum, and shall be entitled to realise the security for the purpose of recovering the amount so paid.

Where land in respect of which a sum has been so paid or secured is subsequently divided into two or more parts so that two or more owners incur or would incur the liability aforesaid, the sum shall be treated as apportioned between those owners according to their respective frontages, and, if the sum was secured and the security is the property of one only of those owners, the street works authority shall only be required under paragraph (b) hereof to release the security to the extent to which the amount apportioned to that owner exceeds his liability aforesaid, or, as the case may be, to the extent of the whole of that amount, and shall be entitled to realise the security for the purpose of recovering the amount or amounts paid to the other owner or owners under paragraph (c) hereof.

(2) Where any refund, release or payment has been made under subsection (6) of section one hundred and ninety-three of this Act, or under the last foregoing section, the foregoing subsection shall have effect as if for references therein to a sum paid or secured there were substituted references to any sum remaining paid or secured.

Determination to cease to have effect when plans are not proceeded with.

**196.**—(1) Where, on the occasion of the deposit of plans for the erection of a building, the amount to be paid or secured under section one hundred and ninety-two of this Act has been determined under section one hundred and ninety-three thereof, and subsequently—

- (a) the local authority declare under section sixty-six of the Public Health Act, 1936, that the deposit of the plans shall be of no effect, or
- (b) before any work has been done in or for the purpose of erecting the building, the owner gives notice to the local authority of his intention not to proceed with the building,

the said determination and any payment made or security given in accordance therewith shall, unless there have already been carried out or commenced in the street under the appropriate private street works code street works in respect of which the owner of the land on which the building was to be erected is liable, be of no effect for the purposes of this Part of this Act.

(2) Where by virtue of the foregoing subsection a determination is of no effect and a sum has been paid or security given in accordance therewith, the street works authority—

- (a) if the sum was paid, shall refund it to the person who is for the time being owner of the land ;
- (b) if the sum was secured and the person whose property is security for the payment thereof is for the time being owner of the land, shall release the security ;
- (c) if the sum was secured and the person whose property is security for the payment thereof is not for the time being owner of the land, shall pay to that owner an amount equal to the said sum, and shall be entitled to realise the security for the purpose of recovering the amount so paid.

PART IX  
(Advance  
Payments  
Code.)  
—cont.

Where land in respect of which a sum has been so paid or secured is subsequently divided into two or more parts so that two or more owners would, if street works were carried out, incur liability in respect thereof, the sum shall be treated as apportioned between those owners according to their respective frontages and, if the sum was secured and the security is the property of one only of those owners, the street works authority shall only be required under paragraph (b) hereof to release the security to the extent of the amount apportioned to that owner and shall be entitled to realise the security for the purpose of recovering the amount or amounts paid to the other owner or owners under paragraph (c) hereof.

(3) Where any refund, release or payment has been made under subsection (6) of section one hundred and ninety-three of this Act, or under section one hundred and ninety-four thereof, the last foregoing subsection shall have effect as if for references therein to a sum paid and security given there were substituted references to any sum remaining paid and any remaining security respectively.

(4) Where a person notifies the local authority in accordance with paragraph (b) of subsection (1) of this section of his intention not to proceed with the building and by reason thereof a determination is of no effect, and subsequently notice is given to the local authority by the owner of the land that he intends to proceed with the building in accordance with the plans as originally deposited, the notice to be served under subsection (1) of section one hundred and ninety-three of this Act by the street works authority shall, in lieu of being served as required by that subsection, be served on him within one month from the date of the service of the notice of his intention to proceed with the building, and the said section one hundred and ninety-three shall have effect accordingly.

(5) Where the advance payments code is in force in a rural district or in a contributory place within a rural district and the rural district council are not discharging the functions of

**PART IX**  
*(Advance  
 Payments  
 Code.)*  
 —cont.

the county council under the advance payments code as agents for the county council, the rural district council, in any case to which this section may be applicable, shall within one week inform the county council of the happening of any of the following events, that is to say—

- (a) of the making of any declaration that the deposit of plans relating to the erection of a building is of no effect,
- (b) of the giving of any notice by an owner of his intention not to proceed with a building, and
- (c) of the giving of any notice by an owner of his intention to proceed with the building in accordance with the plans as originally deposited.

Registration  
 in local land  
 charges  
 register.

**197.**—(1) The matters specified in subsection (2) of this section shall be registered in the register of local land charges by the proper officer of the appropriate council in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925.

- (2) The matters referred to in the foregoing subsection are:—
- (a) notices served by a street works authority under subsection (1) or subsection (3) of section one hundred and ninety-three of this Act;
  - (b) determinations by the Minister of Housing and Local Government under subsection (5) of the said section one hundred and ninety-three;
  - (c) payments made and securities given under section one hundred and ninety-two of this Act;
  - (d) notices served under paragraph (e), paragraph (f) or paragraph (h) of subsection (3) of the said section one hundred and ninety-two exempting a building from that section;
  - (e) resolutions passed under paragraph (k) of subsection (3) of the said section one hundred and ninety-two exempting a street or a part of a street from that section; and
  - (f) refunds made and releases of securities granted under any of the three last foregoing sections.
- (3) In this section “the appropriate council”—
- (a) where the matter in question relates to a street in a borough or urban district, means the council of that borough or district;
  - (b) where the matter in question relates to a street in a rural district, means the council of the county comprising that district or, where the council of a rural district are discharging the functions of the county council under the advance payments code as agents for the county council, means the council of the rural district.

**198.**—(1) Any sum paid by the owner of land to a street works authority under section one hundred and ninety-two of this Act shall, in so far as it continues to be held by the authority, carry simple interest at the appropriate rate from the date of payment until such time as the sum or a part thereof remaining so held—

**PART IX**  
(*Advance Payments Code*)  
—cont.  
Interest on sums paid under advance payments code.

- (a) falls to be set off under section one hundred and ninety-five of this Act against the liability of the owner of the land in respect of the carrying out of street works ; or
- (b) falls to be refunded in full under the provisions of the advance payments code ;

and the interest shall be held by the authority until that time and dealt with under those provisions as if it formed part of the said sum :

Provided that this subsection shall not apply to any sum in so far as it is repaid under an agreement such as is referred to in subsection (3) of section one hundred and ninety-four of this Act.

(2) In this section “ the appropriate rate ” means the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities for periods of ten years ; and for the purposes of the advance payments code interest on any sum held by a street works authority shall be calculated in respect of each financial year during which it accrues at the appropriate rate prevailing at the commencement of that financial year.

**199.** If a security given under section one hundred and ninety-two of this Act consists of a mortgage of or charge on land, the mortgage or charge shall for the purposes of section thirteen of the Building Societies Act, 1894 (which prohibits advances by building societies on second mortgage), be deemed not to be a prior mortgage within the meaning of that section.

Security not to be deemed prior mortgage.

*General*

**200.** A street works authority may include in street works to be done in relation to a street under the code of 1892 or the code of 1875 a variation of the relative widths of the carriageway and of the footway or footways of the street :

Power to vary width of carriageway and footway on making up a private street.

Provided that no greater charge shall be imposed on a person by reason of any such variation than could have been imposed in respect of a carriageway or footway of the width prescribed for a new street of the same class by a byelaw or enactment with respect to the width of new streets which applied to the street when it was laid out ; and any sum in excess of that charge shall be borne by the authority.

**PART IX**  
—*cont.*

Widening of highway comprised in private street.

**201.** Where, in the course of the execution of street works under the code of 1892 or the code of 1875 in a private street which consists of or comprises a highway, the street works authority widen the highway under the powers conferred by Part V of this Act, the widening shall not relieve any person of liability for expenses of the street works, and the amount of that liability shall not be greater or less than it would have been if the highway had not been widened.

Adoption of private street after execution of street works.

**202.**—(1) When any street works have been executed in a private street, the street works authority may, by notice displayed in a prominent position in the street, declare the street to be a highway which for the purposes of this Act is a highway maintainable at the public expense, and on the expiration of the period of one month from the day on which the notice was first so displayed the street shall become such a highway:

Provided that the street shall not become such a highway by virtue of this subsection if, within the said period, the owner of the street, or, if more than one, the majority in number of the owners thereof, by notice to the authority object.

(2) Where street works have been executed in a part only of a street (not being a part extending for the whole of the length of the street), the foregoing subsection shall have effect as if for references therein to the street there were substituted references to the length of the street which constitutes or comprises that part.

(3) If all street works (whether or not including lighting) have been executed in a private street to the satisfaction of the street works authority, then, on the application of the majority in rateable value of the owners of premises in the street, the street works authority shall, within the period of three months from the date of the application, by notice displayed in a prominent position in the street, declare the street to be a highway which for the purposes of this Act is a highway maintainable at the public expense and thereupon the street shall become such a highway.

In this subsection a reference to a street does not include a reference to a part of a street.

Power of majority of frontagers to require adoption where advance payment made.

**203.**—(1) Where a majority in number of the owners of land having a frontage on a built-up private street, or as many of those owners as have between them more than half the aggregate length of all the frontages on both sides of the street, by notice request the street works authority to exercise their powers under the appropriate private street works code so as—

(a) to secure the carrying out of such street works in that street as the street works authority require under that code before declaring the street to be a highway which for the purposes of this Act is a highway maintainable at the public expense, and

(b) to declare the street to be such a highway,  
the street works authority shall proceed to exercise their powers accordingly:

PART IX  
—cont.

Provided that this subsection shall not apply unless, in at least one case, a payment has been made or security has been given under section one hundred and ninety-two of this Act by the owner of land having a frontage on the street and the payment has not been refunded, or the security released or realised, under subsection (4) of the said section one hundred and ninety-two, or under section one hundred and ninety-six of this Act.

(2) For the purposes of this section a street shall be deemed to be built-up if the aggregate length of the frontages of the buildings on both sides of that street constitutes at least one half of the aggregate length of all the frontages on both sides of that street.

(3) This section shall not apply in relation to a part of a street unless it is a part not less than one hundred yards in length which the owners of land having a frontage on that part of the street elect to treat as constituting a street for the purposes of this section.

204.—(1) Where, in the case of a private street situated in a rural district, or in a borough or urban district in which this section applies by virtue of section two hundred and ninety of this Act, repairs are needed to obviate danger to traffic, the street works authority may by notice require the owners of the premises fronting the street to execute, within such time as may be specified in the notice, such repairs as may be so specified ;

Urgent repairs  
to private  
streets.

Provided that where such repairs are needed in a part only of the street (not being a part extending for the whole of the length of the street), such a requirement shall be made only of the owners of the premises fronting the length of the street which constitutes or comprises that part.

(2) A person aggrieved by a requirement of a street works authority under this section may appeal to a magistrates' court.

(3) Subject to any order made on appeal and to the provisions of the next following subsection, if, within the time specified in a notice served under subsection (1) of this section, the repairs required thereby have not been executed, the authority may execute the repairs, and may recover the expenses reasonably incurred by them in so doing from the owners in default, the expenses being apportioned between those owners according to the extent to which their respective premises front the street.

(4) If, within the time so specified, the majority in number or rateable value of owners of premises in the street by notice require the street works authority to proceed in relation to

**PART IX**  
—*cont.*

the street under the appropriate private street works code, the street works authority shall so proceed, and on the completion of the necessary works shall forthwith declare the street to be a highway which for the purposes of this Act is a highway maintainable at the public expense, and thereupon the street shall become such a highway.

(5) Where a requirement under subsection (1) of this section has been made in respect of a part only of a street (not being a part extending for the whole of the length of the street), the last foregoing subsection shall have effect as if for references therein to the street there were substituted references to the length of the street which constitutes or comprises that part.

Compensation for damage caused by execution of street works.

**205.** A street works authority shall pay compensation to any person who has sustained damage by reason of the execution of street works by the authority under the code of 1892 or the code of 1875 or by any other person (including the person claiming compensation) in compliance with a requirement made by the authority under the code of 1875.

Power to treat as a private street land designated for purposes of this section by development plan.

**206.**—(1) The provisions of this section shall apply in relation to land defined by a development plan—

(a) as the site of a proposed road, or

(b) as land required for the widening of an existing road which is of less than byelaw width,

and designated by the plan as land to which this section applies.

(2) Where any land is so defined and designated as aforesaid, the appropriate council may at any time by order declare the land (together with any land forming part of any such existing road as aforesaid) to be a private street, and thereupon the land shall be deemed to have been dedicated to the use of the public as a highway and to be a private street for the purposes of this Part of this Act:

Provided that no such order shall be made by the council in relation to land which has not been acquired by them at the date of the order (other than land forming part of any such existing road as aforesaid) except with the consent of all persons interested in the land.

(3) In relation to land which is deemed to be a private street by virtue of a declaration under the last foregoing subsection, the provisions of the code of 1892, or in the case of land in a district in which that code does not apply, the provisions of the code of 1875, shall apply subject to such exceptions, adaptations and modifications as may be prescribed by regulations made by the Minister of Housing and Local Government.

(4) Regulations made for the purposes of the last foregoing subsection shall make provision for securing—

(a) that the amount of the expenses incurred in the execution of street works charged under the said code on the



owners of adjoining land shall not exceed the amount which would, at the date of the commencement of the works, have been the cost of the execution of street works in the course of the construction, widening or improvement if it had been carried out so as to comply with the provisions of any byelaws, regulations or other enactments in force in the area, and, as respects matters for which no such provision is made, so as to comply with such requirements as would have been imposed by the street works authority at the date of the commencement of the works as a condition of declaring the street to be a highway which for the purposes of this Act is a highway maintainable at the public expense ;

- (b) that as soon as the street has been made up or widened by or to the satisfaction of the appropriate council it shall become a highway maintainable at the public expense ;
- (c) that no expenses incurred in the execution of street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings ; and
- (d) that no expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for and used by persons or vehicles from that land to the new street.

(5) Regulations made for the purposes of subsection (3) of this section may provide—

- (a) for the inclusion in the expenses recoverable as aforesaid in respect of street works carried out by the appropriate council of any expenses incurred by a local authority after the date on which the land is defined and designated as mentioned in subsection (1) of this section, and before it is declared to be a private street under subsection (2) of this section, in the construction of sewers in or under the land ; and
- (b) for authorising the appropriate council to enter on any land adjoining the street for the purpose of executing street works on land comprised in the street.

(6) A highway constructed by a local highway authority on land deemed to be a private street by virtue of a declaration under subsection (2) of this section shall not by virtue only of paragraph (b) of subsection (2) of section thirty-eight of this Act be for the purposes of this Act a highway maintainable at the public expense.

(7) For the avoidance of doubt it is hereby declared that the provisions of this section, and any restrictions or powers thereby

**PART IX**  
—*cont.*

imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force on the sixth day of August, nineteen hundred and forty-seven, or by any local Act passed at any time during the Session of Parliament held during the regnal years 10 and 11 Geo. 6, for authorising or regulating any development of the land.

(8) References in this section to the code of 1875 shall be construed as including references to any local Act making provision corresponding with the provisions of that code or of the code of 1892; and the power of the Minister of Housing and Local Government to make regulations under this section shall include power to make special regulations with respect to any area in which there is in force a local Act making provision corresponding with the provisions of the code of 1892 or a local Act amending or making provision corresponding with the provisions of the code of 1875.

(9) In this section—

“appropriate council”, in relation to any land, means, in the case of—

(a) land in a rural district, or

(b) land in any other county district which is defined by a development plan as the site of a road which is to become a county road, or as land required for the widening of such a road,

the council of the county in which the land is situated; and in any other case means the council of the county borough or county district in which the land is situated;

“byelaw width”, in relation to a road, means the width required by any byelaws, regulations or other enactments relating to the construction of streets in the area in which the road is situated;

“construction” and “improvement”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass verges in and beside the street;

“local authority” has the same meaning as in the Town and Country Planning Act, 1947.

Appeal to  
Minister of  
Housing  
and Local  
Government  
under codes  
of 1892 and  
1875.

**207.**—(1) Subject to the provisions of section one hundred and eighty-six of this Act, a person aggrieved by a decision of a street works authority in a case where the authority are empowered by section one hundred and eighty-one or section one hundred and ninety of this Act to recover any expenses incurred by them shall be entitled to appeal to the Minister of Housing and Local Government, and that Minister may make such decision as to him seems equitable, and the decision shall be final and binding on all parties.

(2) The time within which an appeal may be brought under the foregoing subsection shall be twenty-one days from the date on which a demand for the payment of the expenses, or any part thereof, was first served on the person wishing to appeal.

(3) A person appealing under subsection (1) of this section shall in his appeal state the grounds thereof, and shall serve a copy of his appeal on the street works authority; and any proceedings commenced for the recovery of any such expenses as aforesaid by the street works authority shall, on the service on them of the copy of the appeal, be stayed.

(4) The Minister of Housing and Local Government may, if he thinks fit, by his decision direct the authority to pay to the person so proceeded against such sum as he may consider to be a just compensation for the loss or damage sustained by that person by reason of the proceedings.

**208.**—(1) In a case where a part only of a private street is within the area of a street works authority, the authority may, with the consent of the street works authority in whose area any other part of the street is situated, resolve to treat that other part for the purposes of this Part of this Act as if it were within their own area; and where the authority so resolve, then, without prejudice to the operation of any enactment not contained in this Part of this Act, this Part of this Act shall apply in relation to that other part of the street as if it, together with the premises fronting it, were within the area of the authority passing the resolution:

Provisions as to private street in area of more than one street works authority.

Provided that a street works authority shall not resolve under this subsection to treat a part of a street as if it were within their own area if that part comprises a length of the street wholly outside that area.

(2) In a case where a private street is within the area of a street works authority but premises fronting the street are wholly or partly outside that area, then, without prejudice to the operation of any enactment not contained in this Part of this Act, this Part of this Act shall apply in relation to that street as if those premises were wholly within the area of that authority.

In this subsection a reference to a street includes a reference to a length of the street but does not include a reference to any other part thereof.

(3) A resolution passed by a street works authority under subsection (1) of this section shall be published by advertisement in one or more local newspapers circulating within the area in which the street is situated and otherwise in such manner as the authority think sufficient for giving notice to all persons interested.

**PART IX**  
—cont.

Evasion of private street works expenses by owners.

**209.**—(1) Where a street works authority are empowered by section one hundred and eighty-one or section one hundred and ninety of this Act, or by a corresponding provision of a local Act, to recover any sum from the owner of any premises, and the authority are unable by the exercise of their powers (other than powers conferred by this section) to recover that sum, then if—

- (a) the said premises were previously transferred by a person (hereafter in this section referred to as “ the transferor ”) who at the time of the transfer was the owner of other premises adjoining those premises, and
- (b) a magistrates’ court is satisfied that the transfer was intended for the purpose of evading the payment of expenses of street works,

the court may make an order under this section.

(2) An order under this section shall provide that, to such extent as the court making the order may determine, the street works authority may recover the said sum, and, where that sum is payable under an order made under subsection (4) of section one hundred and eighty-one or subsection (2) of section two hundred and sixty-four of this Act or under a corresponding provision of a local Act, any further sums which may fall due under that order, from the transferor.

(3) In this section “ transfer ” includes any disposal of land whether by way of sale, lease, exchange, gift or otherwise.

Contribution by street works authority to expenses of street works.

**210.**—(1) A street works authority may at any time resolve to bear the whole or a portion of the expenses of any street works in their area under the code of 1892 or the code of 1875, or under a provision in a local Act relating to such works, and where an authority so resolve the liabilities of the owners of premises in respect of those expenses shall be treated as discharged, or as proportionately reduced, accordingly.

(2) Without prejudice to their powers under the foregoing subsection, a street works authority may at any time resolve to bear the whole or a portion of the expenses of any street works in their area under the code of 1892 or the code of 1875 or under a provision in a local Act relating to such works, being expenses which would otherwise be apportioned on, or to the owner of, any premises of which only the rear or a flank fronts the street, and where an authority so resolve the liability of the owner of those premises in respect of those expenses shall be treated as discharged or reduced accordingly.

**211.—(1) Where a person—**

- (a) has paid, or advanced money for, expenses which by section one hundred and eighty-one or section one hundred and ninety of this Act a street works authority are empowered to recover, or
- (b) has executed, or advanced money for the execution of, works required by a street works authority to be executed under section one hundred and eighty-nine of this Act,

**PART IX**  
—*cont.*  
Power of street works authority to grant charging order.

that person may apply to the authority for a charging order, and the authority, on being satisfied as to the due execution of the works and as to the amount of the expenditure thereon, and, in the case of an advance, as to the sum advanced, may make an order accordingly charging on the premises in respect whereof the advance was made or the works were executed, and on all estates and interests therein, an annuity to repay the sum advanced or expended as the case may be.

(2) The annuity charged shall be such sum as the street works authority may determine in respect of every hundred pounds of the amount of the expenditure and so in proportion in respect of any fraction of that amount, and shall commence from the date of the order and be payable by equal half-yearly payments for a term of thirty years to the person named in the order, his executors, administrators or assigns:

Provided that the Minister of Housing and Local Government may from time to time by order fix the maximum sum to be so charged in respect of a hundred pounds.

(3) A person aggrieved by an order of a street works authority under subsection (1) of this section, or by the refusal of the authority to make an order thereunder, may appeal to a magistrates' court.

(4) The Thirteenth Schedule to this Act shall apply in relation to any sum paid by an occupier of premises in respect of an annuity charged on those premises under this section.

**212.** The rate of interest chargeable by a local authority under any provision contained in a local Act relating to the execution of street works shall be such rate of interest as the Minister of Housing and Local Government may by order fix, and different rates of interest may be fixed in different cases.

Rate of interest on expenses recoverable under local Act.

**213.—(1)** In this Part of this Act "private street" means a street not being a highway maintainable at the public expense, and—

Interpretation of Part IX.

- (a) includes any land which is deemed to be a private street by virtue of a declaration made under section two hundred and six of this Act, and

**PART IX**  
—cont.

(b) for the purpose of the application of the advance payments code or section two hundred and three of this Act in relation to any building, includes—

(i) any land shown as a proposed street on plans deposited with respect to that building either under building byelaws or on an application for planning permission under the Town and Country Planning Act, 1947, and

(ii) any land which, if work for the erection of that building had been commenced, would have become part of an existing highway by virtue of subsection (6) of section one hundred and fifty-nine of this Act :

Provided that the fact that a part of a street is a highway maintainable at the public expense shall not prevent any other part thereof from being taken for the purposes of this Part of this Act to be a part of a private street, and shall not prevent the street from being taken for the purposes of the code of 1875 to be a private street.

(2) In this Part of this Act—

“building byelaws” has the meaning assigned to it by section three hundred and forty-three of the Public Health Act, 1936 ;

“contributory place” has the meaning assigned to it by section three hundred and forty-three of the Public Health Act, 1936 ;

“fronting” includes adjoining, and “front” shall be construed accordingly ;

“industrial premises” means premises used or designed or suitable for use for the carrying on of any industrial process within the meaning of the Distribution of Industry Act, 1945, and includes premises used for purposes ancillary to the carrying on of any such process ;

“local Act” includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order ;

“paving, metalling and flagging” includes all methods of making a carriageway or footway ;

“place of public religious worship” means a place of public religious worship which belongs to the Church of England or to the Church in Wales (within the meaning of the Welsh Church Act, 1914), or which is for the time being certified as required by law as a place of religious worship ;

“street works” means any works for the sewerage, levelling, paving, metalling, flagging, channelling and making good of a street, and includes the provision of proper means for lighting a street ;

“ street works authority ” means—

PART IX  
—cont.

(a) as respects a street in a borough or in an urban district, the council of the borough or district ; and

(b) as respects a street in a rural district, the council of the county comprising the district.

(3) For the purposes of the advance payments code and of sections two hundred and three and two hundred and four of this Act, the appropriate private street works code—

(a) in a county borough or county district in which the code of 1892 is in force, shall be that code ;

(b) in a county borough or county district in which there is in force a local Act which contains provisions regulating the procedure relating to the execution of street works and payments in respect thereof, shall be that local Act ;

(c) in a county borough or county district in which the code of 1875 is in force, shall be that code :

Provided that, if in a county borough or county district there is in force a local Act such as is referred to in paragraph (b) of this subsection and also either the code of 1892 or the code of 1875, the council of that borough or district shall, in the case of a private street in the borough or district, by resolution determine whether the said local Act or such one of the said codes as is so in force is to be the appropriate private street works code for the said purposes in relation to that street, and shall publish any such resolution by advertisement in one or more local newspapers circulating within the borough or district and otherwise in such manner as the council think sufficient for giving notice to all persons interested.

(4) Where the code of 1892 or the code of 1875 applies in a county borough or county district subject to modifications effected by a local Act (whether passed before or after the commencement of this Act), references in this Act to the said code shall, in relation to that borough or district, be construed as references to the code as so modified.

(5) For the purposes of the advance payments code and of section two hundred and three of this Act, the frontage of a building or proposed building on a street shall be deemed to be the frontage that the building itself and any land occupied or, as the case may be, proposed to be occupied, with the building and for the purposes thereof has or will have on the street.

(6) In ascertaining a majority in number of owners for the purposes of any provision of this Part of this Act, joint owners shall be treated as one owner.

## PART X

## ACQUISITION, VESTING AND TRANSFER OF LAND, ETC.

*Acquisition of Land*

Acquisition of land for construction, improvement, etc., of highway.

**214.**—(1) The Minister may acquire by agreement, or, subject to subsection (3) of this section, compulsorily, land required for the construction of a trunk road, and any highway authority may acquire by agreement, or, subject to the said subsection (3), compulsorily, land required for the construction of a highway which is to be a highway maintainable at the public expense, other than a trunk road.

(2) A highway authority may acquire by agreement, or, subject to the next following subsection, compulsorily, land required for the improvement of a highway, being an improvement which they are authorised by this Act to carry out in relation to the highway.

(3) A highway authority shall not be enabled by virtue of either of the foregoing subsections to acquire otherwise than by agreement land lying more than two hundred and twenty yards from the middle of a highway or proposed highway, and a highway authority shall not, in exercise of the power conferred by subsection (1) of this section, acquire otherwise than by agreement land required for the construction of a highway unless either—

- (a) the highway is to be constructed in pursuance of a scheme under section eleven of this Act, or
- (b) plans for the construction of the highway have been made or approved by the Minister.

For the purposes of this subsection, land on which a highway is to be constructed in pursuance of a scheme under the said section eleven shall be deemed to be a proposed highway.

(4) Where in exercise of the power conferred by subsection (1) or subsection (2) of this section a highway authority have acquired, or propose to acquire, land forming part of a common, open space, or fuel or field garden allotment, and other land is required for the purpose of being given in exchange for the first-mentioned land, the said subsection (1) or the said subsection (2), as the case may be, shall apply to that other land as if it were land required for the purpose of the construction or improvement of a highway.

(5) A highway authority may acquire by agreement, or, subject to subsection (9) of this section, compulsorily, land within two hundred and twenty yards from the middle of any of the following highways, that is to say—

- (a) a highway which is a highway maintainable at the public expense by them, or which is to become such a highway after being widened by them under this Act,



- (b) a highway which is to be a highway maintainable at the public expense by them and which they are for the time being constructing or intending to construct in accordance with plans made or approved by the Minister, and
- (c) a highway which is to be constructed by them in pursuance of a scheme under section eleven of this Act, or of an order under section nine or section thirteen thereof,

being land the acquisition of which is in their opinion necessary for preventing the erection of buildings detrimental to the view from the highway.

(6) A highway authority may acquire, but only by agreement, any other land in the neighbourhood of any such highway as is referred to in the last foregoing subsection, being land which they consider it desirable to acquire for preventing the erection of buildings detrimental to the view from the highway or otherwise preserving the amenities of the locality in which it is, or is to be, situated.

(7) The power to acquire land in relation to a trunk road under the two last foregoing subsections may be exercised—

- (a) in the case of a trunk road in a non-county borough or an urban district which, immediately before it became a trunk road, was either a claimed county road or a highway other than a classified road, by the council of that borough or district, as the case may be, as well as by the Minister, and
- (b) in any other case, by the council of the county or county borough in which the trunk road is situated as well as by the Minister.

(8) A highway authority may acquire by agreement, or, subject to the next following subsection, compulsorily, land required for the improvement or development of frontages to a highway for which they are the highway authority or of the land adjoining or adjacent to that highway:

Provided that this subsection shall not be taken to authorise a highway authority to acquire land for any purpose for which the authority have power to acquire land under subsection (5) or subsection (6) of this section.

(9) The powers conferred by subsections (5), (7) and (8) of this section shall not be exercisable so as to enable land to be acquired compulsorily if that land is required to be retained as part of a park, garden, pleasure ground, or home farm attached to and normally occupied with a mansion house, or is otherwise required for the amenity or convenience of a dwelling-house, being a dwelling-house in existence at the date when the order authorising the compulsory acquisition of the land is made.

PART X  
—cont.

(10) In this section “common”, “fuel or field garden allotment” and “open space” have the same meanings respectively as in the Acquisition of Land (Authorisation Procedure) Act, 1946.

Additional powers of acquiring land for trunk roads and special roads.

215.—(1) Subject to the provisions of this section, the Minister may acquire by agreement or compulsorily land which in his opinion is required—

- (a) for the carrying out of any works authorised by an order under section nine of this Act, or
- (b) for the provision of buildings or facilities to be used in connection with the construction or maintenance of a trunk road other than a special road.

(2) Subject to the following provisions of this section, a special road authority may acquire by agreement or compulsorily land which in the opinion of the authority is required—

- (a) for the improvement of a highway which is included in the route of the special road but has not been transferred to the authority by means of an order under section thirteen of this Act,
- (b) for the purposes of any order made in relation to the special road under the said section thirteen, or
- (c) for the provision of service stations or other buildings or facilities to be used in connection with the construction of the special road or with the use or maintenance thereof.

(3) The Minister shall not be enabled by virtue of subsection (1) of this section, and a special road authority shall not be enabled by virtue of the last foregoing subsection, to acquire otherwise than by agreement land lying more than two hundred and twenty yards from the middle of the trunk road or of the special road, as the case may be, or, where the land is required for the improvement, alteration or construction of any other highway, from the middle of that other highway or proposed highway.

(4) Subject as hereinafter provided, the Minister shall not be enabled by virtue of subsection (1) of this section, and a special road authority shall not be enabled by virtue of subsection (2) thereof, to acquire otherwise than by agreement land which is required to be retained as part of a park, garden, pleasure ground, or home farm attached to and normally occupied with a mansion house, or is otherwise required for the amenity or convenience of a dwelling-house, being a dwelling-house in existence at the date when the order authorising the compulsory acquisition of the land is made:

Provided that the limitation contained in this subsection shall not have effect in relation to land required by the Minister or by a special road authority, as the case may be, for the construction or improvement of a highway.

**216.** Where the boundaries of any highway will be altered in consequence of any improvement proposed to be made under this Act in relation to the highway, then, for the purposes of the two last foregoing sections, the middle of that highway shall be the middle of it as proposed to be improved.

**PART X**  
—cont.  
Provisions as to middle of highway of which boundaries are to be altered.

**217.—(1)** Where a highway authority have prescribed an improvement line in relation to any street under section seventy-two of this Act they may acquire by agreement or compulsorily any land, not occupied by buildings, lying between the improvement line and the boundary of the street.

Acquisition of land between improvement line and boundary of street.

(2) Any land acquired under this section shall, at such time or times as the highway authority may determine, be added to and made good as part of the street by the authority, and until it is so added the occupier of the land from which it is severed, and other persons with his permission, shall be entitled to reasonable access across the land so acquired to and from the street, and shall have the same rights in regard to the laying, altering, maintaining and removal of drains, mains, pipes or electric lines in that land as if it were already part of the street.

(3) Subsection (10) of section seventy-two of this Act shall have effect in relation to this section as it has effect in relation to that section.

**218.—(1)** A highway authority may acquire by agreement, or subject to subsection (3) of this section, compulsorily, land which they require to enable them to comply with a requirement or direction contained in an order made under section ninety-nine of this Act.

Additional powers of acquiring land for execution of works in connection with certain bridges.

(2) The Minister may, subject to the next following subsection, authorise the owners of a bridge to acquire land which they require to enable them to comply with a requirement or direction contained in an order made under the said section ninety-nine.

(3) Nothing in this section shall authorise the compulsory acquisition of land which is the property of a council, or which has been acquired by transport undertakers for the purposes of their undertaking:

Provided that a highway authority may acquire compulsorily a right upon, under or over such land for the purpose of executing any works which they are required or authorised by an order made under the said section ninety-nine to execute or construct; and the Minister may authorise the owners of a bridge to acquire compulsorily a right upon, under or over such land for that purpose.

N\*

**PART X***—cont.*

Acquisition of land for cattle-grids, etc.

**219.** A highway authority may acquire by agreement or compulsorily land which they require for the purpose of providing, altering or improving a cattle-grid or by-pass in the exercise of powers conferred on them by this Act.

Acquisition of land for road-ferries.

**220.** A highway authority may acquire by agreement or compulsorily land which they require for the purpose of providing or improving a road-ferry in the exercise of powers conferred on them by this Act.

Acquisition of land for buildings, etc., needed for discharge of functions of highway authority.

**221.** Without prejudice to the provisions of subsection (2) of section two hundred and fifteen of this Act, a local highway authority may acquire by agreement or, on their being authorised in that behalf by the Minister of Housing and Local Government, compulsorily land, whether situated within or without their area, which in their opinion is required for the provision of any buildings or facilities needed for the purposes of their functions as a highway authority.

General provisions as to acquisition of land.

**222.—(1)** Any power to acquire land compulsorily conferred by section two hundred and fourteen, section two hundred and fifteen, section two hundred and seventeen, section two hundred and eighteen, section two hundred and nineteen or section two hundred and twenty of this Act on a local highway authority shall be exercisable in any particular case on their being authorised so to do by the Minister.

(2) In relation to the compulsory acquisition of land under any of the said sections or under section two hundred and twenty-one of this Act by a local highway authority, the Acquisition of Land (Authorisation Procedure) Act, 1946, shall, subject to the following provisions of this section, have effect as if this Act had been in force immediately before the commencement of that Act.

(3) In relation to the compulsory acquisition of land under any of the said sections by the Minister, the said Act of 1946 shall, subject to the following provisions of this section, have effect as if this Act had been in force immediately before the commencement of that Act and as if the said sections were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act.

(4) In relation to the acquisition of land under the said section two hundred and eighteen by the owners of a bridge, the said Act of 1946 shall, subject to the following provisions of this section, have effect as if this Act had been in force immediately before the commencement of that Act, and as if references to a local authority in paragraph (a) of subsection (1) of section one thereof, in section five thereof, in Part I of the First Schedule

thereto, and in the Second Schedule thereto, and to an authority and an acquiring authority in section three thereof, included references to the owners of a bridge.

(5) An order authorising the compulsory acquisition of land by a local highway authority under subsection (5) of the said section two hundred and fourteen shall, in addition to the particulars required by regulations made under the said Act of 1946 to be included therein, specify the purposes for which the land is to be acquired and the manner in which the land is intended to be used for those purposes.

(6) In assessing the compensation payable in respect of the compulsory acquisition of land by a highway authority under powers conferred by the said section two hundred and fourteen (except subsection (8) thereof), or by the said section two hundred and fifteen, the Lands Tribunal—

(a) shall have regard to the extent to which the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the land is authorised to be acquired ;

(b) without prejudice to the generality of the foregoing paragraph, shall, in the case of land authorised to be acquired for widening a highway, set off against the value of the land to be acquired any increase in the value of other land belonging to the same person which will accrue to him by reason of the creation of a frontage to the highway as widened ; and

(c) shall take into account, and embody in its award, any undertaking given by the highway authority as to the use to which the land, or any part of it, will be put ; and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall, in its application to a compulsory acquisition by a highway authority under either of the said sections, have effect subject to the provisions of this subsection.

(7) In assessing the compensation payable in respect of the compulsory acquisition by a highway authority under section two hundred and seventeen of this Act of land lying between an improvement line and the boundary of a street, the Lands Tribunal shall take into account any benefit accruing to the vendor by reason of the improvement of the street except in so far as it may have been previously taken into account in the assessment of compensation payable under subsection (8) of section seventy-two of this Act, and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall, in its application to a compulsory acquisition by a highway authority under the said section two hundred and seventeen, have effect subject to the provisions of this subsection.

(8) The Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply to the owners of a bridge in their capacity as such as it applies to a local authority.

**PART X**  
—*cont.*

(9) Notwithstanding anything in subsection (2) of section one of the Acquisition of Land (Authorisation Procedure) Act, 1946, or in Part III of the First Schedule thereto, an order authorising a highway authority, or the owners of a bridge, to acquire compulsorily for the purpose specified in subsection (3) of section two hundred and eighteen of this Act a right upon, under or over land which is the property of a council or which has been acquired by transport undertakers for the purposes of their undertaking shall not be subject to special parliamentary procedure by reason only of its authorising the acquisition of any such right, nor shall anything in the said Part III prevent the acquisition of any such right.

(10) A local highway authority who in exercise of the powers conferred on them by subsection (5) or subsection (6) of section two hundred and fourteen of this Act acquire land by agreement shall give to the Minister, in such form and manner as he may direct, particulars of the purposes for which the land is acquired and of the manner in which the land is intended to be used for those purposes.

(11) Where under this Part of this Act a highway authority are authorised to acquire land by agreement, the Lands Clauses Acts, except the provisions relating to the acquisition of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, and in construing those Acts for the purposes of this subsection this Act shall be deemed to be the special Act, and the highway authority to be the promoters of the undertaking, and the word "land" shall have the meaning assigned to it by section two hundred and ninety-five of this Act.

Compulsory acquisition for certain purposes of rights in land belonging to local authorities and statutory undertakers.

**223.**—(1) Subject to the provisions of this section, an order made, or made and confirmed, in the like manner and subject to the like conditions as an order authorising the compulsory acquisition of land under section two hundred and fourteen or section two hundred and fifteen of this Act may authorise a highway authority to acquire compulsorily, subject to such conditions (including conditions as to the persons by whom any works are to be constructed or maintained) as may be imposed by the order, a right upon, under or over any land which is the property of a local authority or which has been acquired by statutory undertakers for the purposes of their undertaking, if the acquisition is—

- (a) for the purposes of the construction of a bridge or of the approaches to a bridge (not including the reconstruction or alteration of a bridge or approaches in existence at the date of the order) upon, under or over such land ;

(b) for the purposes of the execution of any works (other than the reconstruction of a bridge on a different site) for the maintenance, improvement or alteration of a bridge or of the approaches to a bridge transferred to the Minister by virtue of section two hundred and twenty-nine of this Act or transferred to a special road authority other than the Minister by virtue of section two hundred and thirty thereof; or

(c) for the purposes of any system of road drainage;

and, notwithstanding anything in subsection (2) of section one of the Acquisition of Land (Authorisation Procedure) Act, 1946, or in Part III of the First Schedule thereto, an order so made as aforesaid, or so made and confirmed, shall not be subject to special parliamentary procedure by reason only of its authorising the acquisition of any such right, nor shall anything in the said Part III prevent the acquisition of any such right.

(2) The power conferred by the foregoing subsection to acquire compulsorily a right upon, under or over any such land as is mentioned in that subsection may be exercised—

(a) if the acquisition is for a purpose specified in that subsection in connection with a trunk road in a non-county borough or an urban district which, immediately before it became a trunk road, was either a claimed county road or a highway other than a classified road, by the council of that borough or district, as the case may be, as well as by the Minister, and

(b) if the acquisition is for a purpose so specified in connection with any other trunk road, by the council of the county or county borough in which that road is situated as well as by the Minister.

(3) An order authorising the compulsory acquisition under this section of a right for a purpose specified in subsection (1) thereof shall be made subject to such conditions as the Minister, after consultation with the local authority or statutory undertakers from whom the right is to be acquired, considers necessary for securing—

(a) that the bridge or approaches to be constructed, reconstructed or altered, as the case may be, will be so designed, placed and constructed, or so reconstructed or altered, or

(b) that the drainage system to be provided will be so designed, placed and constructed,

as to avoid unreasonable interference with the functions and future development of the local authority or statutory undertakers.

(4) An order authorising the compulsory acquisition under this section of a right for the purposes of a system of road drainage shall be made subject to such conditions as the Minister

**PART X**  
—*cont.*

considers necessary for securing that no highway shall be drained—

- (a) into any watercourse under the control of a drainage board or river board without the consent of that board,  
or
- (b) into any reservoir, river, canal, dock, harbour, basin, culvert, syphon or other work which belongs to or is under the jurisdiction of a local authority or statutory undertakers without the consent of that authority or those undertakers.

(5) Nothing in this section shall authorise the compulsory acquisition of a right upon, under or over any land for the purposes of the construction of a bridge under or over the Manchester Ship Canal:

Provided that this subsection shall not prevent the acquisition of such a right if the acquisition is—

- (a) for the purposes of the construction of a bridge for which provision is made by any such order as is mentioned in subsection (1) of section twenty of this Act, or
- (b) for the purposes of the execution of any works (other than the reconstruction of a bridge on a different site) for the maintenance, improvement or alteration of a bridge transferred to the Minister by virtue of section two hundred and twenty-nine thereof.

(6) In this and the next following section “local authority” has the same meaning as in the Acquisition of Land (Authorisation Procedure) Act, 1946.

Liability  
for certain  
expenses  
resulting from  
order made  
under s. 223.

224.—(1) Subject to the provisions of this section, an order authorising the compulsory acquisition by a highway authority under the last foregoing section of a right upon, under or over any such land as is mentioned in subsection (1) of the said section for a purpose specified in paragraph (a) or paragraph (b) of that subsection shall, except so far as may be otherwise agreed, provide that the bridge or approaches to which the order relates shall be constructed, reconstructed, or altered, as the case may be, and maintained, at the expense of the highway authority.

(2) Where an order is made authorising the compulsory acquisition by a highway authority under the last foregoing section of a right upon, under or over any such land as is mentioned in subsection (1) of that section for the purpose of substituting a bridge for a level crossing over a railway, the expenses of the construction and maintenance of the bridge and of the approaches to the bridge shall either be defrayed wholly by the highway authority, or shall be defrayed partly by the highway authority and partly by the persons from whom the right is acquired (hereafter in this section referred to as the “railway owners”) as, in default of agreement, may be determined by arbitration:



Provided that, unless otherwise agreed—

PART X  
—cont.

- (a) the railway owners' share of the expenses of such construction and maintenance, except so much of those expenses as is attributable to works executed at the instance of the railway owners for the improvement of their undertaking, shall be an amount equivalent to the saving to the railway owners estimated to result from the substitution of a bridge for the level crossing; and
- (b) any additional expense incurred by the railway owners by reason of any alteration of a railway due to the provisions of the order, not being provisions applied for by the railway owners for the improvement of their undertaking, shall be defrayed by the highway authority.

(3) Where by virtue of an agreement or award made under subsection (2) of this section the railway owners are required to contribute to the expenses of a highway authority, the contribution shall, at the option of the railway owners, be paid—

- (a) as a lump sum, or
- (b) by annual payments of such amount, and continuing for such number of years, as may be agreed between the railway owners and the highway authority, or, in default of agreement, as may be determined by arbitration, or
- (c) by perpetual annual payments of such amount as may be so agreed or determined.

(4) Where by means of an order authorising a compulsory acquisition under the last foregoing section a highway authority have acquired from a local authority or statutory undertakers a right upon, under or over any such land as is mentioned in subsection (1) of the said section for a purpose specified in that subsection, any additional expense which, in consequence of—

- (a) the construction, reconstruction or alteration of the bridge to which the order relates, or of the approaches to that bridge, or
- (b) the construction of the drainage system to which the order relates,

is thereafter incurred by the local authority or statutory undertakers in connection with the widening or alteration, on land which was vested in them before the making or confirmation of the order, of any railway, canal, inland navigation, dock, harbour, works or apparatus belonging to them, shall be defrayed by the highway authority, and any question whether any such additional expense has been so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration.

**PART X**  
—cont.

(5) An order authorising the compulsory acquisition by a highway authority under the last foregoing section of a right upon, under or over any such land as is mentioned in subsection (1) of that section for the purposes of a system of road drainage shall, except so far as may be otherwise agreed, provide that the system shall be constructed and maintained at the expense of the highway authority.

Restrictions on the use and disposal of land acquired under s. 214 for certain purposes.

**225.**—(1) Where a local highway authority have acquired land, whether by agreement or compulsorily, for a purpose specified in subsection (5) or subsection (6) of section two hundred and fourteen of this Act, they shall not have power—

(a) to let, sell or exchange the land acquired, or  
(b) to use it in any manner other than that specified in relation to it—

(i) in the order authorising its compulsory acquisition in accordance with subsection (5) of section two hundred and twenty-two of this Act (if it has been acquired compulsorily), or

(ii) in the particulars given to the Minister in accordance with subsection (10) of that section (if it has been acquired by agreement),

unless the Minister of Housing and Local Government makes an order authorising them to do so.

(2) An order made by the said Minister under this section shall be subject to special parliamentary procedure:

Provided that this subsection shall not apply to an order authorising a local highway authority to let land for a term not exceeding seven years for purposes specified in the order, being purposes which, in the opinion of the said Minister, are consistent with the preservation of the amenities of the locality in which the land is.

(3) In relation to land acquired under section two hundred and fifteen of this Act by a special road authority, being a local highway authority, section one hundred and sixty-four of the Local Government Act, 1933 (which enables local authorities to let land subject, in certain cases, to the consent of the Minister of Housing and Local Government), shall have effect as if for references therein to the Minister of Housing and Local Government there were substituted references to the Minister.

*Vesting of highways, etc.*

Vesting of highways maintainable at public expense.

**226.**—(1) Subject to the provisions of this section, every highway maintainable at the public expense, together with the materials and scrapings thereof, shall vest in the authority who are for the time being the highway authority for the highway:

Provided that this subsection shall not apply—

(a) to a highway with respect to the vesting of which, on its becoming or ceasing to be a trunk road, provision is

made by section two hundred and twenty-eight of this Act, or

- (b) to a part of a trunk road with respect to the vesting of which provision is made by section two hundred and twenty-nine thereof, or
- (c) to a part of a special road with respect to the vesting of which provision is made by section two hundred and thirty thereof.

(2) Where a scheme under section eleven of this Act, being a scheme submitted to the Minister jointly by two or more local highway authorities, determines which of those authorities shall be the special road authority for the special road or any part thereof, and that authority are not the highway authority for the road or that part thereof, the road or that part thereof shall vest in the authority who by virtue of the scheme are the special road authority for the road or that part thereof.

(3) Where—

- (a) the responsibility for the maintenance of a bridge or other part of a highway is transferred to a highway authority by means of an order made under section ninety-nine of this Act, but the property therein is not so transferred, or
- (b) the responsibility for the maintenance of a part of a highway is transferred to a highway authority in pursuance of an agreement made under section one hundred of this Act, but the property in that part is not so transferred,

the part of a highway in question shall not by virtue of subsection (1) of this section vest in that highway authority or, in a case where the said part becomes a claimed county road, in the council who are the highway authority therefor.

**227.**—(1) The drains belonging to a county road, not being a claimed county road, shall vest in the council of the county in which the road is situated and, where any other drain or any sewer was at the material date used for any purpose in connection with the drainage of the county road, that council shall continue to have the right of using that drain or sewer for that purpose.

Vesting of  
drains, etc.,  
of certain  
county roads.

In this subsection “the material date” means the date on which the highway in question first became a main road for the purposes of the Local Government Act, 1888, or a county road for the purposes of the Local Government Act, 1929, or this Act.

(2) Any difference arising under this section between a county council and the council of a county district as to the council in whom a drain is vested, or as to the use of a drain or sewer, shall, if either council so elect, be referred to and determined by the Minister of Housing and Local Government.

**PART X**  
—cont.

*Transfer of property and liabilities on change of  
status of highway*

Transfer of  
property and  
liabilities upon  
a highway  
becoming or  
ceasing to be a  
trunk road.

**228.**—(1) Where a highway becomes a trunk road, then, subject to the provisions of this section, there shall, as from the date on which the highway becomes a trunk road, be transferred to the Minister by virtue of this section—

- (a) the highway, in so far as, immediately before the said date, it was vested in the former highway authority, and
- (b) the property mentioned in the next following subsection, being property which, immediately before the said date, was vested—
  - (i) in the former highway authority for the purposes of their functions in relation to the highway, or
  - (ii) in a council for the purposes of functions in relation to the highway under any enactment to which this section applies, and
- (c) all liabilities incurred by any such authority or council for the purposes of their functions in relation to the highway and not discharged before that date, other than loans and loan charges,

and the highway and other property so transferred shall by virtue of this section vest in the Minister :

Provided that there shall not be transferred to or vest in the Minister by virtue of this section any right or liability in respect of work done, services rendered, goods delivered, or money due for payment, before the said date, or in respect of damages or compensation for any act or omission before that date, or in respect of the price of, or compensation for, any land purchased, or for which a contract to purchase has been concluded, before that date.

(2) The property referred to in paragraph (b) of the foregoing subsection is—

- (a) land, other than land—
  - (i) vested in the former highway authority for the purpose of being used for the storage of materials required wholly or mainly for the maintenance or improvement of other highways, or
  - (ii) acquired for the improvement or development of frontages to the highway, or of land adjoining or adjacent to the highway, and
- (b) all other property, excluding materials to be used for the maintenance or improvement of the highway, but including the unexpended balances of any grants paid by the Minister to the former highway authority, or

to any council for the purposes of their functions in relation to the highway, but not of any loans raised by any such authority or council for those purposes.

(3) Any property vested in the Minister by virtue of this section shall be held by him subject to all covenants, conditions and restrictions subject to which the property was held by the authority or council from whom it was transferred and to all liabilities affecting the property, except liabilities referred to in the proviso to subsection (1) of this section.

(4) The Minister and the former highway authority may agree, on such terms as they think fit,—

(a) that any property or liabilities (except loans and loan charges) acquired or incurred by the former highway authority for the purposes of their functions in relation to a highway which has become a trunk road, not being property or liabilities transferred to him by virtue of this section, shall be transferred to him, or

(b) that any property or liabilities transferred to the Minister by virtue of this section shall be re-transferred to the authority.

(5) Any dispute between the Minister and any person as to the property or liabilities transferred by virtue of this section shall be determined by arbitration.

(6) The foregoing provisions of this section shall apply in a case where a trunk road ceases to be a trunk road (otherwise than by virtue of subsection (7) of section seven of this Act) in like manner as they apply where a highway becomes a trunk road with the substitution, for the references to the former highway authority and to a council, of references to the Minister, and, for references to the Minister, of references to the council who become the highway authority for the road or, so far as relates to property and liabilities vested in or incurred by the Minister for the purposes of any functions under any enactment to which this section applies, to the council who are to exercise those functions in relation to the road.

(7) The former highway authority shall produce to the Minister such documents relating to their functions, property and liabilities in respect of a highway which has become a trunk road, and furnish to him such other information relating to those matters, as he may require.

(8) The provisions set out in the Sixteenth Schedule to this Act shall have effect for the purpose of providing for transitional matters arising where a highway becomes a trunk road or a trunk road ceases to be a trunk road.

(9) The enactments to which this section applies are sections one hundred and fifty-five and two hundred and thirty-three of this Act, section one hundred and forty-eight of the Public

**PART X**  
—*cont.*

Health Act, 1875, section forty-six of the Road Traffic Act, 1930, and sections one and eighteen of the Road Traffic Act, 1934.

(10) For the purposes of this section—

“former highway authority” means, in relation to a highway which has become a trunk road, the council in whom the highway was vested immediately before it became a trunk road;

“property” includes property, rights and powers of every description.

Transfer to  
Minister of  
privately  
maintainable  
bridges  
carrying  
trunk roads.

**229.**—(1) Where a highway comprising a bridge to which this section applies becomes a trunk road, the bridge by which that highway is carried shall be transferred to the Minister by virtue of this section on the date on which the highway becomes a trunk road:

Provided that if on the date aforesaid a part of the highway carried by the bridge is not a trunk road, the bridge shall not be transferred to the Minister by virtue of this section unless and until that part becomes a trunk road.

(2) Where a bridge is transferred to the Minister by virtue of this section, then, subject as hereinafter provided, the bridge, including any building or structure comprised therein and the highway carried thereby, shall by virtue of this section vest in the Minister for all the estate or interest of the owners therein, and any statutory provision in force, in relation to the bridge, for the protection or benefit of statutory undertakers shall have effect, subject to any necessary modifications, as if for any reference therein to the owners of the bridge there were substituted a reference to the Minister:

Provided that the Minister and the owners may, by agreement in writing made either before or after the date on which the bridge is so transferred, agree that the provisions of this subsection with respect to the transfer of property shall not apply, or, as the case may be, shall be deemed not to have applied, to such property comprised in the bridge as may be specified in the agreement.

(3) In respect of any bridge which is transferred to the Minister by virtue of this section, the Minister shall pay to the owners such sum as may be agreed between the Minister and the owners, or in default of agreement such sum as may be determined by arbitration to represent the value to the owners of the bridge as an asset productive of revenue.

For the purposes of this subsection, a bridge shall not be treated as an asset productive of revenue unless at the time when the bridge is transferred by virtue of this section—

(a) a contract is in force under which payments have been made or will accrue to the owners in respect of the use of the bridge; or

(b) the bridge includes a building constructed or adapted for use by the owners for the purposes of their undertaking or for letting to some other person.

(4) Where a bridge transferred to the Minister by virtue of this section carries the highway over a railway, canal, way or other works used for the purposes of an undertaking carried on by the owners, then, so long as those works are so used—

- (a) the Minister shall, before entering on any land of the owners for the purpose of executing works for the maintenance, improvement or alteration of the bridge, give notice to the owners specifying the general nature of the works proposed to be executed ; and
- (b) except with the consent of the owners, the Minister shall not reduce the headway or any span of the bridge ; and
- (c) if the headway of the bridge is reduced in consequence of subsidence due to mining operations, or of works carried out by the owners for the purpose of raising the railway, canal, way or other works to a level not higher than their level before the subsidence occurred, the Minister shall, if so required by the owners, raise the bridge so far as may be necessary to give the same headway as before the subsidence occurred :

Provided that a consent required for the execution of works by the Minister under this subsection shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by arbitration.

(5) Any dispute between the Minister and any person as to the property or liabilities transferred by virtue of this section, or as to the liability imposed on the Minister by paragraph (c) of the last foregoing subsection to carry out works, shall be determined by arbitration.

(6) This section applies to all bridges (not being highways maintainable at the public expense) which carry the highway over a railway or highway or over a canal, river, watercourse, marsh or other place where water flows or is collected or over a ravine or other depression, other than—

- (a) swing bridges,
- (b) bridges which carry a railway as well as a highway, and
- (c) bridges to which a right to levy tolls is attached :

Provided that this section shall not apply to Rochester Bridge, Bideford Bridge, or Barnstaple Bridge.

(7) In this section—

“ bridge ” includes so much of the approaches thereto as supports or protects the surface of the trunk road ;

**PART X**  
—*cont.*

“owners”, in relation to a bridge, means the persons who immediately before the transfer of the bridge to the Minister were responsible for the maintenance thereof, and includes any persons who, in pursuance of any agreement with the persons so responsible, were then discharging that responsibility on their behalf.

Transfer to local highway authorities of privately maintainable bridges carrying special roads.

**230.**—(1) Where the route prescribed by a scheme under section eleven of this Act authorising the provision of a special road by a local highway authority includes a highway carried by a bridge which, if the special road were a trunk road, would be transferred to the Minister by virtue of the last foregoing section, any order under section thirteen of this Act by which the highway is appropriated by or transferred to the special road authority may provide for the transfer of the bridge to that authority.

(2) Where a bridge is so transferred to a special road authority, subsections (2) to (5) of the last foregoing section shall apply as they apply in relation to a bridge transferred by virtue of that section and accordingly shall have effect as if for references therein to the Minister and to the trunk road there were substituted references to the special road authority and to the special road; and no order shall be made by virtue of the next following section in respect of liabilities of the owners of the bridge.

(3) In this section—

“bridge” includes so much of the approaches thereto as supports or protects the surface of the special road;

“owners”, in relation to a bridge, means the persons who, immediately before the transfer of the bridge to the special road authority, were responsible for the maintenance thereof, and includes any persons who, in pursuance of any agreement with the persons so responsible, were then discharging that responsibility on their behalf.

Transfer of property and liabilities in connection with special roads and certain other highways.

**231.**—(1) Where provision is made by an order under section nine of this Act, or by an order under section thirteen thereof,—

(a) for transferring a highway from one highway authority to another,

(b) for enabling a highway authority to alter a highway vested in another, or

(c) in the case of an order under the said section thirteen, for authorising or requiring any functions of a local authority (within the meaning of that section) to be exercised by a highway authority,

the order may, subject to the provisions of subsection (2) of the last foregoing section and of this section, transfer to the highway authority to whom the highway is transferred, or in



whom it is vested, or by whom those functions are to be exercised, any property, rights or liabilities (other than loans or loan charges) vested in or incurred by the other authority in connection with the highway or the alteration, or for the purpose of those functions, as the case may be; and may for that purpose (whether or not the highway in question is a trunk road) apply any of the provisions of section two hundred and twenty-eight of this Act, subject to such modifications as may be specified in the order.

PART X  
—cont.

(2) No order under section nine of this Act shall provide for transferring to any authority (except by agreement with that authority) any bridge over or tunnel under a trunk road, as distinct from the highway carried by the bridge or through the tunnel, and from any approaches to the bridge or tunnel.

(3) The last foregoing subsection shall apply in relation to an order under section thirteen of this Act as it applies in relation to an order under the said section nine, with the substitution, for the reference to a trunk road, of a reference to a special road.

**232. Where—**

- (a) a highway in a non-county borough or urban district becomes a county road and the council of the borough or district do not become entitled to maintain it by virtue of section forty-five of this Act, or
- (b) the council of such a borough or district, being entitled by virtue of the said section forty-five to maintain a county road in their area, relinquish their right to maintain it,

Transfer to county councils of property and liabilities relating to county roads.

the council of the borough or district, as the case may be, and the council of the county comprising the borough or district may, subject to the provisions of section two hundred and thirty-four of this Act, agree for the transfer to the county council of such property and liabilities of the council of the borough, or of the district, relating to the road, and on such terms and conditions, as may be specified in the agreement.

**233.—**(1) Where a person has by virtue of a charter or special Act the right to charge tolls in respect of the use of a highway, then, in the case of a trunk road, the Minister, or, in the case of any other highway, the council of the county, borough or urban district within whose area the highway is situated—

Provisions with respect to transfer of toll highways to highway authorities.

- (a) may agree with that person that he shall, on such terms as may be agreed, transfer that right to the Minister or council, as the case may be, or
- (b) subject to the provisions of this section, may by notice to treat require that person to transfer that right to the Minister or council, as the case may be,

together with the property in the highway and all his other property, rights and obligations under the charter or special

**PART X**  
**—cont.**

Act (being property, rights, and obligations connected with the highway), or such of them as may be specified in the agreement or, as the case may be, the notice to treat.

(2) Upon the making of a transfer under the foregoing subsection the right to charge tolls and any other property, rights or obligations transferred shall vest in and be exercisable by and imposed upon the Minister or the council, as the case may be, but, in the case of a transfer to a council, a right to charge tolls so transferred shall continue to be exercisable for such number of years only as may be allowed by the Minister in a particular case.

(3) The consideration to be paid to any person for a compulsory transfer under this section shall, in default of agreement, be determined by the Lands Tribunal, and the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which provides rules for valuation on a compulsory acquisition), shall apply to the calculation of any such consideration; and, subject to any agreement with respect to the date of transfer, the person on whom a notice to treat has been served under this section shall, on payment to him of the consideration determined in the manner aforesaid, transfer to the Minister or to the council, as the case may be, all such property, rights and obligations vested in or imposed upon him as are required by the notice to treat to be so transferred.

(4) A council in whose area part only of a highway is situated shall have in relation to that highway the same powers as they would have had under subsection (1) of this section if the highway had been wholly situated within their area, but shall not exercise those powers except in pursuance of an agreement made under the next following subsection.

(5) Any two or more councils having under either subsection (1) or subsection (4) of this section powers in relation to a highway may, subject to the approval of the Minister, enter into agreements with respect to the exercise of those powers by one council on behalf of the other or others of them and with respect to the making of contributions by any of them towards the expenses of any action so taken, and, where those powers are exercised in pursuance of any such agreement, the transfer of the highway and of any other property, rights and obligations to be transferred shall be made to such council or councils as may be provided by the agreement.

(6) The provisions of this section with respect to compulsory transfers shall not apply in relation to—

- (a) a highway vested in dock undertakers as such,
- (b) a highway vested in harbour undertakers as such, or
- (c) the property in a bridge vested in railway undertakers.

**234.—(1) Where—**

- (a) in pursuance of section twenty-four of this Act the council of a county district relinquish functions with respect to the maintenance and improvement of, and other dealing with, a highway, or the council of a county determine the delegation to the council of a county district of any such functions, or
- (b) in pursuance of section forty-five of this Act the council of a county district being a non-county borough or an urban district relinquish their right to maintain a county road,

**PART X**  
—*cont.*  
Transfer to county councils of certain quarries, etc., belonging to councils of county districts.

then, if the council of the county district so desire, the council of the county comprising the district shall, on the date on which the determination or relinquishment takes effect, take over—

- (i) if the district is a borough or urban district, any quarry belonging to the council of the borough or district in their capacity as highway authority, together with any fixed plant therein, and
- (ii) if the district is a rural district, any quarry, plant or materials belonging to the council of the rural district which, immediately before the first day of April, nineteen hundred and thirty, belonged to them in their capacity as highway authority, or any depot which, immediately before the said date, was used by them exclusively in that capacity:

Provided that, except to such extent as may be agreed between the county council and the council of the county district, the council of the county district shall remain subject to any liability in respect of the quarry, plant, materials or depot, being a liability imposed by a contract made by the council of that district with some other person.

(2) Where in pursuance of the foregoing subsection a county council take over from some other council any quarry, plant, materials or depot, they shall pay such sum therefor as may be agreed between them, or, in default of agreement, as may be determined by a single arbitrator appointed by the Minister of Housing and Local Government.

**PART XI****FINANCIAL PROVISIONS**

**235.—(1) The Minister may, with the approval of the Treasury, make advances to a highway authority for any of the following purposes, that is to say—**

- (a) the construction of a highway which is to be a highway maintainable at the public expense,

Advances in respect of the construction and improvement of highways, etc.

**PART XI**  
**—cont.**

- (b) the maintenance of a highway,
- (c) the improvement of a highway, and
- (d) the provision, maintenance and improvement of a road-ferry,

or may, with the like approval, and in conjunction with such an authority, being a local highway authority, make advances to some other person for any of the said purposes.

(2) It is hereby declared that the power of the Minister to make advances to himself in his capacity of highway authority for any purpose specified in the foregoing subsection is a power conferred on him to expend money for that purpose.

(3) Any expenses incurred by a local highway authority under section eighteen of this Act in connection with a special road shall be deemed for the purposes of subsection (1) of this section to be incurred in the construction of the special road.

(4) The Minister may, with the approval of the Treasury, make advances to the council of a borough or urban district in respect of the following works, that is to say—

- (a) any work done by them in a highway for which they are not the highway authority in the exercise of the powers conferred by section sixty-five of this Act or section sixty-eight thereof;
- (b) any work done by them in or under a county road for which they are not the highway authority in the exercise of the powers conferred by section sixty-nine of this Act.

(5) The Minister may make advances under this section either by way of grant or by way of loan, or partly in one way and partly in the other, and on such terms and subject to such conditions as he thinks fit.

(6) The Minister, in deciding whether to make an advance under this section in respect of a work the execution of which will require the employment of labour on a considerable scale, shall have regard to the general state and prospects of employment.

(7) Nothing in this section shall be taken as authorising the making of any grants which before the passing of the Local Government Act, 1929, were made as classification grants in respect of classified roads in county boroughs or as grants for the maintenance of highways, not being classified roads, in counties.

**236.**—(1) There shall be paid out of moneys provided by Parliament—

PART XI  
—cont.

- (a) any expenses incurred by the Minister under this Act, to such amount as may be approved by the Treasury ;
- (b) any expenses incurred by the Minister of Housing and Local Government under this Act, to such amount as may be so approved ;
- (c) any expenses incurred by any other Minister of the Crown in the exercise or discharge of functions conferred or imposed by section sixty-three or section one hundred and thirty-six of this Act on undertakers, other than, in the case of the Postmaster General, any such expenses as are defrayed out of money for the raising of which provision is made by the Post Office and Telegraph (Money) Act, 1955, or by any other enactment ;
- (d) any expenses incurred by the Advisory Committee constituted under the London Traffic Act, 1924, in the discharge of the duty imposed on them by section one hundred and thirty-seven of this Act, to such amount as may be approved by the Treasury ; and
- (e) any increase attributable to this Act in the sums payable by way of Rate-deficiency Grant or Exchequer Equalization Grant under the enactments relating to local government in England and Wales or in Scotland out of moneys provided by Parliament.

(2) Any sums received by the Minister under this Act shall be paid into the Exchequer.

**237.**—(1) Where the council of a non-county borough or of an urban district are by virtue of section four of this Act the highway authority for a county road within their area, the council of the county comprising the borough or district shall—

Contributions  
by county  
councils  
to cost of  
maintenance,  
etc., of  
claimed  
county roads.

- (a) make, by quarterly instalments, such annual payments towards the cost of the maintenance of the road and of any reasonable improvement connected with the maintenance of the road as may be determined in accordance with the provisions of this section ; and
- (b) contribute towards the expenses of any improvement of the road, not being an improvement connected with the maintenance of the road, in any such case and to such extent (if any) as, failing agreement between the councils, may be determined by the Minister, who shall have regard to the extent to which the improvement is required for the purposes of through traffic and local traffic respectively, and to the extent to which it is of the nature of a town improvement.

PART XI  
—cont.

(2) Expenses incurred under section eighty-two of this Act by the council of a non-county borough or urban district in connection with a county road for which they are the highway authority by virtue of the said section four shall not be treated as part of the costs towards which the county council are required to make an annual payment under this section, except in so far as the county council consent to their being so treated.

(3) The council of a non-county borough or urban district shall, on or before the fifteenth day of December in each year, submit to the county council for their approval a detailed estimate of—

- (a) the cost, for the ensuing financial year, of the maintenance of every county road for which the council of that borough, or of that district, as the case may be, are, by virtue of the said section four, the highway authority, and
- (b) the cost, for the ensuing financial year, of any reasonable improvement connected with the maintenance of any such road,

and on any such estimate being approved by the county council, either with or without modifications, the amount to be paid by the county council under this section in respect of the maintenance and improvement shall be the amount of that estimate, or of that estimate as amended by any supplementary estimate submitted to and approved by the county council, or such less sum as may have been actually expended thereon by the council of the non-county borough or of the urban district, as the case may be, during the said financial year :

Provided that, subject to subsection (5) of this section, the county council shall not be liable to make a payment towards the cost of the maintenance or of the improvement until they are satisfied, by a report of their surveyor or of such other person as they may appoint for the purpose, that the works therefor are being or have been properly executed.

(4) The council of a non-county borough or of an urban district may at any time and from time to time submit to the county council for their approval a detailed supplementary estimate.

(5) The county council shall not unreasonably withhold approval of an estimate submitted to them under this section, and any question whether their approval has been unreasonably withheld, or whether any works of maintenance or improvement are being or have been properly executed, or as to the liability of a county council to make a payment under this section, shall be determined by the Minister.

(6) Where, by virtue of section twenty-two of the Public Utilities Street Works Act, 1950 (which provides that where in

PART XI  
—cont.

consequence of, or for the purpose of facilitating, the execution of certain works by a highway authority for road purposes within the meaning of that Act undertakers are obliged or required to carry out certain works or take certain measures, the highway authority shall pay the undertakers the cost incurred by them in doing those works or taking those measures) an amount is payable to undertakers by reference to a road alteration (within the meaning of that Act) of or in a highway being a county road for which the council of a non-county borough or urban district are by virtue of section four of this Act the highway authority, that amount shall for the purposes of this section be deemed to be part of such costs as are referred to in paragraph (a) of subsection (1) of this section, or of such expenses as are referred to in paragraph (b) thereof, according as the alteration is treated for the said purposes as falling within the said paragraph (a) or the said paragraph (b).

**238.**—(1) The council of a county or county borough may contribute towards the expenses incurred by the Minister in the construction or improvement of a trunk road, including any expenses incurred in respect of improvements to the amenities of the road or of land adjoining or adjacent to the road, and the council of a non-county borough or urban district may contribute towards the expenses incurred by the Minister in any such construction or improvement, if the construction or improvement is in the nature of a town improvement.

Contributions by councils towards expenses of construction, improvement, etc., of highways.

(2) The council of a county may contribute towards the expenses incurred by the council of some other county in the improvement of a highway situated in a rural district comprised in that other county, if, in the opinion of the first-mentioned council, the improvement will be of benefit to any rural district in their county.

(3) The council of a county district may contribute towards the expenses incurred by the council of a county or of a non-county borough or urban district under any of the following provisions of this Act, that is to say, section eighty-five, subsections (1), (2), (5) and (6) of section two hundred and fourteen, and sections two hundred and twenty-three and two hundred and twenty-four.

**239.**—(1) A local authority may defray or contribute towards, or undertake to defray or contribute towards, the expenses incurred or to be incurred by any other local authority for the purposes of—

Contributions by local authorities towards expenses incurred in connection with footpaths and bridleways.

(a) the provisions of Part III of this Act relating to the creation of footpaths and bridleways by means of public path creation agreements or public path creation orders, to the making up of footpaths and bridleways and to the payment of compensation for loss caused by a public path creation order ;

**PART XI**  
—*cont.*

(b) the provisions of Part VI of this Act relating to the making of public path extinguishment orders and public path diversion orders, to the making up of foot-paths and bridleways and to the payment of compensation for loss caused by any such order.

(2) In this section “local authority” means a local planning authority, the council of a county or county borough not being a local planning authority, or the council of a county district.

(3) Where under subsection (1) of section twenty-nine of this Act the Minister of Housing and Local Government directs that a power of one local authority shall be exercisable by another, then, if the direction so provides, the first mentioned authority shall be under a duty to exercise their powers under subsection (1) of this section to such extent as may be specified in the direction.

Contributions to land drainage works which will benefit trunk roads.

**240.** Where it appears to the Minister that the execution or maintenance by a drainage board or river board of any drainage works is desirable for the protection or enjoyment of a trunk road, the Minister may make such contributions as he thinks fit towards any expenses incurred by the board in the execution or maintenance of those works.

Contribution towards maintenance of bridge where road ceases to be a trunk road.

**241.** Where a trunk road carried by a bridge vested in the Minister by virtue of section two hundred and twenty-nine of this Act ceases to be a trunk road, the Minister may contribute towards the expenses to be incurred in the maintenance of the bridge by the council who become the highway authority for the road.

In this section “bridge” includes the highway carried by the bridge and so much of the approaches thereto as supports or protects the surface of the trunk road.

Liability of non-county borough to contribute to costs incurred by county council in respect of certain highways and bridges.

**242.** Notwithstanding anything in subsection (2) of section thirty-five of the Local Government Act, 1888 (which provides for the continuance of the exemption of certain boroughs from contributing towards costs incurred by the county council for certain purposes), no non-county borough shall be exempt from contributing towards the costs incurred by the council of the county comprising that borough in the maintenance or improvement of, or other dealing with—

(a) county roads in the county, and

(b) bridges in the county which are highways maintainable at the public expense.



**243.** A council may borrow money for the purposes of this Act.

**PART XI**  
**—cont.**

**Borrowing power.**

**244.—(1)** Without prejudice to the exercise by local authorities of the borrowing powers conferred on them by the Local Government Act, 1933, or by this Act, a local authority who own any land, works or other property for the purposes of the disposal of sewage may borrow money on mortgage thereof for any purposes of any of the provisions of this Act to which this section applies for which they might borrow money under the Local Government Act, 1933.

**Power to borrow on sewage land and plant.**

(2) Any money borrowed under this section shall be applied only to such purposes as aforesaid and shall be repaid within thirty years.

(3) Sections one hundred and ninety-nine, two hundred and two hundred and three of the Local Government Act, 1933, shall apply to any borrowing under this section, but, save as aforesaid, the provisions of sections one hundred and ninety-six to two hundred and eighteen of that Act shall not apply thereto.

(4) This section applies to sections two hundred and fifty-three and two hundred and fifty-six of this Act and to the other provisions thereof which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments.

**245.** Where by virtue of subsection (2) of section twenty-five of this Act the council of a county district are discharging functions of a county council, then, if, for the purpose of bearing the whole or a portion of the expenses of private street works or for any other purpose in connection with those functions, the council of the district desire to incur expenses which, in the opinion of the county council, could not properly be defrayed as expenses for general county purposes, the council of the district shall have the like powers of raising money for the purpose in question as they would have if those functions had been vested directly in them.

**Power of district council discharging functions of county council to raise money.**

**246.—(1)** Any sum paid to, or recovered by, a local highway authority under any of the provisions of this Act which are mentioned in subsection (3) of this section, being a sum which for the purpose of any such provision is a lump sum, and so much of any other sum paid to, or recovered by, any such authority under any of those provisions as represents capital, shall be applied by the authority for purposes for which capital money is applicable by them.

**Application of certain sums payable to local highway authorities, etc.**

PART XI  
—cont.

(2) If any question arises whether any and, if so, what part of any sum paid to, or recovered by, a local highway authority under any of the said provisions represents capital, it shall be determined by the Minister of Housing and Local Government.

(3) The provisions of this Act referred to in subsection (1) of this section are subsection (3) of section fifty-six, subsection (1) of section fifty-seven, subsections (2) and (3) of section fifty-eight, subsection (3) of section two hundred and twenty-four and paragraph 19 of the Eleventh Schedule.

(4) Any capital sum paid to the council of a county district under section two hundred and thirty-four of this Act shall be treated as capital and shall be applied by them, with the consent of the said Minister, either in repayment of debt or for any other purpose for which capital money is applicable by them.

Accounts to be kept of expenses incurred in maintaining claimed county roads.

247. The council of a non-county borough or of an urban district who are by virtue of section four of this Act the highway authority for one or more of the county roads within their area shall keep, in such form as may be directed by the council of the county comprising the borough or district in which such road or roads is or are situated, a separate account for each financial year of the expenses incurred in maintaining such road or roads, and shall send copies thereof to the council of the said county at such time or times as that council may direct.

Exemption from stamp duty.

248. If the Minister certifies that any stamp duty which, but for the provisions of this section, would be payable on any instrument made by, to or with him in relation to a highway or proposed highway which is, or is to become, a trunk road would be payable as an expense incurred by him under this Act, that stamp duty shall not be payable.

## PART XII

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### *Miscellaneous powers of highway authorities and local authorities*

Power of Minister to conduct experiments.

249.—(1) The Minister may, either by himself or through an authority or other organisation approved by him, conduct experiments or trials for the purpose of—

- (a) improving the construction of highways, road-ferries or subways, or
- (b) testing the effect of various classes of vehicles on various types of highways.

PART XII  
—cont.

(2) The Minister may construct such highways and works, erect such plant, and provide such accommodation, as may be necessary for the purpose of conducting an experiment or trial under this section.

(3) An experiment or trial under this section shall not be conducted on any highway except with the consent of the highway authority or other person responsible for the maintenance of the highway, and, where the highway is a claimed county road, with the consent also of the council of the county in which the highway is situated.

(4) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused by his negligence, be entitled to recover from the Minister compensation in respect of the damage:

Provided that if that person by his negligence contributed to the damage the compensation shall be reduced accordingly.

**250.** Where a trunk road comprises a highway which a person is liable to maintain under a charter or special enactment or by reason of tenure, enclosure or prescription, the Minister shall be entitled to exercise in relation to that highway any power which he would have been entitled to exercise in relation thereto if that highway had been a highway maintainable at the public expense.

Powers of Minister in relation to privately maintainable parts of trunk roads.

**251.**—(1) Subject to the provisions of this section, local highway authorities shall have power to enter into agreements with each other for or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which any party to the agreement are the highway authority.

Agreements between local highway authorities for doing of certain works.

(2) The council of a county shall not have power to enter into an agreement under this section with the council of another county unless the counties adjoin each other.

(3) Expenses incurred in pursuance of an agreement made under this section shall be borne by the parties to the agreement in such proportions as may be determined by the agreement.

**252.**—(1) Where this section applies in the area of a local authority by virtue of section two hundred and ninety of this Act, the authority may require the corner of a building intended to be erected at the corner of two streets in their area to be rounded or splayed off to the height of the first storey or to the full height of the building, and to such extent otherwise as they may determine, and for any loss which may be

Power to require angles of new buildings at corners of streets to be rounded off.

O

**PART XII**  
—*cont.*

sustained through the exercise by them of their powers under this section they shall pay compensation.

(2) A person aggrieved by a requirement of a local authority under this section may appeal to a magistrates' court.

(3) This section shall not apply to a building, other than a dwelling-house, belonging to any of the following undertakers and used by them for the following purposes respectively, that is to say, by railway undertakers for those of a railway comprised in the railway undertaking, by canal undertakers for those of a canal comprised in the canal undertaking, by inland navigation undertakers for those of a navigation comprised in the inland navigation undertaking, by dock undertakers for those of a dock comprised in the dock undertaking, by harbour undertakers for those of a harbour comprised in the harbour undertaking, or by pier undertakers for those of a pier comprised in the pier undertaking.

Power to require gas and water pipes to be moved.

**253.**—(1) Section one hundred and fifty-three of the Public Health Act, 1875 (which relates to the power to require gas and water pipes to be moved), shall apply for the purposes of any of the provisions of this Act to which this section applies as it applies for the purposes of that Act ;

Provided that the said section one hundred and fifty-three shall not apply in any case in which the code in 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 thereby) has effect.

(2) A local authority shall pay compensation to any person who has sustained damage by reason of the execution by them of works under this section.

(3) This section applies to section two hundred and fifty-six of this Act and to the other provisions thereof which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments.

Powers of entry for purposes connected with provision of special roads and trunk roads.

**254.**—(1) A person duly authorised in writing by a highway authority may enter on any land—

(a) for the purpose of surveying it in connection with the making of a scheme under section eleven of this Act or of an order under any of the following provisions of this Act, that is to say, section seven, section nine, section thirteen and section twenty ;

(b) where an order under the said section seven, the said section nine, or the said section twenty, so provides, for purposes connected with the carrying out of any works in pursuance of the order, or with the removal of any temporary works so carried out ;

(c) where an order under the said section thirteen so provides, for purposes connected with the carrying out of any works in pursuance of a scheme under the said section eleven, or of any order under the said section thirteen, or with the removal of any temporary works so carried out.

(2) 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.

(3) A person who wilfully obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding twenty pounds.

(4) If a person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter the land he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(5) Where, in the exercise of a power of entering land conferred by this section (including the carrying out or removal of any such works as aforesaid), any damage has been caused to land or to chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the authority by whom or on whose behalf the power was exercised; and where in consequence of the exercise of such a power any person is disturbed in his enjoyment of any land or chattels, he may recover from that authority compensation in respect of the disturbance.

(6) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention so to do has been included in the notice required by subsection (2) of this section, and, if the land in question is held by any statutory undertakers and they object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works

**PART XII**  
—*cont.*

shall not be carried out except with the authority of the appropriate Minister.

(7) In the last foregoing subsection “appropriate Minister” means—

- (a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Minister of Power ;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of water, the Minister of Housing and Local Government ;
- (c) in relation to any other statutory undertakers, the Minister.

Powers of entry for purposes connected with certain orders relating to footpaths and bridleways.

**255.**—(1) A person duly authorised in writing by the Minister of Housing and Local Government or other authority having power under this Act to make a public path creation order, a public path extinguishment order or a public path diversion order may enter upon any land for the purpose of surveying it in connection with the making of the order.

(2) For the purpose of surveying land, or of estimating its value, in connection with a claim for compensation payable by an authority in respect of that or any other land under section thirty-one of this Act, or under that section as applied by subsection (2) of section one hundred and thirteen thereof, a person being an officer of the Valuation Office or a person duly authorised in writing by the authority from whom the compensation is claimed may enter upon the land.

(3) 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 in writing of the intended entry has been given to the occupier.

(4) A person who wilfully obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding twenty pounds.

Entry, etc., of premises by highway authority or local authority for certain purposes.

**256.**—(1) If, in the discharge of functions conferred or imposed on an authority, being a highway authority or council, by a provision of this Act to which this section applies, it becomes necessary for an authorised officer of the authority to enter, examine or lay open any premises for the purpose of surveying, making plans, executing, maintaining or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of the premises refuses to permit the premises to be entered, examined or laid

open for any such purpose as aforesaid, the authority, after giving notice to the owner or occupier of their intention to do so, may make a complaint to a magistrates' court for an order authorising the authority by any authorised officer to enter, examine and lay open the premises for any such purpose.

(2) If on the hearing of the complaint no sufficient cause is shown against the making of the order for which the complaint is made, the court may make the order, and thereupon any authorised officer of the complainant authority may, at all reasonable times between the hours of nine in the morning and six in the afternoon, enter, examine or lay open the premises described in the order for such of the purposes mentioned in the foregoing subsection as are specified in the order:

Provided that, except in a case of emergency, no entry shall be made on any premises, and no works shall be begun therein, under this subsection unless at least seven days' notice of the intended entry, and of the object thereof, has been given to the occupier of the premises.

(3) Where, in the course of an entry on or examination or laying open of premises authorised by an order under this section, damage has been caused to land or to chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the authority on whose complaint the order was made; and where by reason of any such entry, examination or laying open any person is disturbed in his enjoyment of land or chattels, he may recover from that authority compensation in respect of the disturbance.

(4) This section applies to the provisions of this Act which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments.

**257.**—(1) A local authority in whose area this subsection applies by virtue of section two hundred and ninety of this Act may remove, appropriate, or use, sell or otherwise dispose of all old materials existing in any street other than a highway maintainable at the public expense at the time of the execution by the authority of any works in the street, unless those materials are removed by the owners of premises in the street within three days from the date of service of a notice from the surveyor of the authority requiring the owners of those premises to remove the materials. Power to dispose of certain materials.

(2) Where a local authority remove, appropriate, or use, sell or otherwise dispose of any materials in a street under the foregoing subsection, they shall, on demand, pay or allow to the owner of any premises in the street such proportion of the reasonable value of the materials as is attributable to those

**PART XII**  
—*cont.*

premises, and the amount thereof shall be settled, in case of dispute, by arbitration, or, if the amount claimed does not exceed fifty pounds and either party so requires, by a magistrates' court.

(3) A local authority may sell any materials which have been removed by them from any premises in the execution of powers conferred on them by subsection (2) of section one hundred and forty-five of this Act and which are not within three days from the date of their removal claimed by the owner and taken away by him.

(4) Where a local authority sell any materials under the last foregoing subsection, they shall pay the proceeds to the person to whom the materials belonged after deducting the amount of any expenses recoverable by them from him.

Power of certain authorities to execute certain works on behalf of other person.

**258.** A highway authority or a council may by agreement with any person execute at his expense any work which they have under this Act (except under Part IX thereof) required him to execute, or any work in connection with a highway which he is otherwise under an obligation or is entitled to execute, and for that purpose they shall have all such rights as he would have.

Power to require information as to ownership of land.

**259.**—(1) A highway authority or a council may, for the purpose of enabling them to discharge or exercise any of their functions under this Act, 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 freeholder, mortgagee, lessee or otherwise.

(2) A person who, having been required in pursuance of this section to give any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds.

Power of county council to obtain information from district councils.

**260.** It shall be the duty of the council of every county district to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the council of any county for the purpose of enabling that council to discharge their functions under this Act.

*Protection of members and officers of local authorities*

Protection of members and officers of local authorities from personal liability.

**261.**—(1) No act or thing done by any member of a local authority, or by any officer of a local authority or other person acting under the direction of a local authority, shall, if the act or thing was done bona fide for the purpose of carrying a provision of this Act to which this section applies into effect, subject him personally to any liability, action, claim or demand whatsoever.



(2) Any expenses incurred by any such member, officer or person as is mentioned in the foregoing subsection for the purpose of carrying a provision of this Act to which this section applies into effect shall be paid by the local authority.

(3) Nothing in this section shall be construed to exempt any member of a local authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the authority, and which that member authorised or joined in authorising.

(4) This section applies to—

- (a) sections two hundred and forty-four, two hundred and fifty-three and two hundred and fifty-six of this Act and the other provisions thereof which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments; and
- (b) the advance payments code and section two hundred and three of this Act.

#### *Obstruction of persons executing Act*

**262.** A person who wilfully obstructs any person acting in the execution of this Act or of a byelaw or order made thereunder shall, in any case for which no other provision is made by this Act, be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, if the offence in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding five pounds for each day on which the offence is so continued.

Penalty for obstructing execution of Act.

**263.** If on a complaint made by the owner of any premises, it appears to a magistrates' court that the occupier of those premises prevents the owner from executing any work which he is by this Act required to execute, the court may order the occupier to permit the execution of the work.

Power to require occupier to permit works to be executed by owner.

#### *Recovery of expenses*

**264.—(1)** Where a council have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable—

Recovery of expenses.

- (a) under any of the provisions of this Act which are specified in the Eighteenth Schedule thereto, or
- (b) by agreement with the council,

**PART XII**  
—cont.

those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the council from the owner for the time being of the premises, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.

(2) A council may by order declare any expenses recoverable by them under this section to be payable by annual instalments within a period not exceeding thirty years, together with interest ; and any such instalment and interest, or any part thereof, may be recovered from the owner or occupier for the time being of the premises in respect of which the expenses were incurred.

(3) A person aggrieved by an order of a council under the last foregoing subsection, or by the refusal of a council to make such an order, may appeal to a magistrates' court :

Provided that this subsection shall not apply in a case where an appeal lies to the Minister of Housing and Local Government under section two hundred and seven of this Act.

(4) The Thirteenth Schedule to this Act shall apply in relation to any sum paid by an occupier of premises under the foregoing provisions of this section.

(5) The rate of interest chargeable under the foregoing provisions of this section shall be such rate of interest as the Minister of Housing and Local Government may by order fix, and different rates of interest may be fixed in different cases.

(6) Any sum which a highway authority or council are entitled to recover under this section or any other provision of this Act, and with respect to the mode of recovery of which provision is not made by any other section of this Act, may be recovered either summarily as a civil debt or in any court of competent jurisdiction.

Limitation  
of time for  
summary pro-  
ceedings for  
recovery of  
expenses.

**265.** The time within which summary proceedings may be taken for the recovery of any sum which a highway authority or council are entitled to recover under this Act shall be reckoned from the date of the service of a demand therefor :

Provided that where the sum is recoverable in a case in which an appeal has been made to the Minister of Housing and Local Government under section two hundred and seven of this Act the said time shall be reckoned from the date on which the decision on the appeal is notified to the appellant or the appeal is withdrawn, as the case may be.

*Determination of disputes as to compensation*PART XI  
—cont.

**266.—(1)** Any dispute arising on a claim for compensation under any provision of this Act to which this section applies shall be determined by the Lands Tribunal.

The provisions of this Act to which this section applies are sections sixteen, seventeen, eighteen, thirty-one, seventy-two and seventy-three, subsection (2) of section one hundred and thirteen, section one hundred and sixty-three, subsection (2) of section one hundred and seventy and section two hundred and fifty-four.

Disputes as to compensation which are to be determined by Lands Tribunal and provisions as to determination of amount.

(2) For the purposes of any reference to the Lands Tribunal under this section, section five of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which relates to costs) shall have effect with the substitution, for references to the acquiring authority, of references to the authority from whom the compensation in question is claimed.

(3) Rules 2 to 4 of the Rules set out in section two of the said Act of 1919 (which provides rules for valuation on a compulsory acquisition) shall apply to the calculation of compensation under any provision of this Act to which this section applies, in so far as it is calculated by reference to the depreciation of the value of an interest in land.

(4) In determining the amount of compensation payable under section eighteen of this Act, the Lands Tribunal shall have regard to any new means of access to the premises of the claimant provided by the special road authority from whom the compensation is claimed.

(5) In determining the amount of compensation payable under section seventy-two of this Act in respect of injurious affection, the Lands Tribunal shall take into account any benefit accruing to the claimant by reason of the improvement of the street in relation to which an improvement line has been prescribed under that section, and may take into account and embody in their award any undertaking with regard to the exercise of the powers of a highway authority under that section in relation to the property affected which the authority have offered to give to the claimant, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the authority.

(6) In determining the amount of compensation payable under section seventy-three of this Act, the Lands Tribunal shall take into account any benefit accruing to the claimant by reason of any improvement made or about to be made to the highway in relation to which a building line has been prescribed under that section.

**PART XII**  
—*cont.*

(7) In determining the amount of compensation payable under section one hundred and sixty-three of this Act, or under subsection (2) of section one hundred and seventy thereof, the Lands Tribunal shall take into account any benefit accruing to the claimant by reason of the widening of a street under the said section one hundred and sixty-three or the said subsection (2), as the case may be.

Disputes as to compensation which are to be determined by arbitration or county court.

**267.**—(1) Any dispute arising on a claim for compensation under this Act, being a dispute for the determination of which provision is not made by or under any section of this Act other than this section, shall be determined, if the parties so agree, by arbitration, or, in default of agreement, by a county court.

(2) A county court shall have jurisdiction to deal with any dispute which by virtue of the foregoing subsection is to be determined by such a court notwithstanding that, by reason of the amount of the claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

Compensation in respect of depreciation in value of interest in land subject to mortgage.

**268.** Where an interest in land is subject to a mortgage—

- (a) any compensation which is payable under this Act in respect of the depreciation in value of that interest shall be calculated as if the interest were not subject to the mortgage ;
- (b) a claim for the payment of any such compensation may be made by any mortgagee of the interest under a mortgage made before the happening of the event giving rise to the compensation, but without prejudice to the making of a claim by any other person ;
- (c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such ; and
- (d) any such compensation payable in respect of the interest subject to the mortgage shall be paid to the mortgagee or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

*Prosecutions, appeals, etc.*

Summary proceedings for offences.

**269.** All offences under this Act or under byelaws made thereunder shall be punishable on summary conviction.

Continuing offences.

**270.** Where by virtue of any provision of this Act, or of byelaws made thereunder, a person convicted of an offence is, if the offence in respect of which he was convicted is continued after the conviction, guilty of a further offence and liable in respect

thereof to a fine for each day on which the offence is so continued, the court before whom the person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the defendant shall not be liable in respect of the further offence to a fine for any day before the expiration of that period.

PART XII  
—cont.

**271.**—(1) Proceedings for an offence under any provision of this Act to which this section applies or under byelaws made under any such provision, shall not, without the written consent of the Attorney General, be taken by any person other than a person aggrieved, or a highway authority or council having an interest in the enforcement of the provision or byelaws in question.

Restriction on institution of proceedings.

(2) This section applies to the provisions of this Act which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments.

**272.** Where two or more sums are claimed from any person as being due under this Act, a complaint, summons or warrant issued for the purposes of this Act, or of any byelaws made thereunder, in respect of that person may contain in the body thereof, or in a schedule thereto, a statement of all or any of the sums so claimed.

Inclusion of several sums in one complaint, etc.

**273.** Where an appeal lies under this Act to a court of quarter sessions or a magistrates' court against a requirement, order, refusal or other decision of a highway authority or a council, the notice given by the authority or council to the person concerned of the making of the requirement or order or of the refusal or other decision against which such an appeal lies shall state the right of appeal to a court of quarter sessions or a magistrates' court, as the case may be, and the time within which such an appeal may be brought.

Notice to be given of right of appeal.

**274.**—(1) Where any provision of this Act provides—

- (a) for an appeal to a magistrates' court against a requirement, order, refusal or other decision of a highway authority or a council, or
- (b) for any other matter to be determined by, or an application in respect of any matter to be made to, a magistrates' court,

Appeals and applications to magistrates' courts.

the procedure shall be by way of complaint for an order.

**PART XII**  
—*cont.*

(2) The time within which an appeal such as is mentioned in paragraph (a) of the foregoing subsection may be brought shall be twenty-one days from the date on which notice of the decision of the highway authority or council was served on the person wishing to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

Appeals to  
quarter  
sessions from  
decisions of  
magistrates'  
courts.

**275.**—(1) Where a person aggrieved by an order, determination or other decision of a magistrates' court under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may appeal to such a court.

(2) The applicant for an order under section one hundred and eight of this Act or any person who was entitled under subsection (6) of that section to be, and was, or claimed to be, heard on the application may appeal to a court of quarter sessions against the decision made by the magistrates' court on the application.

(3) Where an applicant for an order under the said section one hundred and eight appeals against the refusal of a magistrates' court to make the order applied for and more than two persons were, or claimed to be, heard on the application for the order, it shall be sufficient for the purposes of subsection (1) of section eighty-four of the Magistrates' Courts Act, 1952 (which relates to notices of appeal), if the appellant gives notice of appeal to any two of those persons in addition to the clerk of the magistrates' court:

Provided that this subsection shall not affect the right of any of those persons to appear as respondent to the appeal.

Appeals to  
quarter  
sessions from  
decisions of  
highway  
and local  
authorities.

**276.**—(1) Where any provision of this Act provides for an appeal to a court of quarter sessions against a requirement, order, refusal or other decision of a highway authority or a council, the appeal shall be made to a court of quarter sessions having jurisdiction in the county or borough in which the matter with respect to which the decision relates arose.

(2) The time within which such an appeal may be brought shall be twenty-one days from the date on which notice of the decision of the highway authority or council was served on the person wishing to appeal, and an appellant shall bring such an appeal by giving notice of appeal to the clerk of the peace and to the highway authority or council against whose decision the appeal is to be brought.

(3) A notice of appeal for the purpose of this section shall be in writing and signed by or on behalf of the appellant and shall state the general grounds of appeal.

(4) The clerk of the peace shall enter the appeal and shall in due course give notice to the appellant and to the highway authority or council against whose decision the appeal is brought of the date, time and place fixed for the hearing of the appeal.

(5) Where it appears to a court of quarter sessions, on application made in accordance with the next following subsection, that any person entitled by virtue of any provision of this Act to appeal to that court from a decision of a highway authority or a council has failed to give the notice of appeal required by this section within the period of twenty-one days prescribed by subsection (2) of this section, the court of quarter sessions may, if it thinks fit, direct that any such notice of appeal previously given by the applicant after the expiration of the said period, or any such notice to be given by him within such further time as may be specified in the direction, shall be treated as if given within the said period.

(6) An application for a direction under the last foregoing subsection shall be made in writing and be sent by the applicant to the clerk of the peace; and, where the court gives any such direction as aforesaid, the clerk of the peace shall give notice of the direction to the applicant and to the highway authority or council against whose decision the appeal is to be brought.

(7) A court of quarter sessions may from time to time adjourn the hearing of any such appeal, and may reverse or vary the decision of the highway authority or council against which the appeal is brought or may dismiss the appeal.

(8) On any such appeal a court of quarter sessions may make such order as to costs to be paid by either party as it thinks just, and costs so ordered to be paid may be recovered summarily as a civil debt by the party to whom they are ordered to be paid.

(9) The powers of a court of quarter sessions under subsection (5) of this section shall be exercised—

- (a) if the quarter sessions are for a county, by the chairman or a deputy chairman of the appeal committee of the quarter sessions;
- (b) if the quarter sessions are for a borough, by the recorder or any deputy recorder;

and may be exercised either within or outside the county or borough for which the quarter sessions are held.

**277.** Where on an appeal under this Act a court varies or reverses a decision of a highway authority or of a council it shall be the duty of the authority or council to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.

Effect of  
decision of  
court upon  
an appeal.

## PART XII

## —cont

Judges and justices not to be disqualified by liability to rates.

**278.** A judge of any court or a justice of the peace shall not be disqualified for acting in cases arising under this Act by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a council are to be defrayed.

*Inquiries*

Provisions as to inquiries.

**279.**—(1) The Minister and the Minister of Housing and Local Government may each cause such inquiries to be held as he may consider necessary or desirable for the purposes of his functions under this Act, and subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying of costs of, inquiries) shall, subject to the following provisions of this section, apply in relation to any inquiry which either of the said Ministers may cause to be held under this section, or in compliance with any requirement in this Act, with the substitution, for references to a department, of references to the Minister or to the Minister of Housing and Local Government, as the case may be.

(2) Subsection (4) of the said section two hundred and ninety (which requires the costs of the department holding the inquiry to be defrayed by the parties thereto) shall not apply in relation to—

- (a) an inquiry caused to be held by the Minister for the purposes of his functions under section ninety-nine of this Act, or
- (b) an inquiry held in compliance with paragraph 3 of the Tenth Schedule to this Act, or with paragraph 9 of the Eleventh Schedule thereto,

in so far as the Minister is of opinion, having regard to the object and result of the inquiry, that the Minister's costs should be defrayed by him.

*Notices, etc.*

Notices, etc., to be in writing; forms of certain documents.

**280.**—(1) All notices, consents, approvals, orders, demands, licences, certificates and other documents authorised or required by or under this Act to be given, made or issued by, or on behalf of, a highway authority or a council, and all notices, consents, requests and applications authorised or required by or under this Act to be given or made to a highway authority or a council, shall be in writing.

(2) The Minister may by regulations prescribe the form of any notice or certificate to be used for the purposes of section thirty-nine of this Act.



(3) The Minister of Housing and Local Government may by regulations prescribe the form of any notice, order, advertisement, certificate or other document to be used for any of the purposes of Part IX of this Act.

PART XII  
—cont.

(4) If forms are prescribed by the Minister, or by the Minister of Housing and Local Government, under this section, those forms or forms to the like effect shall be used in all cases to which those forms are applicable.

**281.**—(1) Any notice, consent, approval, order, demand, licence, certificate or other document which a council (whether as a highway authority or in any other capacity) are authorised or required by or under this Act to give, make or issue may be signed on behalf of the council—

Authentica-  
tion of  
documents,  
etc.

- (a) by the clerk of the council, or
- (b) by any officer of the council authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document.

(2) Any document purporting to bear the signature of the clerk of the council, or of an officer expressed to be duly authorised by the council to sign such a document or the particular document, shall for the purposes of this Act, and of any byelaws, regulations and orders made thereunder, be deemed, until the contrary is proved, to have been duly given, made or issued by the council.

In this subsection “signature” includes a facsimile of a signature by whatever process reproduced.

**282.**—(1) Any notice, consent, approval, order, demand, licence, certificate or other document required or authorised by or under this Act to be given to or served on a person being a corporation shall be duly given or served if it is given to or served on the secretary or clerk of the corporation.

Service of  
notices, etc.

(2) Subject to the provisions of this section, any notice, consent, approval, order, demand, licence, certificate or other document required or authorised by or under this Act to be given to or served on any person may be given or served either—

- (a) by delivering it to that person, or
- (b) by leaving it at his proper address, or
- (c) by post ;

so however that, where such a document as aforesaid is sent by post otherwise than in a registered letter, it shall be deemed not to have been given or served if it is proved that it was not received by the person to whom it was addressed.

**PART XII**  
—cont.

(3) For the purposes of this section, and of section twenty-six of the Interpretation Act, 1889, in its application to this section, the proper address of any person to or on whom such a document as aforesaid is to be given or served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and, in any other case, be the usual or last known place of abode of the person to whom the notice is to be given :

Provided that, where the person to or on whom such a document as aforesaid is to be given or served has furnished an address for service in accordance with arrangements agreed to in that behalf, his proper address for the purposes aforesaid shall be the address furnished.

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

(5) The foregoing provisions of this section shall not apply to the service of—

- (a) a notice required or authorised to be served under the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, as applied by this Act, or
- (b) a summons.

Reckoning  
of periods.

**283.**—(1) For the purposes of this Act—

- (a) in reckoning any period which is therein expressed to be a period from or before a given date, that date shall be excluded ; and
- (b) in reckoning any period therein mentioned of eight days or less which apart from this provision would include a day being a Sunday, Christmas Day, Good Friday or a bank holiday, that day shall be excluded.

(2) In this section "bank holiday" means a day which is, or is to be observed as, a bank holiday, or a holiday, under the Bank Holidays Act, 1871, or the Holidays Extension Act, 1875.

*Regulations, schemes, orders, etc.*PART XII  
—cont.

**284.**—(1) Subject to the provisions of the First Schedule to this Act, the Minister may make regulations for prescribing the procedure to be followed in connection with the making and confirmation of schemes under section eleven of this Act and orders under sections twelve and thirteen thereof.

Power to make regulations as to procedure to be followed in making certain schemes and orders.

(2) Regulations made under this section may provide for securing that proceedings required to be taken for the purposes of—

- (a) an order under section nine of this Act relating to a trunk road, or
- (b) an order under section thirteen of this Act relating to a special road,

may be taken concurrently (so far as practicable) with proceedings required to be taken for the purposes of an order under section seven of this Act, or, as the case may be, for the purposes of a scheme under section eleven of this Act, relating to that road.

(3) Regulations made under this section may provide for securing that proceedings required by the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, to be taken in respect of the compulsory acquisition of any land for the purposes described in any of the following paragraphs, that is to say—

- (a) purposes connected with a special road,
- (b) purposes connected with a trunk road not being a special road,
- (c) the purpose of enabling a highway authority or the owners of a bridge to comply with a requirement or direction contained in an order made under section ninety-nine of this Act, and
- (d) the purpose of providing or improving a cattle-grid or by-pass in the exercise of powers conferred by this Act,

may be taken concurrently (so far as practicable) with proceedings required to be taken for the purposes described in the paragraph of the next following subsection bearing the corresponding letter.

(4) The purposes last-mentioned in the last foregoing subsection are the following—

- (a) the purposes of a scheme or order under this Act relating to the special road,
- (b) the purposes of an order under this Act relating to the trunk road,

**PART XII**  
—cont.

- (c) the purposes of the order under the said section ninety-nine, and
- (d) the purposes of the determination under the Tenth Schedule to this Act of a question relating to the provision of the cattle-grid or by-pass.

(5) Regulations made under this section shall provide for securing that the centre line of the special road authorised by a scheme under section eleven of this Act shall be indicated on a map on such scale as may be prescribed by the regulations.

Provisions as  
to regulations,  
schemes and  
orders

**285.**—(1) The following powers conferred by this Act on a Minister of the Crown shall be exercisable by statutory instrument, that is to say—

- (a) all powers to make regulations,
- (b) the power to make schemes, and the power to confirm schemes, conferred by section eleven of this Act,
- (c) the power to make byelaws conferred by section one hundred and fifty-seven of this Act, and
- (d) all powers to make or confirm orders, except those which are conferred by any of the following provisions of this Act, that is to say, sections nine, thirteen, fifteen, twenty-four, twenty-eight, twenty-nine and thirty, subsection (4) of section forty-five, sections one hundred and ten, one hundred and eleven, one hundred and twelve and two hundred and twenty-five and paragraph 2 of the Sixteenth Schedule.

(2) A statutory instrument containing—

- (a) regulations made under this Act, not being a statutory instrument containing only regulations made under section two hundred and eighty of this Act or a statutory instrument containing only regulations made by virtue of paragraph (c) or paragraph (d) of subsection (3) of the last foregoing section, or
- (b) an order made under paragraph 6 of the Eighth Schedule to this Act, paragraph 7 of that Schedule or paragraph 6 of the Fourteenth Schedule thereto,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing an order made under section twelve of this Act shall be of no effect unless it is approved by resolution of each House of Parliament.

**286.**—(1) A scheme made or confirmed by the Minister under section eleven of this Act may be revoked or varied by a subsequent scheme made or confirmed in the like manner and subject to the like provisions.

**PART XII**  
—*cont.*

Revocation  
and variation  
of schemes  
and orders.

(2) An order made or confirmed by the Minister, or by the Minister of Housing and Local Government, under this Act may be revoked or varied by a subsequent order made or confirmed in the like manner and subject to the like provisions:

Provided that this subsection shall not apply to an order made under any of the following provisions of this Act, that is to say, sections twenty-one, twenty-two and twenty-four, subsection (4) of section forty-five, sections seventy-three, ninety-nine, one hundred and fifty-seven, two hundred and twenty-five, two hundred and eighty-eight and two hundred and ninety and paragraph 6 of the Fourteenth Schedule.

(3) Subject to the following provisions of this section, a scheme revoking or varying a scheme made or confirmed under section eleven of this Act, and an order revoking or varying an order made or confirmed under section nine, section twelve or section thirteen thereof, may contain such consequential provisions as appear to the Minister to be expedient.

(4) Where a scheme under section eleven of this Act is revoked by a subsequent scheme, any part of the special road authorised to be provided by the scheme which has been constructed before the date on which the revoking scheme comes into operation, and any highway appropriated by or transferred to the special road authority before that date, shall cease on that date to be a special road within the meaning of this Act, but shall, where the special road is a trunk road or a county road, continue to be a trunk road or a county road, as the case may be.

(5) Where a scheme under the said section eleven is varied by a subsequent scheme, the provisions of the last foregoing subsection shall apply in relation to any part of the special road which ceases to form part of the route of that road in consequence of the variation.

(6) Subject to the foregoing provisions of this section, the revocation or variation of a scheme under the said section eleven shall not affect the validity of anything done in pursuance of the scheme before the date on which the revoking or varying scheme comes into force, or the validity of any order made under section thirteen of this Act before that date in connection with the special road to be provided under the scheme.

## PART XII

—cont.

Certain provisions of Act to bind the Crown.

*Provisions as to the Crown*

**287.**—(1) The following provisions of this Act shall bind the Crown, that is to say, sections twenty-seven to thirty-one, sections one hundred and eight to one hundred and thirteen, subsections (1), (2), (3) and (6) of section one hundred and nineteen, section one hundred and twenty-six, section one hundred and thirty-six (except paragraph (b) of subsection (6)) and sections one hundred and thirty-seven and one hundred and thirty-eight :

Provided that no order under the said section one hundred and eight authorising the stopping up or diversion of a highway, nor any public path creation order, public path diversion order or public path extinguishment order shall be made as respects any Crown land except with the consent of the appropriate Crown authority.

(2) In this section “Crown land” means land an interest in which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department; and “appropriate Crown authority”, in relation to any land, means—

- (a) in the case of land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners, or where the land in question is not under the management of those Commissioners, the government department having the management thereof;
- (b) in the case of land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
- (d) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department.

If any question arises under this section as to what authority is the appropriate Crown authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

*Modification of local Acts*

Orders for modification of local Acts.

**288.**—(1) Where at the commencement of this Act there is in force—

- (a) in a county borough a local Act the Bill for which was promoted by the council of the borough, or

(b) in a county or county district a local Act the Bill for which was promoted either by the council of the county or by the council of the county district,

PART XII  
—cont.

and the said local Act contains provisions appearing to the Minister of Housing and Local Government either to be inconsistent with any of the provisions of this Act, or to be redundant having regard to any of the provisions of this Act, the said Minister on the application of the council by whom the said Bill was promoted may by order make such alterations, whether by amendment or repeal, in the local Act as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be.

(2) This section applies in relation to a local Act the Bill for which was promoted by an authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by the council of a county borough, county or county district, as if the Bill for that Act had been promoted by that council.

(3) For the purposes of this section a provision of a local Act may be treated as being inconsistent with a provision of this Act, or to be redundant having regard to a provision of this Act, notwithstanding that that provision of this Act is not, immediately after the commencement of this Act, in force in the area of the council by whom the Bill for the local Act was promoted.

(4) For the purposes of this section "local Act" includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order.

**289.** In section three hundred and three of the Public Health Act, 1875 (which relates to the power of the Minister of Housing and Local Government to repeal and alter local Acts by means of orders subject to special parliamentary procedure), the reference to any local Act which relates to the same subject matters as that Act shall be construed as including a reference to any local Act which relates to the same subject matters as the following provisions of this Act, that is to say, sections two hundred and forty-four, two hundred and fifty-three, two hundred and fifty-six, two hundred and sixty-one, two hundred and seventy-one, three hundred and seven and three hundred and eight and the other provisions thereof which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments.

Amendment of  
s. 303 of Public  
Health Act,  
1875.

## PART XII

—cont.

Certain provisions of Act to apply in certain areas only in certain circumstances.

*Application of Act in certain areas*

**290.**—(1) Subject to the provisions of this section, a provision of this Act which is specified in the first column of the Nineteenth Schedule thereto shall apply in an area described in relation thereto in the second column of that Schedule only if, immediately before the commencement of this Act, the enactment specified in relation to that provision in the third column of the said Schedule was in force in that area.

(2) Where a provision of this Act specified in the said Schedule confers or imposes functions on the Minister or a county council, the Minister or that council may exercise those functions as respects any area whether or not it is an area in which, by virtue of the foregoing subsection, the provision so specified does not apply.

(3) Where, by virtue of the foregoing provisions of this section, a provision of this Act specified in the said Schedule does not apply in a borough, urban district or rural district, the Minister of Housing and Local Government may, subject to the following provisions of this section, on an application made to him in accordance with those provisions, by order declare that the provision so specified shall apply in the borough or district, subject to any conditions that he may consider necessary or desirable or to any adaptations that he considers the circumstances of that borough or district require.

(4) An application for the purposes of this section may be made—

- (a) in a case where a provision specified in the said Schedule does not apply in a borough or in an urban district, by the council of the borough or district;
- (b) in a case where a provision so specified does not apply in a rural district—
  - (i) by the council of the district, or
  - (ii) by the council of the county comprising the district, or
  - (iii) by persons liable to be rated to a general rate made by the rating authority for the district, being persons who own or are in occupation of hereditaments the aggregate rateable value of which amounts to at least ten per cent. of the aggregate rateable value of all hereditaments in the district.

(5) The said Minister shall not make an order under this section unless he is satisfied—

- (a) that not less than two weeks before the application for the order was made to him the applicants gave notice of their intention to make the application by notice published in at least one local newspaper circulating in their area, and



(b) that not less than one month has elapsed from the day on which the said notice was published or, if it was published on two or more days, from the day on which it was first published.

PART XII  
—cont.

(6) Upon the making of an order under this section the applicants for the order shall publish a statement of the effect of the order in such manner as the said Minister may direct.

(7) Where an enactment specified in the third column of the Nineteenth Schedule to this Act is in force in an area subject to any conditions or adaptations specified in an order made in relation to the area under section two hundred and seventy-six of the Public Health Act, 1875, section three of the Public Health Acts Amendment Act, 1907, or section four of the Public Health Act, 1925, as the case may be, the provision of this Act which is specified in relation to that enactment in the first column of the said Schedule shall apply in the area subject to the like conditions or adaptations.

291.—(1) The provisions of this Act which are specified in the next following subsection shall, subject to the provisions of this section, extend to London. Provisions as to London.

(2) The provisions of this Act referred to in subsection (1) of this section are—

- (a) sections two, seven and nine,
- (b) sections eleven to eighteen,
- (c) section twenty,
- (d) section forty-two,
- (e) section forty-four,
- (f) section fifty-eight,
- (g) sections one hundred and thirty-seven to one hundred and thirty-nine,
- (h) sections two hundred and fourteen, two hundred and fifteen and two hundred and twenty-three to two hundred and twenty-five,
- (i) sections two hundred and twenty-nine to two hundred and thirty-one,
- (j) section two hundred and forty-one,
- (k) section two hundred and fifty-four,
- (l) sections two hundred and sixteen, two hundred and twenty-two, two hundred and thirty-six, two hundred and forty-six, two hundred and sixty-six, two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy-nine to two hundred and eighty-seven, two hundred and ninety-four, two hundred and ninety-five, two hundred and ninety-eight, three hundred and three hundred and twelve, in so far as they are material for the purposes of any other provisions of this Act which extend to London.

PART XII  
—cont.

(3) No highway which is within the City of London shall be, or become, a trunk road and, without prejudice to the generality of the foregoing provision, none of the following bridges, that is to say, Blackfriars Bridge, London Bridge, Southwark Bridge and Tower Bridge, and no highway carried by any of those bridges, shall be, or become, such a road.

(4) For the purposes of the provisions of this Act which are specified in subsection (2) of this section the London County Council shall be deemed to be a highway authority and references in those provisions to a highway authority and to a local highway authority shall be construed accordingly.

(5) In relation to a special road for which the London County Council are the special road authority—

- (a) section one hundred and thirty of the Metropolis Management Act, 1855 (which provides for the lighting of certain streets), shall not apply; and
- (b) subject to the provisions of the next following subsection, all other functions with respect to the paving, lighting, cleansing, watering and improving of streets exercisable by any authority under the said Act of 1855, or under the Public Health (London) Act, 1936, shall be exercisable by the London County Council to the exclusion of that other authority.

(6) Subsection (2) of section six of the London Government Act, 1899 (which provides for the maintenance by the councils of metropolitan boroughs of highways vested in the London County Council), shall apply in relation to the paving, lighting, cleansing, watering and improving of a special road for which the London County Council are the special road authority, and generally in relation to the maintenance of such a road as it applies to the maintenance of a highway vested in the London County Council.

(7) The proviso to subsection (2) of section ten of the Development and Road Improvement Funds Act, 1909 (which imposes on the councils of metropolitan boroughs the responsibility for maintaining a road in respect of which a grant under that Act is made to the London County Council), shall not apply to a highway provided by that council in pursuance of a scheme under section eleven of this Act or of an order under section thirteen thereof.

(8) A highway authority may erect and maintain fences or posts for the purpose of preventing access to a special road (not being a trunk road) in London for which they are the special road authority:

Provided that the powers conferred by this subsection shall not be exercised so as to—

- (a) interfere with a fence or gate required for the purposes of agriculture; or

- (b) obstruct a public right of way ; or
- (c) obstruct any means of access for the construction, formation or laying out of which planning permission has been granted under Part III of the Town and Country Planning Act, 1947 ; or
- (d) obstruct any means of access which was constructed, formed or laid out before the first day of July, nineteen hundred and forty-eight.

PART XII  
—cont.

For the purposes of this subsection the London County Council shall be deemed to be a highway authority.

(9) Except in the case of a special road for which the Minister is the special road authority, section seventeen of this Act shall not apply in relation to any sewer or sewage disposal works of the London County Council in London.

(10) For subsection (1) of section five of the Trunk Roads Act, 1936, there shall be substituted the following subsection :—

“(1) The Minister may by agreement with the council of a county, with the council of a borough (including a metropolitan borough) or with the council of an urban district delegate to that council all or any of his functions (including functions under the enactments mentioned in Part I of the Third Schedule to this Act) with respect to the maintenance, repair and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired by him in connection with a trunk road under subsection (5) or subsection (6) of section two hundred and fourteen of the Highways Act, 1959, or under section two hundred and fifteen thereof, being a road or land in the county of London :

Provided that such functions shall not be delegated to a council (other than the London County Council) with respect to any road or land in a metropolitan borough except with the consent of the council of that borough ”.

(11) The provisions of this Act which by virtue of this section extend to London and which are specified in the first column of the Twentieth Schedule thereto shall in their application to London have effect subject to the modifications set out in relation thereto in the second column of that Schedule.

(12) Nothing in this Act, or in any scheme made under section eleven thereof, or in any order made under section nine or section thirteen thereof, shall relieve the council of a metropolitan borough from the requirement to obtain the consent of the London County Council under section seventy-two of the Metropolis Management Amendment Act, 1862, in respect of the carrying out of any such works as are mentioned in that section.

PART XII  
—cont.  
Application to  
Isle of Wight.

**292.**—(1) This Act shall in its application to the Isle of Wight have effect subject to the modifications specified in this section.

(2) References in this Act to county roads shall, in relation to the Isle of Wight, be construed as references to main roads.

(3) The council of the county of the Isle of Wight shall, with respect to the area of the Isle of Wight constituting a rural district, have the functions—

(a) of a local authority under the following provisions of this Act, that is to say, sections seventy-four, seventy-five, one hundred and thirty-one, one hundred and thirty-two, one hundred and forty-five, one hundred and forty-six, subsection (1) of section one hundred and fifty-four and subsections (3) and (4) of section two hundred and fifty-seven, and

(b) of the council of a borough or urban district under section one hundred and forty-nine of this Act, and those provisions, and any provisions of this Act consequential thereon, shall apply accordingly.

(4) Subject to the provisions of any agreement made between the council of the county of the Isle of Wight and the council of a non-county borough or urban district in the Isle of Wight, the council of the said county shall not be under any liability to pay or contribute to the payment of any expenses in connection with the making, maintenance or improvement in a non-county borough or urban district of—

(a) any footpath, or

(b) any footway adjoining the sea or the seashore, or

(c) any highway adjoining or forming part of a quay or wharf.

(5) The provisions of this Act which are specified in the first column of the Twenty-first Schedule thereto shall in their application to the Isle of Wight have effect subject to the modifications set out in relation thereto in the second column of that Schedule.

Application to  
Isles of Scilly.

**293.**—(1) Subject to the provisions of this section, the provisions of this Act which are specified in the next following subsection shall not extend to the Isles of Scilly.

(2) The provisions referred to in the foregoing subsection are—

(a) sections twenty-seven to thirty-two, one hundred and ten to one hundred and thirteen, one hundred and nineteen, one hundred and twenty-six, two hundred and thirty-nine and two hundred and fifty-five; and

(b) sections one hundred and ninety-two to one hundred and ninety-nine and two hundred and three.

(3) The Minister of Housing and Local Government may, after consultation with the Council of the Isles of Scilly, by

order provide that all or any of the provisions of this Act which are specified in paragraph (a) of the last foregoing subsection shall, subject to such modifications as may be specified in the order, apply in the Isles of Scilly as if those Isles were a separate county.

(4) The said Minister may, on the application of the Council of the Isles of Scilly, by order provide that the provisions of this Act which are specified in paragraph (b) of subsection (2) of this section shall apply in those Isles, and, on the making of an order under this subsection, any reference in the said provisions to the street works authority shall be construed as a reference to the Council of those Isles.

(5) A statutory instrument containing an order made under the last foregoing subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) On the making of an order under subsection (4) of this section the Council of the Isles of Scilly shall take such steps for notifying the public of its having been made as the said Minister may direct.

(7) Section two hundred and six of this Act shall, in its application in the Isles of Scilly, have effect subject to the modification that any reference therein to the appropriate council shall be construed as a reference to the Council of those Isles, and any regulations made under the said section two hundred and six shall in their application to those Isles be construed accordingly.

#### *Interpretation*

**294.**—(1) In this Act, except where the context otherwise requires, “highway” means the whole or a part of a highway other than a ferry or waterway. Meaning of “highway”.

(2) Where a highway passes over a bridge or through a tunnel, that bridge or tunnel shall be taken for the purposes of this Act to be a part of the highway.

(3) In this Act, “highway maintainable at the public expense” and any other expression defined by reference to a highway shall be construed in accordance with the foregoing provisions of this section.

**295.**—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say— Further provisions as to interpretation.

“adjoining” includes abutting on, and “adjoins” shall be construed accordingly;

“advance payments code” has the meaning assigned to it by section one hundred and seventy-three of this Act;

**PART XII**  
—*cont.*

- “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;
- “apparatus” includes any structure constructed for the lodging therein of apparatus;
- “approach”, in relation to a bridge or tunnel, means the highway giving access thereto, that is to say, the surface of that highway together with any embankment, retaining wall or other work or substance supporting or protecting the surface;
- “bridge” does not include a culvert, but, save as aforesaid, means a bridge or viaduct which is part of a highway, and includes the abutments and any other part of a bridge but not the highway carried thereby;
- “bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;
- “by-pass” has the meaning assigned to it by section eighty-seven of this Act;
- “canal undertakers” means persons authorised by any enactment to carry on a canal undertaking;
- “carriageway” means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;
- “cattle-grid” has the meaning assigned to it by section eighty-seven of this Act;
- “claimed county road” has the meaning assigned to it by section four of this Act;
- “classified road” means a highway classified by the Minister under the Ministry of Transport Act, 1919, in Class I or Class II or any class declared by him to be not inferior to those classes for the purposes of this Act;
- “code of 1875” and “code of 1892” have the meanings assigned to them by section one hundred and seventy-three of this Act;

- “**contravention**” in relation to a condition, restriction or requirement, includes failure to comply with that condition, restriction or requirement, and “**contravene**” shall be construed accordingly ;
- “**council**” means a county council or a local authority ;
- “**county bridge**” means a bridge which by virtue of section twenty-three of this Act or some other enactment is a county bridge ;
- “**county road**” means a highway which by virtue of section twenty-one of this Act or some other enactment is a county road ;
- “**cycle track**” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot ;
- “**development plan**” has the same meaning as in the Town and Country Planning Act, 1947 ;
- “**dock undertakers**” means persons authorised by any enactment to carry on a dock undertaking ;
- “**drainage board**” has the same meaning as in the Land Drainage Act, 1930 ;
- “**electricity undertakers**” means persons authorised by any enactment to carry on an undertaking for the supply of electricity ;
- “**enactment**” includes an enactment in a local or private Act of Parliament and a provision of an order, scheme, regulations or other instrument made under or confirmed by a public general, local or private Act of Parliament ;
- “**financial year**” means a year ending on the thirty-first day of March ;
- “**footpath**” means a highway over which the public have a right of way on foot only, not being a footway ;
- “**footway**” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only ;
- “**functions**” includes powers and duties ;
- “**gas undertakers**” means persons authorised by any enactment to carry on an undertaking for the supply of gas ;
- “**harbour undertakers**” means persons authorised by any enactment to carry on a harbour undertaking ;
- “**highway maintainable at the public expense**” means a highway which by virtue of section thirty-eight of this Act or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense ;

## PART XII

—cont.

- “ horse ” includes pony, ass and mule, and “ horseback ” shall be construed accordingly ;
- “ hours of darkness ” means the time between half an hour after sunset and half an hour before sunrise ;
- “ improvement ” means the doing of any act under powers conferred by Part V of this Act (except sections eighty-three and eighty-four), and includes the erection, maintenance, alteration and removal of traffic notices in pursuance of the London Traffic Act, 1924, and of traffic signs, and the freeing of a highway or road-ferry from tolls ;
- “ inland navigation undertakers ” means persons authorised by any enactment to carry on an inland navigation undertaking ;
- “ land ” includes land covered by water and any interest or right in, over or under land ;
- “ lease ” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “ lessee ” shall be construed accordingly ;
- “ local authority ” means the council of a county borough or county district ;
- “ local highway authority ” means a highway authority other than the Minister ;
- “ local planning authority ” has the same meaning as in the Town and Country Planning Act, 1947 ;
- “ London ” means the administrative county of London ;
- “ London Traffic Area ” means the area described in the First Schedule to the London Traffic Act, 1924 ;
- “ made-up carriageway ” means a carriageway, or a part thereof, which has been metalled or in any other way provided with a surface suitable for the passage of vehicles ;
- “ maintenance ” includes repair, and “ maintain ” and “ maintainable ” shall be construed accordingly ;
- “ the Minister ” means the Minister of Transport and Civil Aviation ;
- “ navigation authority ” means persons authorised by any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock ;
- “ owner ”, in relation to any premises, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the premises or, where the premises are not let at a rack rent, would be so entitled if the premises were so let ;



- “ petty sessions area ” has the same meaning as in the Magistrates’ Courts Act, 1952 ;
- “ pier undertakers ” means persons authorised by any enactment to carry on a pier undertaking ;
- “ premises ” includes land and buildings ;
- “ proposed highway ” means land on which, in accordance with plans made or approved by the Minister, a highway authority are for the time being constructing or intending to construct a highway shown in the plans ;
- “ public general enactment ” means an enactment in an Act treated as a public general Act under the system of division of Acts adopted in the regnal year 38 George 3, other than an Act for confirming a provisional order ;
- “ public health enactment ” means an enactment which before its repeal by this Act was contained in any of the Public Health Acts, 1875 to 1925 ;
- “ public path creation agreement ” means an agreement made under section twenty-seven of this Act ;
- “ public path creation order ” has the meaning assigned to it by section twenty-eight of this Act ;
- “ public path diversion order ” has the meaning assigned to it by section one hundred and eleven of this Act ;
- “ public path extinguishment order ” has the meaning assigned to it by section one hundred and ten of this Act ;
- “ public utility undertakers ” means persons authorised by any enactment to carry on any of the following undertakings, that is to say, an undertaking for the supply of electricity, gas, water or hydraulic power ;
- “ rack rent ”, in relation to any premises, means a rent which is not less than two-thirds of the rent at which the premises might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes and tithe rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the same in a state to command such rent ;
- “ railway ” includes a light railway ;
- “ railway undertakers ” means persons authorised by any enactment to carry on a railway undertaking ;
- “ reconstruction ”, in relation to a bridge, includes the construction of a new bridge and approaches thereto in substitution for the existing bridge and the approaches thereto ;

PART XII  
—cont.

- “road-ferry” means a ferry connecting the termination of a highway which is, or is to become, a highway maintainable at the public expense with the termination of another highway which is, or is to become, such a highway ;
- “sewerage authority” has the meaning assigned to it by section ninety of the Public Health Act, 1936 ;
- “special enactment” means any enactment other than a public general enactment ;
- “special road” means a highway provided or to be provided in pursuance of a scheme under section eleven of this Act ;
- “special road authority” has the meaning assigned to it by section eleven of this Act ;
- “statutory undertakers” means persons authorised by any enactment to carry on any of the following undertakings, that is to say—
- (a) a railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or
  - (b) an undertaking for the supply of electricity, gas, water or hydraulic power ;
- and “statutory undertaking” shall be construed accordingly ;
- “street” includes any highway and any road, lane, footpath, square, court, alley or passage, whether a thoroughfare or not, and includes any part of a street ;
- “swing bridge” includes any opening bridge operated by mechanical means ;
- “traffic” includes pedestrians and animals ;
- “traffic sign” has the meaning assigned to it by section thirty-five of the Road Traffic Act, 1956 ;
- “tramway undertakers” means persons authorised by any enactment to carry on a tramway undertaking ;
- “transport undertakers” means persons authorised by any enactment to carry on any of the following undertakings, that is to say, a railway, canal, inland navigation, dock, harbour or pier undertaking, and “transport undertaking” shall be construed accordingly ;
- “trunk road” means a highway, or a proposed highway, which, by virtue of subsection (1) of section seven of this Act, or section fourteen thereof, or by virtue of an order or direction made or given under this or any other Act, is a trunk road ;
- “water undertakers” means persons authorised by any enactment to carry on an undertaking for the supply of water.

(2) A highway at the side of a river, canal or other inland navigation shall not be excluded from either of the following definitions contained in the foregoing subsection, that is to say, “bridleway” and “footpath”, by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right thereover.

(3) Except where the context otherwise requires, references in this Act to a county shall be construed as not including references to London.

(4) References in this Act to a parish, a parish council and the chairman of a parish council shall be construed as including references to a borough which has been included in a rural district, the council of such a borough and the mayor of such a borough respectively and, in a case where two or more parishes are grouped under a common parish council, references in this Act to a parish shall be construed as references to those parishes.

(5) Any reference in this Act to property of railway undertakers, canal undertakers, inland navigation undertakers, dock undertakers, harbour undertakers or pier undertakers shall, where the undertakers are the British Transport Commission, be taken as a reference to property of the Commission held or used by them wholly or mainly for the purposes of so much of their undertaking as consists of the carrying on of a railway undertaking, or, as the case may be, of a canal undertaking, an inland navigation undertaking, a dock undertaking, a harbour undertaking or a pier undertaking.

(6) References in this Act to a river board shall be construed as including references to the Conservators of the River Thames and the Lee Conservancy Catchment Board.

(7) For the avoidance of doubt it is hereby declared that, except where the context otherwise requires, references in this Act to a section, Part or other provision thereof shall be construed as including references to any Schedule to this Act referred to in that provision.

(8) Except where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

**296.**—(1) Where by any enactment empowering statutory undertakers to execute works under, in, upon, over, along or across a highway the undertakers are thereby required—

- (a) to give notice to, or obtain the consent or approval of, a council,
- (b) to carry out the works under the superintendence of a council,

Construction of certain enactments relating to execution of works by statutory undertakers.

PART XII  
—cont.

(c) to reinstate the highway to the satisfaction of a council,  
or

(d) to do anything in relation to a county road,

any such requirement, and any provisions of the enactment empowering the council to act in default of the undertakers or otherwise to enforce any such requirement, shall, in relation to a trunk road, have effect with the substitution, for references to the council, of references to the Minister, and, for references to a county road, of references to a trunk road.

(2) Notwithstanding the provisions of any enactment as to the determination of disputes arising between statutory undertakers and a council in connection with the execution of any such works, any such dispute arising in the case of a trunk road between statutory undertakers and the Minister shall be determined by a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

(3) Nothing in this section shall affect the provisions of Part I of the Public Utilities Street Works Act, 1950.

References to county roads, etc., to be construed in certain cases as including trunk roads.

**297.** Except where the provisions of this Act otherwise require, any enactment or document relating to the functions of a council as respects county roads, highways maintainable at the public expense by a county borough or highways chargeable to a county or county borough shall, in relation to functions not exercisable in the case of a trunk road by the Minister, be construed as if references therein to such roads or highways included references to trunk roads.

### Savings

Saving for highway authority in respect of liability for condition of highway.

**298.** Subject to subsection (1) of section eighty-nine of this Act, nothing in this Act with respect to the duty of highway authorities to maintain highways maintainable at the public expense shall be construed as affecting any exemption from liability for non-repair available to a highway authority immediately before the commencement of this Act as the successor to the inhabitants at large.

Saving for rights and liabilities as to interference with highways.

**299.** No provision of this Act relating to obstruction of or other interference with highways shall be taken to affect any right of a highway authority or other person under any enactment not contained in this Act, or under any rule of law, to remove an obstruction from a highway or otherwise abate a nuisance or other interference with a highway, or to affect the liability of any person under such an enactment or rule to proceedings (whether civil or criminal) in respect of any such obstruction or other interference.

**300.**—(1) Subject to the provisions of this section, nothing in this Act or in any scheme or order made thereunder shall affect any powers or duties of the Postmaster-General under the provisions of the Telegraph Acts, 1863 to 1954, or apply to any telegraphic lines placed or maintained by virtue of any of those provisions:

PART XII  
—cont.

Saving for  
Postmaster-  
General.

Provided that this subsection shall not affect the operation of sections one hundred and thirty-six to one hundred and thirty-eight of this Act.

(2) Where in pursuance of—

- (a) an order made by the Minister under section nine of this Act,
- (b) an order made or confirmed by the Minister under section thirteen thereof,
- (c) a public path extinguishment order, or
- (d) a public path diversion order,

a highway is stopped up or diverted and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster-General, the Postmaster-General shall have the same powers in respect of that line as if the order had not come into force:

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line shall be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.

(3) Where in pursuance of an order made by a magistrates' court under section one hundred and eight of this Act a highway is stopped up or diverted, the following provisions of this subsection shall have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster-General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a highway (in this subsection referred to as "the affected line"), that is to say—

- (a) the power of the Postmaster-General to remove the affected line shall be exercisable notwithstanding the making of the order, so however that the said power shall not be exercisable, as respects the whole or any part of the affected line, after the expiration of a period of three months from the date of the sending of the notice referred to in the next following subsection unless before the expiration of that period the Postmaster-General has given notice to the authority on whose application the order was made of his intention

PART XII  
—cont.

to remove the affected line or that part thereof, as the case may be ;

- (b) the Postmaster-General may by notice in that behalf to the said authority abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) the Postmaster-General shall be entitled to recover from the said authority the expense of providing, in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require ;
- (d) where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of the affected line, it shall vest in the said authority and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(4) As soon as practicable after the making of an order under section one hundred and eight of this Act the authority on whose application the order was made shall by notice to the Postmaster-General inform him of the making of the order.

(5) Where an order under section nine, or section thirteen, of this Act provides for the alteration of a highway, not being a highway for which the Minister is the highway authority, and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster-General, then, if the highway authority for the highway require that that line shall be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply in relation to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the highway authority :

Provided that this subsection shall not have effect so far as it relates to the alteration, for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act, 1950, of any telegraphic line.

(6) Without prejudice to the code in Part II of the said Act of 1950 (which regulates the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby)—

- (a) any work proposed to be done by a local highway authority in exercise of powers conferred on them by section eighty-two of this Act,

(b) any work authorised or required by an order under section ninety-nine thereof to be done by a local highway authority or the owners of a bridge, and

(c) any work authorised or required by a licence under section one hundred and fifty-one thereof to be done by the person to whom the licence is granted,

PART XII  
—cont.

shall, for the purposes of section seven of the Telegraph Act, 1878, be deemed to be work proposed to be done in the execution of an undertaking authorised by an Act of Parliament, and the authority or person carrying out the work shall be deemed to be the undertakers.

(7) For the purposes of the placing or maintenance of over-ground telegraphic lines under the powers conferred by the Telegraph Acts, 1863 to 1954, a bridge constructed or used in accordance with a licence under section one hundred and fifty-one of this Act shall be deemed to be part of any highway which it crosses.

(8) In this section “alter” and “telegraphic line” have the same meanings respectively as in the Telegraph Act, 1878.

**301.**—(1) Nothing in this Act with respect to county roads shall affect any exemption from rating under section thirty-three of the Highway Act, 1835, or under any other enactment, as continued by section thirty-eight of the Local Government Act, 1929, or by a scheme made or approved by the Minister of Health under the said section thirty-eight, and in force at the commencement of this Act:

Saving for certain rating exemptions.

Provided that the council of a county in which a hereditament affected by such an exemption is and all persons interested in the hereditament may agree that the exemption shall be surrendered and extinguished in consideration of such payments as they may agree.

(2) Paragraph 7 of Part III of the Second Schedule to the Rating and Valuation Act, 1925 (which empowers the Minister of Housing and Local Government to vary or amend a scheme under that Schedule), shall apply to any such scheme as is mentioned in subsection (1) of this section as it applies to a scheme under the said Second Schedule.

**302.** Notwithstanding anything in Part X of this Act all mines and minerals of any description whatsoever under any highway vested in a highway authority by virtue of any provision contained in the said Part X shall belong to the person who would be entitled thereto if the highway were not vested in the authority, and the person entitled to any such mine or minerals shall have the same powers of working and of getting the same as if the highway were not vested in a highway authority:

Saving for minerals, etc.

Provided that nothing in this section shall be taken to affect any liability (whether civil or criminal) of the person entitled

**PART XII**  
—cont.

to any such mine or minerals in respect of damage to the highway resulting from the exercise of the said powers.

Saving for  
Coast  
Protection  
Act, 1949.

**303.** Nothing in this Act shall authorise the excavation or removal of any materials the excavation or removal of which is prohibited by section eighteen of the Coast Protection Act, 1949 (which makes it unlawful except as therein mentioned to excavate or remove certain materials on, under or forming part of any portion of the seashore to which the provisions of the said section eighteen are applied), or the carrying out of any operation in contravention of section thirty-four of that Act (which restricts the carrying out of certain operations detrimental to navigation).

Saving for  
certain  
provisions of  
Land Charges  
Act, 1925.

**304.** Nothing in this Act with respect to the recovery of expenses from owners of premises affects the provisions of the Land Charges Act, 1925, with respect to local land charges.

Saving for  
obligation to  
obtain  
planning  
permission.

**305.** Nothing in this Act shall be taken to authorise the carrying out of any development of land for which permission is required by virtue of section twelve of the Town and Country Planning Act, 1947, and which is not authorised by permission granted or deemed to be granted under Part III of that Act.

Saving for  
functions  
of rural  
district  
councils.

**306.** Nothing in this Act shall be taken to affect any functions, not being functions with respect to highways, which were exercisable immediately before the commencement of this Act by the councils of rural districts as successors to surveyors of highways or highway boards.

Saving for  
works, etc. of  
dock, harbour  
and canal  
undertakers.

**307.**—(1) Subject to the provisions of this section, nothing in any of the provisions of this Act to which this section applies shall authorise a highway authority or council, without the consent of the dock, harbour or canal undertakers concerned—

- (a) to execute any works in, across or under any dock, harbour, basin, wharf, quay or lock ; or
- (b) to execute any works which will interfere with the improvement of, or the access to, any river, canal, dock, harbour, basin, lock, reservoir or towing path, or with any works appurtenant thereto or any land necessary for the enjoyment or improvement thereof.

(2) A consent required for the purposes of the foregoing subsection shall not be unreasonably withheld, and if any question arises whether the withholding of a consent is unreasonable either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.



(3) On an arbitration under this section, the arbitrator shall determine—

PART XII  
—cont.

- (a) whether any works which the highway authority or council propose to execute are such works as under subsection (1) of this section they are not entitled to execute without the consent of the undertakers concerned ; and
- (b) if they are such works, whether the injury, if any, to the undertakers will be of such a nature as to admit of being fully compensated by money ; and
- (c) if the works are of such a nature, the conditions subject to which the authority or council may execute the works, including the amount of the compensation, if any, to be paid by them to the undertakers.

If the arbitrator determines that the proposed works are such works as the highway authority or council are not entitled to execute without the consent of the undertakers and that the works would cause injury to the undertakers of such a nature as not to admit of being fully compensated by money, the authority or council shall not proceed to execute the works, but in any other case they may execute the works subject to compliance with such conditions, including the payment of such compensation, as the arbitrator determines.

(4) For the purposes of this section, dock, harbour and canal undertakers shall be deemed to be concerned with any river, canal, dock, harbour, basin, lock, reservoir, towing path, wharf, quay or land if it belongs to them and forms part of their undertaking, or if they have statutory rights of navigating on or using it, or of demanding tolls or dues in respect of navigation thereon or the use thereof.

(5) This section applies to section two hundred and fifty-six of this Act and to the other provisions thereof which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments.

(6) In this section " canal " includes inland navigation.

**308.**—(1) Subject to the provisions of this section, nothing in any of the provisions of this Act to which this section applies shall authorise a highway authority or council to use or interfere with any watercourse (including the banks thereof), or any drainage or other works, vested in or under the control of a river board or other drainage authority within the meaning of the Land Drainage Act, 1930, without the consent of that board or that authority, as the case may be. Saving for works, etc. of land drainage authorities.

(2) A consent required for the purposes of the foregoing subsection shall not be unreasonably withheld, and if any question arises whether the withholding of a consent is unreasonable

**PART XII**  
—*cont.*

either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

(3) This section applies to sections forty-eight, one hundred and three and two hundred and fifty-six of this Act and to the other provisions thereof which are specified in the Seventeenth Schedule thereto, being provisions which re-enact with or without modifications public health enactments.

*Consequential amendments, transitional provisions, repeals, etc.*

**Consequential amendments.**

**309.** The enactments specified in the Twenty-second Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.

**Amendment of s. 3 of Parish Councils Act, 1957.**

**310.** At the end of section three of the Parish Councils Act, 1957 (which empowers parish councils and parish meetings to light certain roads and other public places), there shall be inserted the following subsection:—

“(10) In this section ‘road’ includes a highway comprised in the route of a special road (as defined by the Highways Act, 1959), being a highway in relation to which a parish council or parish meeting, as the case may be, are exercising the powers conferred by subsection (1) of this section on the date on which a scheme made under section eleven of the said Act of 1959 authorising the provision of the special road comes into force”.

**Certain enactments to cease to have effect.**

**311.** The enactments specified in the Twenty-third Schedule to this Act, being enactments which to the extent specified in the third column of that Schedule have by lapse of time or otherwise become obsolete or unnecessary, shall cease to have effect to the extent so specified.

**Transitional provisions, repeals and revocations.**

**312.—(1)** The transitional provisions set out in the Twenty-fourth Schedule to this Act shall have effect.

(2) Subject to subsection (1) of section forty-two of this Act, and to the provisions of the said Twenty-fourth Schedule, the enactments specified in the Twenty-fifth Schedule to this Act are hereby repealed to the extent specified in the third column thereof.

(3) The said repeal shall extend to London in so far as it relates—

- (a) to the London Traffic Act, 1924, and the Special Roads Act, 1949; and
- (b) to the provisions of the Trunk Roads Acts, 1936 and 1946, specified in the Twenty-sixth Schedule to this Act.

(4) The Local Government Act (Application to the Isle of Wight) Order, 1930, except Articles 1, 3, 9, and 10 thereof, is hereby revoked.

(5) Without prejudice to section one hundred and thirty-three of this Act or to section three hundred and eleven thereof in so far as it has effect in relation to paragraph (4) of section twenty-six of the Highways and Locomotives (Amendment) Act, 1878, byelaws made by the council of a county under the said paragraph (4) and in force immediately before the commencement of this Act in any non-county borough or urban district within the county shall cease to have effect in the borough or district at the commencement of this Act.

(6) Byelaws in force immediately before the commencement of this Act made by a local authority under an enactment corresponding to the provisions of section one hundred and fifty-seven of this Act (being an enactment repealed by virtue of this section, or being an enactment so repealed as amended or extended by a local Act), shall cease to have effect on the expiration of three years from the date of the passing of this Act:

Provided that the Minister of Housing and Local Government may by order extend the period during which any such byelaw is to remain in force.

(7) Byelaws in force immediately before the commencement of this Act made by a local authority for regulating the construction of a bridge to carry a new street, or for regulating the construction of the approaches to such a bridge, or for regulating the construction of a new street in so far as it is, or is to be, carried by a bridge or by the approaches thereto, shall cease to have effect at the commencement of this Act.

(8) The mention of particular matters in the Twenty-fourth Schedule to this Act shall not be taken as affecting the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

**313.**—(1) This Act may be cited as the Highways Act, 1959. Short title, commencement and extent.

(2) This Act shall come into operation on the first day of January, nineteen hundred and sixty.

(3) Except as provided by section two hundred and ninety-one of this Act and by subsection (3) of the last foregoing section, this Act shall not extend to London.

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

## SCHEDULES

## FIRST SCHEDULE

Sections 7, 9, 11,  
13, 20, 284.

PROCEDURE FOR MAKING OR CONFIRMING CERTAIN ORDERS AND  
SCHEMES UNDER PART II OF THIS ACT

## PART I

## ORDERS

1. Where the Minister proposes to make an order under any of the following provisions of this Act, that is to say, section seven, section nine, section thirteen or section twenty he shall prepare a draft of the order and shall publish in at least one local newspaper circulating in the area in which any highway, or any proposed highway, to which the order relates is situated, and in the London Gazette, a notice—

- (a) stating the general effect of the proposed order ;
- (b) naming a place in the said area where a copy of the draft order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the publication of the notice ; and
- (c) stating that, within the said period, any person may by notice to the Minister object to the making of the order.

2. Where an order is submitted to the Minister under the said section thirteen by a local highway authority, that authority shall publish, in the manner specified in the foregoing paragraph, the notice referred to therein, and that paragraph shall have effect in relation to a notice published by any such authority as if, for the references to the draft order and the making of the order, there were substituted references to the order as submitted to the Minister and the confirmation of the order respectively.

3. Not later than the day on which the said notice is published or, if it is published on two or more days, the day on which it is first published, the Minister or the local highway authority, as the case may be, shall serve on each person specified in such head or heads of the Table set out at the end of this paragraph as apply in the case of the order in question—

- (a) a copy of the said notice ;
- (b) a copy of the draft order or of the order, as the case may be ; and
- (c) a copy of any map or plan referred to in the draft order or the order relating to a matter which, in the opinion of the Minister or of the local highway authority, as the case may be, is likely to affect the said person.

## TABLE

*Persons to be served with copies of the documents specified  
in paragraph 3 of this Schedule*

- (i) In the case of every order proposed to be made under section seven, section nine, or section twenty of this Act—

The council of every county and county borough in which any highway or proposed highway to which the proposed order

relates is situated and, in the case of a highway or proposed highway situated in a non-county borough or in an urban district, the council of that borough or district.

1ST SCH.  
—cont.

(ii) In the case of an order proposed to be made under section seven of this Act which provides for the construction as part of a trunk road of a bridge over or tunnel under any navigable waters and in the case of every order proposed to be made under section twenty of this Act—

Every navigation authority and river board concerned with or having jurisdiction over the waters affected or the area comprising those waters.

(iii) In the case of an order proposed to be made under section thirteen of this Act which authorises the carrying out of any works—

The council of every county, county borough and county district in which any works authorised by the proposed order are to be carried out.

(iv) In the case of an order proposed to be made under section thirteen of this Act which provides for transferring any highway from one highway authority to another—

The highway authorities to and from whom the highway is to be transferred.

(v) In the case of an order proposed to be made under section thirteen of this Act which authorises the stopping up of any private means of access to any premises—

The owner (within the meaning of section sixteen of this Act) and the occupier of those premises.

(vi) In the case of an order proposed to be made under section thirteen of this Act which provides for entry by the special road authority on any land—

The occupier of that land.

(vii) In the case of an order proposed to be made under section nine or section thirteen of this Act which authorises the stopping up or diversion of any highway—

The parish council (or, in the case of a rural parish not having a separate parish council, the parish meeting) of every rural parish in which the highway is situated.

Any public utility undertakers having apparatus under, in, upon, over, along or across the highway.

4. Where the proposed order authorises the stopping up or diversion of a highway, the Minister or the local highway authority, as the case may be, shall, not later than the day on which the said notice is published or, if it is published on two or more days, the day on which it is first published, cause a copy thereof to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order.

5. If any objection to the proposed order is received by the Minister from any person on whom a copy of the notice is required to be served under paragraph 3 of this Schedule within three months from the date of his being served therewith, or is received by the Minister

1ST SCH.  
—cont.

from any other person appearing to him to be affected within three months from the day on which the notice of the proposed order is published, or, if it is published on two or more days, from the later or latest of them, and the objection is not withdrawn, the Minister shall cause a local inquiry to be held :

Provided that, except where the objection is made by a person entitled to receive a copy of the notice relating to the order in question by virtue of the said paragraph 3 and such one or more of the following heads of the Table set out at the end of that paragraph, that is to say, heads (i), (ii), (iii) and (iv), as apply in the case of that order, the Minister may dispense with such an inquiry if he is satisfied that in the circumstances of the case the holding of such an inquiry is unnecessary.

6. After considering any objections to the proposed order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister may make or confirm the order either without modification or subject to such modifications as he thinks fit.

## PART II

### SCHEMES UNDER SECTION ELEVEN

7. Where the Minister proposes to make a scheme under section eleven of this Act, or where a scheme under that section is submitted to the Minister by a local highway authority, the Minister or that authority, as the case may be, shall publish in at least one local newspaper circulating in the area in which the special road to which the scheme relates is situated, and in the London Gazette, a notice—

- (a) stating the general effect of the proposed scheme ;
- (b) naming a place in the said area where a copy of a draft of the scheme, or of the scheme as submitted to the Minister, as the case may be, and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the publication of the notice ; and
- (c) stating that, within the said period, any person may by notice to the Minister object to the making or confirmation of the scheme.

8. Not later than the day on which the said notice is published or, if it is published on two or more days, the day on which it is first published, the Minister or the local highway authority, as the case may be, shall serve a copy thereof (together with a copy of the draft scheme or of the scheme, as the case may be, and of any map or plan referred to therein)—

- (a) on the council of every county, county borough and county district in which any part of the route of the special road is situated ; and
- (b) where the scheme provides for the construction of a bridge over or tunnel under any navigable waters, on every

navigation authority and river board concerned with or having jurisdiction over the waters affected or the area comprising those waters.

1ST SCH.  
—cont.

9. If any objection to the proposed scheme is received by the Minister from any council, authority or board on whom a copy of the notice is required to be served under the last foregoing paragraph within three months from the date of their being served therewith, or is received by the Minister from any other person appearing to him to be affected within three months from the day on which the notice of the proposed scheme is published, or, if it is published on two or more days, from the later or latest of them, and the objection is not withdrawn, the Minister shall cause a local inquiry to be held :

Provided that, except where the objection is made by any such council, authority or board as aforesaid, the Minister may dispense with such an inquiry if he is satisfied that in the circumstances of the case the holding of such an inquiry is unnecessary.

10. After considering any objections to the proposed scheme which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister may make or confirm the scheme either without modification or subject to such modifications as he thinks fit.

## SECOND SCHEDULE

### VALIDITY AND DATE OF OPERATION OF CERTAIN SCHEMES AND ORDERS

Sections 7, 9,  
11, 13, 20,  
Sch. 24, §29, 30.

1. As soon as may be after a scheme or order to which this Schedule applies has been made or confirmed by the Minister, the Minister shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the scheme or order has been made or confirmed, and naming a place where a copy thereof may be inspected free of charge at all reasonable hours.

2. If a person aggrieved by a scheme or order to which this Schedule applies desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or on the ground that any requirement of this Act or of regulations made thereunder has not been complied with in relation thereto, he may, within six weeks from the date on which the notice required by the foregoing paragraph is first published, make an application for the purpose to the High Court.

3. On any such application as aforesaid, the Court—

(a) may by interim order suspend the operation of the scheme or order, or of any provision contained therein, 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 that the scheme or order, or any provision contained therein, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any such requirement as

2ND SCH.  
—cont.

aforesaid, may quash the scheme or order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

4. Subject to the provisions of the last foregoing paragraph, a scheme or order to which this Schedule applies shall not, either before or after it has been made or confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 1 of this Schedule is first published, or on such later date, if any, as may be specified in the scheme or order.

5. In relation to any scheme or order to which this Schedule applies, being a scheme or order which is subject to special parliamentary procedure, the foregoing provisions of this Schedule shall have effect subject to the following modifications—

- (a) if the scheme or order is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, paragraphs 2 to 4 shall not apply ; and
- (b) in any other case, paragraph 2 shall have effect as if, for the reference therein to the date on which the notice required by paragraph 1 is first published, there were substituted a reference to the date on which the scheme or order becomes operative under the said Act of 1945, and paragraph 4 shall have effect as if the words from “ and shall become operative ” to the end of the paragraph were omitted.

Section 8.

### THIRD SCHEDULE

#### PROVISIONS OF THIS ACT REFERRED TO IN SECTION 8 THEREOF

##### PART I

*Provisions conferring functions exercisable in relation to trunk roads by the Minister exclusively*

1. *Provisions contained in Part IV.* Subsection (1) of section 40 and subsection (2) of section 61.
2. *Provisions contained in Part V.* Section 72.
3. *Provisions contained in Part VII.* Section 118, subsection (1) of section 146 and sections 151 and 152.
4. *Provisions contained in Part X.* Sections 217 and 233.

##### PART II

*Provisions conferring functions exercisable in relation to trunk roads by the Minister as well as by other authorities*

5. *Provisions contained in Part VII.* Sections 130, 131, 134, 142 and 143.

##### PART III

*Provisions conferring functions exercisable in relation to trunk roads by the Minister and by other authorities with the consent of the Minister*

6. *Provisions contained in Part V.* Subsection (2) of section 67 and subsection (3) of section 82.
7. *Provisions contained in Part VII.* Section 156.



## FOURTH SCHEDULE

Section 12.

## CLASSES OF TRAFFIC FOR PURPOSES OF SPECIAL ROADS

*Class I:* Motor tractors, heavy motor cars, motor cars and motor cycles, and trailers drawn thereby, which comply with general regulations as to construction and use made under section thirty of the Road Traffic Act, 1930, and in the case of which the following conditions are satisfied, that is to say:—

- (i) that the whole weight of the vehicle is transmitted to the road surface by means of wheels :
- (ii) that all wheels of the vehicle are equipped with pneumatic tyres ;
- (iii) that the vehicle is not controlled by a pedestrian ;
- (iv) that the maximum speed at which the vehicle may be driven under section ten of the Road Traffic Act, 1930, on roads which are not special roads is not less than twenty miles per hour.

*Class II:* Motor vehicles and trailers the use of which for or in connection with the conveyance of abnormal indivisible loads is authorised by order made by the Minister under paragraph (b) of the proviso to subsection (1) of section three of the Road Traffic Act, 1930.

Heavy and light locomotives when being used for or in connection with the conveyance of abnormal indivisible loads.

Motor vehicles and trailers constructed for naval, military, air force or other defence purposes, the use of which is authorised by order made by the Minister under paragraph (b) of the proviso to subsection (1) of section three of the Road Traffic Act, 1930.

*Class III:* Motor vehicles controlled by pedestrians.

*Class IV:* All motor vehicles not comprised in Class I, Class II or Class III.

*Class V:* Vehicles drawn by animals.

*Class VI:* Vehicles (other than pedal cycles) drawn or propelled by pedestrians.

*Class VII:* Pedal cycles.

*Class VIII:* Animals ridden, led or driven.

*Class IX:* Pedestrians.

In this Schedule any expression defined for the purposes of the Road Traffic Act, 1930, has the same meaning as in that Act and the expression "abnormal indivisible load" has the same meaning as in the Transport Act, 1947.

## Section 19.

## FIFTH SCHEDULE

## ORDERS UNDER TRUNK ROADS ACT, 1946, TO BE TREATED AS SCHEMES UNDER SECTION 11 OF THIS ACT

| Registered Number of Order | Description of Trunk Road                                                                                                                                                                                                                                                    | Class of Traffic (as described in Fourth Schedule) |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| S.R. & O. 1947, No. 2248.  | The south of Pottersheath—north of Graveley Trunk Road (Stevenage By-pass, County of Hertford).                                                                                                                                                                              | Classes I and II.                                  |
| S.R. & O. 1947, No. 1562.  | The north of Almondsbury—south of Haysgate Trunk Road (Severn Bridge, Counties of Gloucester and Monmouth)—<br>(a) from the junction of Redhill Lane in the Parish of Aust to the junction with Thornwell Road in the Parish of Chepstow;<br>(b) any other part of the road. | Classes I, II, III, IV, V, VI, VII and IX.         |
| S.I. 1948, No. 924.        | The south of Haysgate—east of Crick Trunk Road (Haysgate to Crick, County of Monmouth).                                                                                                                                                                                      | Classes I and II.                                  |
| S.I. 1948, No. 62.         | The east of Christchurch—Tredegar Park Trunk Road (Newport Bypass, County of Monmouth).                                                                                                                                                                                      | Classes I and II.                                  |
| S.I. 1949, No. 2360.       | The north of Twyning—north of Lydiate Ash Trunk Road.                                                                                                                                                                                                                        | Classes I and II.                                  |
| S.I. 1949, No. 2459.       | The London—Fishguard Trunk Road (Port Talbot By-Pass).                                                                                                                                                                                                                       | Classes I and II.                                  |

## Section 25.

## SIXTH SCHEDULE

PROVISIONS OF THIS ACT CONFERRING FUNCTIONS ON COUNTY COUNCIL WHICH ARE TO BE DISCHARGED IN CERTAIN CIRCUMSTANCES BY COUNCIL OF COUNTY DISTRICT AS AGENTS FOR COUNTY COUNCIL

## PART I

## RURAL DISTRICTS

1. Provisions contained in Part IV. Sections 40 and 61.
2. Provisions contained in Part VII. Sections 118, 130, 142, 146, 151, 152 and 155.
3. Provisions contained in Part VIII. Sections 159, 163, 165, 166, and 167 and subsections (2) and (4) of section 170.

4. *Provisions contained in Part IX.* All the provisions contained in Part IX except the code of 1875.

6TH SCH  
—cont.

5. *Provisions contained in Part X.* Subsections (1), (2) and (8) of section 214.

## PART II

### NON-COUNTY BOROUGHS AND URBAN DISTRICTS

6. *Provisions contained in Part IV.* Section 40.

7. *Provisions contained in Part VII.* Sections 118, 146, 151 and 152.

8. *Provisions contained in Part X.* Subsections (1), (2) and (8) of section 214.

## SEVENTH SCHEDULE

Sections 28,  
110, 111.

### PROVISIONS AS TO MAKING, CONFIRMATION, VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS

#### PART I

#### PROCEDURE FOR MAKING AND CONFIRMING CERTAIN ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS

1.—(1) Before a public path creation order, a public path extinguishment order or a public path diversion order is submitted to the Minister of Housing and Local Government for confirmation, the authority by whom the order was made shall give notice in the prescribed form—

- (a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation,
- (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order and of the map referred to therein may be inspected free of charge at all reasonable hours, and
- (c) specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(2) Before the Minister of Housing and Local Government makes a public path creation order, a public path extinguishment order or a public path diversion order, he shall prepare a draft of the order and shall give notice—

- (a) stating that he proposes to make the order and the general effect thereof,
- (b) naming a place in the area in which the land to which the draft order relates is situated where a copy of the draft order and of the map referred to therein may be inspected free of charge at all reasonable hours, and
- (c) specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the draft order may be made.

7TH SCH.  
—cont.

(3) The notices to be given under either of the two foregoing sub-paragraphs shall be given—

(a) in the case of a public path creation order, by publication in the London Gazette and in at least one local newspaper circulating in the area in which the land to which the order relates is situated, and by serving a like notice on every owner, occupier and lessee (except tenants for a month or any period less than a month and statutory tenants within the meaning of Part II of the Housing Repairs and Rents Act, 1954) of any of that land, so however that—

(i) except in the case of an owner, occupier or lessee being a local authority or statutory undertakers, the Minister of Housing and Local Government may in any particular case direct that it shall not be necessary to serve notice as aforesaid, but

(ii) if the said Minister so directs in the case of any land, then in addition to publication the notice shall be addressed to “the owners and any occupiers” of the land (describing it) and a copy or copies of it shall be affixed to some conspicuous object or objects on the land ;

(b) in the case of a public path extinguishment order or a public path diversion order, by publication and the service of notices as mentioned in head (a) of this sub-paragraph and also—

(i) by serving such a notice as is therein mentioned on the council of every county, county borough, county district and rural parish, and the parish meeting of every rural parish not having a separate parish council, being a county, borough, district or parish which includes any of the land to which the order relates, and

(ii) by causing a copy of the notice to be displayed in a prominent position at the ends of so much of any footpath or bridleway as is to be stopped up or diverted by virtue of the order.

(4) Where under this paragraph a notice is required to be served on an owner of land and the land belongs to an ecclesiastical benefice, a like notice shall be served on the Church Commissioners.

2.—(1) If no representations or objections are duly made, or if any so made are withdrawn, the Minister of Housing and Local Government may, if he thinks fit, confirm or make the order, as the case may be, with or without modifications.

(2) If any representation or objection duly made is not withdrawn, the said Minister shall, before confirming or making the order, as the case may be, if the objection is made by a local authority cause a local inquiry to be held, and in any other case either—

(a) cause a local inquiry to be held, or

(b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose, and, after considering the report of the person appointed to hold the inquiry or to hear representations or objections, may confirm or make the order, as the case may be, with or without modifications:

Provided that in the case of a public path creation order or a public path diversion order, if objection is made by statutory undertakers on the ground that the order provides for the creation of a public right of way over land covered by works used for the purposes of their undertaking or the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

7TH SCH.  
—cont.

(3) Notwithstanding anything in the foregoing provisions of this paragraph, the said Minister shall not confirm or make an order so as to affect land not affected by the order as submitted to him or the draft order prepared by him, as the case may be, except after—

- (a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made,
- (b) holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose, and
- (c) considering the report of the person appointed to hold the inquiry or to hear representations or objections, as the case may be,

and, in the case of a public path creation order or a public path diversion order, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a public right of way over land covered by works used for the purposes of their undertaking or the curtilage of such land, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

3.—(1) The Minister of Housing and Local Government may, subject to the provisions of this Part of this Schedule, by regulations make such provision as to the procedure on the submission and confirmation of orders to which this Schedule applies as appears to him to be expedient.

(2) Provision may be made by regulations of the said Minister for enabling proceedings preliminary to the confirmation of a public path extinguishment order to be taken concurrently with proceedings preliminary to the confirmation of a public path creation order or a public path diversion order.

(3) In this Part of this Schedule—

- (a) “local authority” means the council of a county, county borough or county district and any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid;
- (b) “prescribed” means prescribed by regulations made by the said Minister.

7TH SCH.  
—cont.

PART II

VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS RELATING  
TO FOOTPATHS AND BRIDLEWAYS

4. As soon as may be after an order to which this Schedule applies has been confirmed or made by the Minister of Housing and Local Government, the authority by whom the order was made, or, in the case of an order made by the said Minister, the said Minister, shall publish, in the manner required in relation to the class of order in question by sub-paragraph (3) of paragraph 1 of this Schedule, a notice in the prescribed form describing the general effect of the order, stating that it has been confirmed or made, and naming a place where a copy thereof as confirmed or made may be inspected free of charge at all reasonable hours, and—

- (a) where under the said sub-paragraph (3) notice was required to be served, shall serve a like notice and a copy of the order as confirmed or made on any persons on whom notices were required to be served under that sub-paragraph or under sub-paragraph (4) of paragraph 1 of this Schedule ; and
- (b) where under the said sub-paragraph (3) a notice was required to be displayed, shall cause a like notice to be displayed in the like manner as the notice required to be displayed under that sub-paragraph :

Provided that no such notice or copy need be served on a person unless he has sent to the authority or the said Minister (according as the notice or copy would require to be served by an authority or by the said Minister) a request in that behalf specifying an address for service.

5. The Second Schedule to this Act (except paragraph 1 thereof) shall apply in relation to an order to which this Schedule applies as it applies in relation to a scheme or order to which that Schedule applies, but with the following modifications, that is to say—

- (a) for references to a scheme or order to which that Schedule applies there shall be substituted references to an order to which this Schedule applies ;
- (b) for the references in paragraphs 2, 4 and 5 thereof to the date on which the notice required by paragraph 1 thereof is first published there shall be substituted references to the date on which the notice required by the last foregoing paragraph is first published ; and
- (c) the said paragraph 4 shall have effect as if the words “ or on such later date, if any, as may be specified in the scheme or order ” were omitted.

6. In this Part of this Schedule “ prescribed ” means prescribed by regulations made by the Minister of Housing and Local Government.

## EIGHTH SCHEDULE

Section 45.

## CLAIMED COUNTY ROADS

## PART I

## PERIOD WITHIN WHICH CLAIMS MAY BE MADE

1. In a case where the population of the non-county borough or urban district is found by the Registrar-General's preliminary report on any census taken after the commencement of this Act to exceed for the first time twenty thousand and the road is a county road at the date of the publication of that report, the claim may be made within twelve months from that date.

2. In the case of a road which is situated—

- (a) in an area which by virtue of any enactment is transferred to an existing non-county borough or urban district with a population already exceeding twenty thousand, or
- (b) in an area which by virtue of any enactment is constituted a new non-county borough or urban district with a population exceeding twenty thousand, or
- (c) in an area which by virtue of any enactment is transferred to an existing non-county borough or urban district and that borough or district, as the case may be, thereby becomes a non-county borough or urban district with a population exceeding twenty thousand,

and is a county road at the date on which the enactment takes effect, the claim may be made within twelve months from that date.

3. In the case of a road which becomes a county road at, or after, the commencement of this Act, or after the date mentioned in either of the foregoing paragraphs, the claim may be made within twelve months from the date on which it becomes a county road.

4. For the purposes of the foregoing paragraphs—

- (a) a trunk road for which a county council are to become the highway authority on its ceasing to be a trunk road by virtue of an order under section seven of this Act,
- (b) a highway which is transferred to a county council by means of an order under section nine of this Act, and
- (c) a highway, not forming part of a special road, which is transferred to a county council by means of an order under section thirteen of this Act,

shall be deemed to become a county road on the date on which the order comes into operation.

## PART II

## DATE ON WHICH CLAIMING COUNCIL BECOME ENTITLED TO MAINTAIN ROAD

5. Subject to the provisions of the two next following paragraphs, the date as from which the council making a claim under section

8TH SCH.  
—cont.

forty-five of this Act shall be entitled to maintain the county road in respect of which the claim was made shall be—

- (a) in a case where the claim is made in respect of a trunk road which will, on ceasing to be a trunk road, become a county road, the date on which the road becomes a county road ;
- (b) in a case where the claim is made in respect of a highway which is to be transferred to the county council by means of an order under section nine of this Act, or in respect of a highway which is to be transferred to the county council by means of an order under section thirteen of this Act, the date specified in the order as the date on which the highway is to be transferred to the county council ;
- (c) in a case where the claim is made in respect of any other county road, the first day of April in the calendar year next following that in which the claim is made.

6. As respects a county road which is declared by the Minister to be a road towards the construction or improvement of which by a county council advances have been made under this Act, and to be a road which should, having regard to the best means of promoting economy and efficiency in highway administration, be maintained by the county council, the date as from which the council of the non-county borough or urban district in which the road is situated are to be entitled to maintain the road shall be deferred until such date as the Minister may by order determine.

7. Where a claim is made in respect of a county road situated in a county in which at the commencement of the Local Government Act, 1929, there was in force a local Act empowering the council of a borough or urban district to relinquish any functions of maintenance retained by them in pursuance of a claim made under subsection (2) of section eleven of the Local Government Act, 1888, and the road is one in respect of which the council of a borough or urban district were not at the said commencement exercising the functions of maintenance in pursuance of a claim made under the said subsection (2), the date as from which the council making the claim are to be entitled to maintain the road shall be deferred until such date as the Minister may by order determine.

Sections 72, 73

## NINTH SCHEDULE

### IMPROVEMENT LINES AND BUILDING LINES

1. Before a line is prescribed by the Minister or by a county council the Minister or, as the case may be, that council shall consult the local authority in whose area the street or highway in relation to which the line is to be prescribed is situated.

2. If a line which a highway authority (not being the local planning authority) propose to prescribe will affect a trunk road or a county road then, before the line is prescribed, the authority shall consult the local planning authority.



3. A line which a highway authority propose to prescribe shall be shown on a plan to be signed, if the authority are a council, by the clerk to the council.

9TH SCh.  
—cont.

4. The plan shall be deposited at the offices of the authority or, if the Minister is the authority, at such place as he may direct, and may be inspected by any person free of charge at all reasonable hours during a period of one month from the day on which it is so deposited.

5. As soon as the plan has been so deposited the authority shall give notice of the proposal to prescribe the line and of the times and place at which the plan may be inspected, and of the effect of section seventy-two of this Act or, as the case may require, section seventy-three thereof and of the next following paragraph to every owner, lessee and occupier of land affected.

6. The authority shall consider any objection to the proposed line made within six weeks from the date on which the notices aforesaid were given and may then prescribe the line.

7. Not later than six weeks after the date on which the authority prescribe the line they shall prepare a plan, duly sealed and authenticated, on which the line shall be shown and shall give notice of the prescribing of the line and of the times and place at which the said plan may be inspected to every owner, lessee and occupier of land affected.

8. If the authority revoke the line—

- (a) they shall give notice of the revocation to every owner, lessee or occupier of land affected and to the proper officer of the local authority within whose area the land to which the line relates is situated, being the officer authorised by rules made under section fifteen of the Land Charges Act, 1925 (which provides for the registration of local land charges), to act as local registrar for the purposes of that section ; and
- (b) they shall indicate on the plan prepared in accordance with the last foregoing paragraph the extent to which the line has been revoked.

9. Where a local highway authority prescribe a line or revoke a line or any part thereof they shall do so by resolution.

#### TENTH SCHEDULE

Sections 87, 91.

##### PROCEDURE FOR DETERMINATION BY HIGHWAY AUTHORITY OF CERTAIN QUESTIONS ARISING IN CONNECTION WITH PROVISION OF CATTLE-GRID OR BY-PASS

1. Before determining, under the provisions of section eighty-seven or section ninety-one of this Act, the question—

- (a) whether it is expedient to place any part of a cattle-grid in, or provide a by-pass on, any such land not forming part of a highway and not belonging to the highway authority

10TH SCH.  
—cont.

therefor as is mentioned in the proviso to subsection (3) of the said section eighty-seven, or

- (b) whether it is expedient to provide a by-pass along any part of a highway, or
- (c) whether the purpose for which a right to instal gates is exercisable will be adequately achieved by the provision of a cattle-grid,

a highway authority shall publish in two successive weeks in one or more local newspapers circulating in the area where the cattle-grid is to be, or has been, provided a notice stating generally the question for determination, naming a place within the said area where a copy may be inspected free of charge at all reasonable hours of such plans or other descriptive matter as appear to the highway authority to be requisite for enabling the nature of the question to be understood, and specifying the time (not being less than twenty-eight days from the date of the first publication of the notice) within which and the manner in which representations may be made to the highway authority, and shall display a like notice in a prominent position at the place where the cattle-grid is to be or has been provided.

2. If no representation is duly made under the foregoing paragraph, or if every representation so made is withdrawn, the highway authority may proceed to determine the question.

3.—(1) Where a representation is duly made as aforesaid and not withdrawn, the following provisions shall have effect.

(2) Where the highway authority is not the Minister, the authority shall forward the representation to the Minister, together with their observations thereon and their proposals, in the light of the representation, for determining the question.

(3) The Minister shall consider any representations received by him (and, where the highway authority is not the Minister, the authority's observations and proposals forwarded to him as aforesaid) and shall either cause a local inquiry to be held or afford to any person by whom a representation has been duly made and not withdrawn and, where the highway authority is not the Minister, to that authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(4) After the Minister has considered the report of the person who held the inquiry under the last foregoing sub-paragraph, or the person appointed under that sub-paragraph, as the case may be,—

- (a) the Minister may, where he is the highway authority, proceed to determine the question ;
- (b) where he is not the highway authority, the authority may determine the question in the affirmative if the Minister consents, but not otherwise, and subject to compliance with any conditions subject to which his consent is given.

(5) Notwithstanding anything in sub-paragraph (3) of this paragraph, except where a representation is made by a highway authority

other than the Minister, the Minister may, if satisfied that in the special circumstances of the case the holding of a local inquiry or the affording to the person making such representation as aforesaid of an opportunity to be heard by a person appointed by the Minister is unnecessary, proceed without compliance in this respect with the provisions of the said sub-paragraph (3).

10TH SCH.  
—cont.

(6) As soon as may be after the determination of the question, a notice of the determination shall be sent by the Minister to any person by whom a representation has been made under the foregoing provisions of this Schedule.

4. For the purpose of displaying a notice as required by paragraph 1 of this Schedule, a highway authority shall have power, on the highway or on adjoining land (whether or not belonging to the authority), to erect and maintain posts or boards or to affix a notice to any building or structure:

Provided that the powers conferred by this paragraph shall not be exercised, on land off the highway which is occupied, except with the consent of the occupier.

5. In relation to the exercise by a council of functions of the Minister as highway authority delegated to the council under section ninety-four of this Act, the foregoing provisions of this Schedule shall apply as if the council, and not the Minister, were the highway authority.

## ELEVENTH SCHEDULE

Section 99

### PROVISIONS AS TO ORDERS UNDER SECTION 99 OF THIS ACT

#### *Limitations on matters to be dealt with by orders*

1. The Minister shall not by an order under section ninety-nine of this Act (hereafter in this Schedule referred to as "an order") direct that a swing bridge crossing a canal is to be operated otherwise than by the owners of the canal unless he is satisfied, after considering any representations made to him by the owners of the canal, that the facilities for traffic on the canal will not be prejudiced thereby.

2. The Minister shall not by an order with respect to a swing bridge modify any statutory provisions relating to precedence of traffic.

3. The Minister shall not by an order with respect to a bridge crossing a railway or a canal modify any statutory provisions relating to the headway of the bridge or the width of the canal without the consent of the owners of the railway or canal.

4. An order made with respect to—

- (a) a bridge owned by railway undertakers which carries a highway over a railway of the undertakers, or carries both a highway and such a railway, or

11TH SCH.  
—cont.

- (b) a bridge owned by dock undertakers or harbour undertakers, or
- (c) a bridge, other than one falling within sub-paragraph (a) of this paragraph, owned by the British Transport Commission and forming part of so much of the undertaking of that Commission as corresponds to the undertaking of the Weaver Navigation Trustees prior to the vesting of that undertaking in the Commission under the Transport Act, 1947,

shall not, without the consent of the owners of the bridge, either—

- (i) require works for the reconstruction or improvement of the bridge to be carried out otherwise than by the owners, or
- (ii) direct the bridge to be maintained otherwise than by the owners, or
- (iii) transfer the property in the bridge to a highway authority, or
- (iv) in the case of a swing bridge, direct the bridge to be operated otherwise than by the owners.

5. Nothing in an order made with respect to—

- (a) a bridge owned by railway undertakers and crossing a railway of the undertakers, or
- (b) a bridge owned by canal undertakers and crossing a canal of the undertakers, or
- (c) a bridge owned by dock undertakers, or by harbour undertakers, and crossing a railway, lock, passage or other work of the undertakers,

shall, without the consent of the owners of the bridge, require the bridge to be altered or reconstructed in such a manner as to necessitate an alteration in the level, or reduction in the width, of that railway, canal, lock, passage or work, or to reduce the headway of the bridge as existing at the date of the order.

6. An order requiring the reconstruction of a bridge crossing a canal, or of the approaches to such a bridge, shall, unless the owners of the bridge agree to the contrary, direct the bridge, the highway carried by the bridge, and the approaches to the bridge to be maintained by a highway authority.

#### *Procedure for making orders*

7.—(1) An order to which this paragraph applies shall be prepared in draft and made by the Minister in accordance with this paragraph and the three next following paragraphs.

(2) The order shall describe by reference to a map the land on which the works to which the order relates are proposed to be executed or constructed.

(3) Subject as aforesaid, the form of the order shall be such as the Minister may determine.

(4) This paragraph applies to an order which requires or authorises the owners of a bridge or a highway authority to execute or construct any works.

11TH SCH.  
—cont.

8. Before making an order to which the last foregoing paragraph applies the Minister shall in two successive weeks publish in one or more local newspapers circulating in the area in which the proposed works are to be executed or constructed a notice—

- (a) stating the general effect of the proposed order,
- (b) naming a place in the said area where a copy of the draft order, the map referred to therein, and plans and sections of the proposed works, may be inspected free of charge at all reasonable hours, and
- (c) specifying the time (not being less than twenty-one days from the date of the first publication of the notice) within which and the manner in which objections to the draft order may be made,

and shall serve on all statutory undertakers appearing to him to be affected by the proposed works a notice stating the general effect of the order and that it is proposed to be made, and specifying the time (not being less than twenty-one days from the date of service of the notice) within which and the manner in which objections to the draft order may be made.

9.—(1) If no objection is duly made by any person who will be affected by the proposed works, or if all objections so made are withdrawn, the Minister, on being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order with or without modifications.

(2) If an objection duly made as aforesaid is not withdrawn, the Minister shall, before making the order, either cause a local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may make the order either with or without modifications.

(3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the local highway authority, or to the owners of a bridge, by whom the proposed works are to be executed or constructed, and to any other person to whom it appears to him expedient to afford it, an opportunity of being heard on the same occasion.

(4) Notwithstanding anything in the two last foregoing subparagraphs, the Minister may require any person who has made an objection to state in writing the grounds thereof.

10. As soon as may be after the order has been made the Minister shall publish in one or more local newspapers circulating in the area in which the proposed works are to be executed or constructed a notice describing the proposed works, stating that the order has been made and naming the place where a copy of the order and of the map referred to therein, and a copy of plans and sections of

11TH SCH.  
—cont.

the proposed works, may be inspected free of charge at all reasonable hours, and shall serve a like notice and a copy of the order on any statutory undertakers on whom a notice was required to be served under paragraph 8 of this Schedule.

11. Subject to the four last foregoing paragraphs, the Minister may make regulations for prescribing the procedure to be followed in connection with the making of orders.

*Power to postpone commencement of orders*

12. The Minister may postpone the date of the coming into operation of an order in a case where it appears to him that, owing to the number or nature of the orders and applications affecting the same highway authority or affecting bridges belonging to the same owners, the making of an order which would be immediately operative would work hardship to that authority or to those owners.

*Provisions as to public utility undertakers*

13.—(1) Before making an order for the reconstruction or improvement of a bridge, the Minister shall take into consideration the desirability of the provision of special facilities or accommodation for carrying across the bridge the mains, pipes, cables or wires of public utility undertakers :

Provided that, in a case where the provision of facilities or accommodation greater than those available in the bridge before reconstruction or improvement would increase the cost of the reconstruction or improvement, he shall have regard to the amount of any contribution towards the cost of the reconstruction or improvement which any public utility undertakers may be willing to make.

(2) In this paragraph, and in the next following paragraph, “public utility undertakers” includes persons authorised by any enactment to carry on an undertaking for the operation of a light railway, a tramway, or trolley vehicles (that is to say, mechanically propelled vehicles adapted for use upon highways without rails and moved by power transmitted thereto from some external source).

14.—(1) Where an order provides for the transfer to a highway authority—

- (a) of the property in a bridge, or in the highway carried by a bridge, or in the approaches to a bridge, or
- (b) of the responsibility for the maintenance of a bridge, or of any such highway or approaches, or
- (c) of rights or obligations attaching to a bridge, or to any such highway or approaches,

any statutory provisions in force in relation thereto for the protection or benefit of any public utility undertakers shall, except so far as may be otherwise expressly provided by the order for giving effect to an agreement made between the parties concerned, remain in force notwithstanding the transfer.

(2) In relation to property, responsibilities, rights or obligations transferred by an order which provides as aforesaid, any such statutory provisions shall apply to the highway authority, and to the exercise by them of any powers under the order, in like manner as they applied, before the transfer, to the owners of the bridge, highway or approaches, and to the exercise of powers by the owners thereof.

11TH SCH.  
—cont.

*Apportionment of expenses*

15. Where an order has been made with respect to a bridge other than a trunk road bridge—

- (a) requiring the reconstruction or improvement of the bridge, or of the highway carried by the bridge, or of the approaches to the bridge, or
- (b) relating to the maintenance of the bridge, or of any such highway or approaches, or
- (c) relating to the operation of the bridge, being a swing bridge,

the expense of such reconstruction, improvement, maintenance or operation shall be defrayed either by the owners of the bridge or by one or more of the highway authorities entitled to make application with respect thereto by virtue of section one hundred and one of this Act, or partly by the owners of the bridge and partly by one or more of those highway authorities, as, in default of agreement, may be determined by arbitration:

Provided that, unless otherwise agreed,—

- (i) where the bridge is a bridge crossing a railway of railway undertakers, or a canal of canal undertakers, or a railway, lock, passage or other work of dock undertakers or of harbour undertakers, any additional expense incurred by the owners of that railway, canal, lock, passage or work by reason of any alteration thereof due to the provisions of the order (not being provisions applied for by the undertakers for the improvement of their undertaking) shall be defrayed by one or more of the highway authorities;
- (ii) where the bridge is a swing bridge, any additional expense incurred by the owners in relation to the operation of the bridge due to the provisions of the order (not being provisions applied for by the owners for the improvement of their undertaking) shall be defrayed by one or more of the highway authorities; and
- (iii) except so far as any additional expense is due to works executed at the instance of the owners of the bridge for the improvement of their undertaking, the owners' share of the expense of the reconstruction, improvement, maintenance or operation shall be an amount equivalent to what would have been the amount of the owners' liability if no such order had been made.

11TH SCH.  
—cont.

16. Where the reconstruction or improvement of a bridge crossing—

- (a) a railway of railway undertakers, or
- (b) a canal of canal undertakers, or
- (c) a railway, lock, passage or other work of dock undertakers or of harbour undertakers,

effected in pursuance of an order made otherwise than upon the application of the owners of the bridge, has caused the width between the parapets of the bridge, or the width of the approaches thereto, to be increased, any additional expense thereafter incurred in consequence of the increase by the owners of that railway, canal, lock, passage or work in connection with the widening or alteration thereof under the bridge or the approaches thereto shall be defrayed by one or more of the highway authorities referred to in the last foregoing paragraph, and any question whether any such additional expense has been so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration.

17. In relation to an order providing, with respect to a trunk road bridge, for a matter referred to in any of sub-paragraphs (a), (b) and (c) of paragraph 15 of this Schedule, the provisions of the two last foregoing paragraphs shall have effect as if, for references to the highway authorities entitled to make application with respect to a bridge by virtue of section one hundred and one of this Act, there were substituted references to the Minister.

18. Where it is determined by agreement or an award that the whole or part of the expenses of reconstruction, improvement, maintenance or operation is to be borne by two or more highway authorities, the expenses or part thereof shall be apportioned between them in such manner as, in default of agreement, may be determined by arbitration.

19. Where it is determined by agreement or an award that the owners of a bridge are to contribute to the expenses of a highway authority, the contribution shall, at the option of the owners of the bridge, be paid—

- (a) as a lump sum, or
- (b) by annual payments of such amount, and continuing for such number of years, as may be agreed between the owners and the authority or, in default of agreement, as may be determined by arbitration, or
- (c) by perpetual annual payments of such amount as may be so agreed or determined.

#### *Arbitration*

20. Where a question is by any provision of this Schedule, or of an order, to be determined by arbitration, the arbitrator shall be a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.



## TWELFTH SCHEDULE

Section 108.

### PROVISIONS AS TO ORDERS UNDER SECTION 108 OF THIS ACT

#### PART I

##### NOTICES TO BE GIVEN BY APPLICANT FOR ORDER

1. At least twenty-eight days before the day on which an application for an order under section one hundred and eight of this Act is made in relation to a highway the applicant authority shall give notice of their intention to apply for the order, specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing what will be the effect thereof)—

- (a) to the local planning authority, unless that authority are the applicants ;
- (b) to the owners and occupiers of all lands adjoining the highway ;
- (c) to any statutory undertakers having apparatus under, in, upon, over, along or across the highway ;
- (d) if the highway is a classified road, to the Minister ;
- (e) if the highway is a classified road in, or partly in, a rural parish, to the council of the rural district which comprises the parish and to the parish council or, in the case of a parish not having a separate parish council, to the chairman of the parish meeting.

2. Not later than twenty-eight days before the day on which the application is made the applicant authority shall cause a copy of the said notice to be displayed in a prominent position at the ends of the highway.

3. Once at least in each of two successive weeks the applicant authority shall publish in the London Gazette and in a local newspaper circulating in the area in which the highway is situated a notice containing the particulars specified in paragraph 1 of this Schedule, except that there may be substituted for the plan a statement of a place in the said area where the plan may be inspected free of charge at all reasonable hours.

#### PART II

##### APPARATUS OF STATUTORY UNDERTAKERS

4. Where this Part of this Schedule applies in relation to a highway, the statutory undertakers whose apparatus is under, in, upon, over, along or across the highway shall, subject to the provisions of this Part of this Schedule, have the same powers and rights in respect of that apparatus as if the order authorising the highway to be stopped up or, as the case may be, diverted, had not been made.

5. Where a highway is stopped up or diverted in pursuance of an order under section one hundred and eight of this Act, the statutory undertakers whose apparatus is under, in, upon, over, along or across

12TH SCH.  
—cont.

the highway may, and, if reasonably requested so to do by the authority on whose application the order was made, shall—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as they may reasonably determine and have power to place it ; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as aforesaid.

Any works executed under this paragraph (including the provision of apparatus thereunder) are hereafter in this Part of this Schedule referred to as “undertakers’ works”.

6. Subject to the following provisions of this Part of this Schedule, the authority on whose application an order under the said section one hundred and eight stopping up or diverting a highway was made shall pay to any statutory undertakers an amount equal to the cost reasonably incurred by them in or in connection with—

- (a) the execution of undertakers’ works required in consequence of the stopping up or diversion of that highway, and
- (b) the doing of any other work or thing rendered necessary by the execution of undertakers’ works.

7. If in the course of the execution of undertakers’ works under paragraph 5 of this Schedule—

- (a) apparatus of better type, of greater dimensions or of greater capacity is placed in substitution for existing apparatus of worse type, of smaller dimensions or of smaller capacity, or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type, dimensions or capacity or the placing of apparatus at that depth, as the case may be, is not agreed by the authority concerned, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the undertakers’ works exceeding that which would have been involved if the apparatus placed had been of the existing type, dimensions or capacity, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the undertakers by virtue of the last foregoing paragraph shall be reduced by the amount of that excess.

8. For the purposes of the last foregoing paragraph—

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus ;
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

9. An amount which apart from this paragraph would be payable to undertakers in respect of works of theirs by virtue of paragraph 6 of this Schedule (and having regard, where relevant, to paragraph 7 of this Schedule) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than seven-and-a-half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

12TH SCH.  
—cont.

10. Any question arising under this Part of this Schedule shall, in default of agreement between the parties concerned, be determined by arbitration.

### THIRTEENTH SCHEDULE

Section 131,  
132, 181, 211,  
264.

#### DEDUCTIONS FROM RENTS

1. An occupier of premises by whom any sum in relation to which this Schedule applies is paid under this Act shall be entitled to deduct from the rent payable by him in respect of the premises—

- (a) if he holds the premises at a rent not less than the rack rent, an amount equal to three-quarters of the said sum, or
- (b) if he holds the premises at a rent less than the rack rent, such proportion of an amount equal to three-quarters of the said sum as the rent at which he holds the premises bears to the rack rent.

2. Where a deduction from rent payable to a landlord is made under this Schedule, and the landlord himself holds the premises under a lease for a term of which less than twenty years is unexpired, the landlord shall be entitled to deduct from any rent payable by him under the lease such proportion of the amount deducted from the rent payable to him as the rent so payable by him bears to the rent payable to him, and so on in succession with respect to every landlord holding the premises for a term of which less than twenty years remains unexpired and who is both receiving and liable to pay rent in respect thereof.

3. Nothing in the last foregoing paragraph shall be construed as entitling a person to deduct from the rent payable by him more than the whole amount deducted from the rent payable to him.

### FOURTEENTH SCHEDULE

Section 173.

#### APPLICATION OF CERTAIN PROVISIONS OF PART IX OF THIS ACT

##### PART I

##### Code of 1892

1. Where the code of 1892 does not apply in a borough or in an urban district, the council of the borough or district may, subject to the provisions of this Part of this Schedule, by resolution adopt that code at a meeting of which not less than one month's notice has been duly given to all the members of the council specifying the intention to propose the resolution.

Q

14TH SCH  
—cont.

2. The resolution shall come into operation at such time, not being less than one month from the date of the first publication of an advertisement under sub-paragraph (a) of the next following paragraph, as the council may by the resolution fix, and upon its coming into operation the code of 1892 shall apply in the area of the council.

3. When it has been passed, the resolution shall be published—

- (a) by advertisement in at least one local newspaper circulating in the area of the council, and
- (b) by notice thereof fixed to the principal doors of every church and chapel in the area of the council in the place to which notices are usually fixed, and
- (c) otherwise in such manner as the council think sufficient for giving notice thereof to all persons interested,

and a copy of the resolution shall be sent to the Minister of Housing and Local Government.

4. A copy of the advertisement of the resolution published under sub-paragraph (a) of the last foregoing paragraph shall be sufficient evidence of the passing of the resolution unless the contrary is shown, and, on the expiration of three months from the date of the first publication of that advertisement, an objection to the resolution on the ground—

- (a) that notice to propose it was not duly given, or
- (b) that the resolution was not sufficiently published,

shall be of no effect.

5. For the purposes of this Part of this Schedule a notice shall be deemed to have been duly given to a member of a council if—

- (a) it is given in the mode in which notices to attend meetings of the council are usually given, or
- (b) where there is no such mode, it is signed by the clerk of the council and delivered to the member or left at his usual or last known place of abode in England or Wales, or sent by post in a prepaid registered letter addressed to the member at his usual or last known place of abode in England or Wales.

## PART II

### *Advance Payments Code*

6. The Minister of Housing and Local Government, on the application of a county council and after consultation with the council of the rural district concerned, may by order apply the advance payments code in any rural district within the county or in any contributory place within any such rural district.

7. Upon the making of an order under the last foregoing paragraph the county council shall take such steps for notifying the public of its having been made as the Minister of Housing and Local Government may direct.

## FIFTEENTH SCHEDULE

Sections 174, 179.

## PARTICULARS TO BE STATED IN SPECIFICATIONS, NOTICES, ETC., UNDER THE CODE OF 1892

1. The specification shall describe generally the works and things to be done, and, in the case of structural works, shall specify so far as may be practicable the foundation, form, material and dimensions thereof.

2. The plans and sections shall show the constructional character of the works, the connections (if any) with existing streets, sewers or other works, and the lines and levels of the works, subject to such limits of deviation (if any) as may be indicated on the plans and sections respectively.

3. The estimate shall show the particulars of the probable cost of the whole works, including any additional charge in respect of surveys, superintendence and notices.

4. The provisional apportionment shall state the amounts charged on the respective premises and the names of the respective owners, or reputed owners, and shall also state whether the apportionment is made according to the frontage of the respective premises or not, and the measurements of the frontages, and the other considerations (if any) on which the apportionment is based.

5. The notice under section one hundred and seventy-four of this Act shall contain the following particulars, that is to say,—

- (a) a statement that the street works authority have resolved to execute street works in the private street in question ;
- (b) the address of the offices of the authority at which a copy of the resolution of approval, and the approved documents or copies thereof certified by the surveyor, may be inspected, and the times at which, and the period during which, they may be inspected ; and
- (c) a statement that an owner of premises liable to be charged with any part of the expenses of executing the street works may object to the proposal to execute the works, giving the period during which such objection may be made.

6. The notice under section one hundred and seventy-nine of this Act shall contain the following particulars, that is to say—

- (a) a statement that the street works authority propose to amend the estimate so as to increase the amount thereof, specifying the former amount and the amount to which it is to be increased ;
- (b) the address of the offices of the authority at which a document certified by the surveyor giving details of the proposed amendment and of the proposed consequential amendment of the provisional apportionment may be inspected, and the times at which, and the period during which, it may be inspected ; and
- (c) a statement that an owner of premises liable to be charged with any part of the expenses of executing the street works may object to the proposed amendments, giving the period during which such objection may be made.

## Section 228.

## SIXTEENTH SCHEDULE

## TRANSITIONAL MATTERS ARISING WHERE A HIGHWAY BECOMES A TRUNK ROAD OR A TRUNK ROAD CEASES TO BE A TRUNK ROAD

1. All orders and regulations made, all directions, consents and notices given, and all building lines and improvement lines prescribed, with respect to a highway which becomes a trunk road, either by the former highway authority for the purposes of their functions with respect to that highway or by a council under any enactment to which section two hundred and twenty-eight of this Act applies shall, if they were in force immediately before the highway became a trunk road, have effect with respect thereto as if made, given or prescribed by the Minister:

Provided that nothing in this paragraph shall be taken as transferring to the Minister any liability not transferred to him by or under the said section two hundred and twenty-eight.

2. Any order, byelaw, regulation or other instrument made by a council with respect to a highway which becomes a trunk road, which would, if it had been made after the highway became a trunk road, have required the consent or approval of the Minister, may be revoked or varied by an order made by the Minister in like manner and subject to the like conditions as the original instrument, so, however, that no appeal shall lie to a court of quarter sessions or to a magistrates' court against any order made by the Minister under this paragraph.

3. All contracts, deeds, bonds or agreements entered into or made by the former highway authority for a highway which becomes a trunk road, or by a council for the purposes of functions in relation to the highway under any enactment to which the said section two hundred and twenty-eight applies and subsisting on the day on which the highway became a trunk road, shall, in so far as they relate to the property and liabilities transferred to the Minister in respect of that highway, have effect with the substitution of the Minister for the authority or council and may be enforced by or against the Minister accordingly.

4. Where any such contract as aforesaid provides for the execution of works or the rendering of services by a person other than the authority or council in connection with the construction, maintenance or improvement of, or other dealing with, the highway, then—

- (a) if the works or services have been completed before the day on which the highway becomes a trunk road but the price or payment, or any part thereof, has not accrued due before that day, the Minister may recover from the authority or council the price or payment, or part thereof, as the case may be; and
- (b) if the works or services have not been completed before the said day, the value of any works executed, or services rendered, before that day, shall be ascertained, regard being had to the terms of the contract, and the Minister may recover from the authority or council the amount of the said value less any sum paid by the authority or council in pursuance of the contract, and if the authority or council have paid in pursuance of the contract a sum greater than the amount of the said value, the Minister shall repay the excess to the authority or council.

5. Where, before the day on which a highway becomes a trunk road, the former highway authority or any council having functions in relation to the highway under any enactment to which section two hundred and twenty-eight of this Act applies have been themselves executing works in connection with the construction, maintenance or improvement of, or other dealing with, the highway, but have not completed the works before that day, the Minister shall, if required to do so by the authority or council, purchase all unused materials necessarily acquired by the authority or council for the purpose of the works and hire from the authority or council all plant so acquired which is still necessary for the purpose of the works.

6. In calculating—

- (a) the amount of any sum to be recovered or paid by the Minister under paragraph 4 of this Schedule, or
- (b) the price of the materials to be purchased, or the hire of plant to be hired, by the Minister under paragraph 5 thereof,

account shall be taken of any grant paid or payable by the Minister to the authority or council for the purpose of the works or services.

7. If any dispute arises under the three last foregoing paragraphs as to the materials to be purchased, or the plant to be hired, by the Minister from any authority or council, or as to the sums to be paid by any authority or council to the Minister, or by the Minister to any authority or council, it shall be determined by arbitration.

8. All proceedings, legal or other, begun before the day on which a highway becomes a trunk road and relating to any property or liabilities transferred to the Minister in respect of that highway, may be carried on with the substitution of the Minister as party to the proceedings, in lieu of the authority or council from whom the property or liabilities was or were transferred, and any such proceedings may be amended in such manner as may be necessary for that purpose.

9. The provisions of this Schedule, except paragraph 2 thereof, shall apply in a case where a trunk road ceases to be a trunk road in like manner as they apply where a highway becomes a trunk road, with the substitution, for the references to the former highway authority and to a council, of references to the Minister, and, for references to the Minister, of references to the council who become the highway authority for the road or, so far as relates to functions under any enactment to which section two hundred and twenty-eight of this Act applies and to property and liabilities vested in or incurred by the Minister for the purposes of those functions, to the council who are to exercise those functions in relation to the road.

Sections 244,  
253, 256, 261,  
271, 289, 307,  
308.

### SEVENTEENTH SCHEDULE

PROVISIONS OF THIS ACT TO WHICH SECTIONS 244, 253, 256, 261,  
271, 289, 307 and 308 THEREOF APPLY

1. *Provisions contained in Part I.*  
Subsection (5) of section 6.
2. *Provisions contained in Part IV.*  
Subsection (6) of section 38 and section 40.
3. *Provisions contained in Part V.*  
Subsections (2) to (6) of section 67, sections 72, 74, 75 and 78, and  
subsections (3) and (4) of section 82.
4. *Provisions contained in Part VII.*  
Sections 118, 130 to 132, 134, 142, 144 to 149, 151 to 154 and 156.
5. *Provisions contained in Part VIII.*  
Sections 157 to 167, 170 and 171.
6. *Provisions contained in Part IX.*  
The code of 1892, the code of 1875, and sections 200, 202, 204, 205,  
207, 210, 211 and 212.
7. *Provisions contained in Part X.*  
Subsection (8) of section 214 and section 217.
8. *Provisions contained in Part XII.*  
Sections 252, 257, 259, 262, 263 and 264.

Section 264.

### EIGHTEENTH SCHEDULE

PROVISIONS OF THIS ACT UNDER WHICH OWNERS OF PREMISES ARE  
LIABLE FOR CERTAIN EXPENSES RECOVERABLE IN ACCORDANCE WITH  
SECTION 264 THEREOF

1. *Provisions contained in Part VII.*  
Sections 131, 132, 144, 145 and 154 and subsection (3) of section 155.
2. *Provisions contained in Part IX.*  
Sections 190 and 204.



## NINETEENTH SCHEDULE

Section 290.

PROVISIONS OF THIS ACT NOT APPLICABLE IN CERTAIN AREAS EXCEPT AS PROVIDED BY SECTION 290 THEREOF.

| Provision of Act                       | Area                               | Corresponding Enactment                                                                                                             |
|----------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Section 74 ...                         | Rural district ... ..              | Section 155 of the Public Health Act, 1875.                                                                                         |
| Section 75 ...                         | Rural district ... ..              | Section 3 of the Public Health (Buildings in Streets) Act, 1888.                                                                    |
| Section 118...                         | Borough or urban district          | Section 20 of the Public Health Acts Amendment Act, 1907.                                                                           |
| Subsection (7) of section 131.         | Rural district ... ..              | Section 24 of the Public Health Act, 1925.                                                                                          |
| Section 132...                         | Rural district ... ..              | So much of section 160 of the Public Health Act, 1875, as relates to sections 71 and 72 of the Towns Improvement Clauses Act, 1847. |
| Subsection (1) of section 146.         | Borough or urban district          | Section 29 of the Public Health Acts Amendment Act, 1907.                                                                           |
| Section 148...                         | County borough or county district. | Section 32 of the Public Health Acts Amendment Act, 1907.                                                                           |
| Subsections (1) to (3) of section 154. | Rural district ... ..              | So much of section 160 of the Public Health Act, 1875, as relates to section 73 of the Towns Improvement Clauses Act, 1847.         |
| Section 164...                         | County borough or county district. | Section 17 of the Public Health Acts Amendment Act, 1907.                                                                           |
| Subsection (3) of section 170.         | County borough or county district. | Section 17 of the Public Health Acts Amendment Act, 1907.                                                                           |
| Section 204...                         | Borough or urban district.         | Section 19 of the Public Health Acts Amendment Act, 1907.                                                                           |
| Section 252...                         | County borough or county district. | Section 22 of the Public Health Acts Amendment Act, 1907.                                                                           |
| Subsection (1) of section 257.         | County borough or county district. | Section 28 of the Public Health Acts Amendment Act, 1907.                                                                           |

## Section 291.

## TWENTIETH SCHEDULE

## MODIFICATIONS OF THIS ACT AS RESPECTS LONDON

| <i>Provision<br/>modified</i> | <i>Modification</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section two                   | <p>For section two there shall be substituted the following section:—</p> <p>“ 2. Where an order made under section seven of this Act directs that a trunk road in London shall cease to be a trunk road, then, as from the date specified in that behalf in the order, the council of the metropolitan borough in which the road is situated shall become the highway authority for the road:</p> <p>Provided that—</p> <p>(a) where the road includes a bridge or tunnel which, immediately before the road became a trunk road, was vested in the London County Council, that council shall become the highway authority for the bridge or tunnel and so much of the road as passes over or through it, but without prejudice to any liability of the council of a metropolitan borough to maintain the carriageways and footways over any such bridge, and</p> <p>(b) if the Minister, after consultation with the London County Council and the council of the metropolitan borough in which the road is situated, considers that any other bridge or tunnel forming part of the road ought to be vested in the London County Council, the order may direct that that council shall become the highway authority for that bridge or tunnel and so much of the road as passes over or through it.”</p> |
| Section seven                 | <p>In subsection (3) the words “ under this Act ” shall be omitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Section eighteen.             | <p>After subsection (2) there shall be inserted the following subsection:—</p> <p>“ (2A) Any expenses incurred under the foregoing provisions of this section by a local highway authority shall be deemed for the purposes of the Development and Road Improvement Funds Act, 1909, to be incurred in the construction of the special road ”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

*Provision  
modified**Modification*20TH SCH.  
—cont.Section  
forty-four.

Subsection (1) shall be omitted.

In subsection (2), for the words “ the foregoing provisions of this section ” there shall be substituted the words “ section three of the Trunk Roads Act, 1936 ”.

Section two  
hundred and  
fourteen.

For subsections (1) to (3) there shall be substituted the following subsections:—

“ (1) The Minister may acquire by agreement, or, subject to subsection (3) of this section, compulsorily, land required for the construction or improvement of a trunk road (not being a special road) in London.

(2) A special road authority may acquire by agreement, or, subject to the next following subsection, compulsorily, land required—

(a) for the construction, in pursuance of a scheme under section eleven of this Act, of a special road in London for which they are the special road authority, or

(b) for the improvement of a special road in London for which they are such an authority.

(3) The Minister shall not be enabled by virtue of subsection (1) of this section, and a special road authority shall not be enabled by virtue of the last foregoing subsection, to acquire otherwise than by agreement land lying more than two hundred and twenty yards from the middle of the trunk road or of the special road, as the case may be, and the Minister shall not, in exercise of the power conferred by the said subsection (1), acquire otherwise than by agreement land required for the construction of a trunk road unless plans for the construction of the road have been made by the Minister ”.

For subsections (5) to (7) there shall be substituted the following subsections:—

“ (5) The Minister may acquire by agreement, or subject to subsection (9) of this section compulsorily, land within two hundred and twenty yards from the middle of a trunk road in London, and a special road authority may acquire by agreement, or, subject to the said subsection (9), compulsorily, land within two hundred and twenty

Q\*

20TH SCH.  
—cont.

*Provision  
modified*

*Modification*

Section two  
hundred and  
fourteen—cont.

yards from the middle of a special road in London for which they are the special road authority, being land which, in the opinion of the Minister or of the special road authority, as the case may be, is necessary for preventing the erection of buildings detrimental to the view from the road.

(6) The Minister may acquire, but only by agreement, any other land in the neighbourhood of a trunk road in London, and a special road authority may acquire, but only by agreement, any other land in the neighbourhood of a special road in London for which they are the special road authority, being land which the Minister or the special road authority, as the case may be, considers or consider it desirable to acquire for preventing the erection of buildings detrimental to the view from the road or otherwise preserving the amenities of the locality in which it is, or is to be, situated.

(7) The power to acquire land in relation to a trunk road under the two last foregoing subsections may be exercised by the London County Council as well as by the Minister ”.

Subsection (8) shall be omitted.

In subsection (9), for the words “ subsections (5), (7) and (8) ” there shall be substituted the words “ subsections (5) and (7) ”.

Section two  
hundred and  
twenty-three.

In subsection (1), in paragraph (a), after the word “ construction ” there shall be inserted the words “ as part of a trunk road in London or a special road therein ”, and at the end of paragraph (c) there shall be added the words “ in connection with a trunk road in London or a special road therein ”.

In subsection (2), for the words from “ (a) if the ” to the end there shall be substituted the words “ if the acquisition is for a purpose specified in that subsection in connection with a trunk road in London, by the London County Council as well as by the Minister ”.

Section two  
hundred and  
twenty-five.

In subsection (3), for the reference to section one hundred and sixty-four of the Local Government Act, 1933, there shall be substituted a reference to section one hundred and seven of the London Government Act, 1939.

Section two  
hundred and  
thirty-one.

In subsection (1), for the words “ section two hundred and twenty-eight of this Act ” there shall be substituted the words “ section seven of the Trunk Roads Act, 1936, or any of the transitional provisions contained in the Fifth Schedule to that Act ”.

| <i>Provision Modified</i>             | <i>Modification</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <i>20TH SCH.<br/>—cont.</i> |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Section two hundred and seventy-nine. | For the references to section two hundred and ninety of the Local Government Act, 1933, there shall be substituted references to section one hundred and eighty-nine of the London Government Act, 1939.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |
| Section two hundred and ninety-five.  | <p>For the definitions of “ council ” and “ highway maintainable at the public expense ” there shall, except for the purposes of section forty-two of this Act, be substituted the following:—</p> <p style="padding-left: 40px;">“ ‘ council ’ means the London County Council, the Common Council of the City of London or the council of a metropolitan borough;</p> <p style="padding-left: 40px;">‘ highway maintainable at the public expense ’ means a highway repairable by the inhabitants at large or by a highway authority.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |
| First Schedule.                       | <p>Paragraphs 3 and 5 and head (i) of the Table set out at the end of the said paragraph 3 shall have effect, in relation to a highway or proposed highway to which an order proposed to be made under section seven, section nine or section twenty of this Act relates, and some part of which is situated in London, as if the reference in the said head to the council of a county and to the council of a county borough included a reference to the London County Council and to the council of a metropolitan borough respectively.</p> <p>Paragraphs 3 and 5 and head (iii) of the said Table shall have effect, in relation to any works authorised by an order proposed to be made under section thirteen of this Act which are to be carried out in the City of London or a metropolitan borough, as if the reference in the said head to the council of a county, county borough and county district included a reference to the London County Council and to the Common Council of the City of London or the council of the metropolitan borough, as the case may be.</p> <p>Paragraph 8 shall have effect, in relation to any part of the route of a special road which is situated in the City of London or a metropolitan borough, as if the reference therein to the council of a county, county borough and county district included a reference to the London County Council and to the Common Council of the City of London or the council of the metropolitan borough, as the case may be.</p> |                             |

Section 292.

## TWENTY-FIRST SCHEDULE

## MODIFICATIONS OF THIS ACT AS RESPECTS ISLE OF WIGHT

| <i>Provision<br/>modified</i>         | <i>Modification</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section five.                         | At the end of the section there shall be added the words "and the county council shall have, with reference to the highway, in addition to the powers of a highway authority, such other powers as may be specified in the agreement, being powers exercisable by the council of the borough or district, as the case may be, with reference to highways in their area."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Section twenty-one.                   | In subsection (1), for the reference to the Local Government Act, 1929, there shall be substituted a reference to the Local Government Act, 1888.<br>In subsection (4), paragraph (b) shall be omitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Section twenty-two.                   | Subsections (2) and (4) shall be omitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Sections twenty-four and twenty-five. | For sections twenty-four and twenty-five there shall be substituted the following section:—<br>" 24.—(1) The council of a county district in the Isle of Wight may, by agreement with the council of the county of the Isle of Wight (hereafter in this section referred to as "the county council"), or shall, if the county council so require, undertake the maintenance and improvement of any main road in the county district other than a claimed main road, and, for the purposes of an undertaking in pursuance of this section, the council of the county district shall have the same functions in relation to the road as if they were the highway authority for the road.<br>(2) It shall be a condition of any such undertaking that the county council shall make such annual payments towards the cost of the maintenance and improvement of the road as may be agreed or, in default of agreement, as may be determined by the Minister:<br>Provided that the county council shall not make a payment under this subsection as respects a road unless they are satisfied by a report of their surveyor or of such other person as they may appoint for the purpose that the road has been properly maintained or, in the case of a payment towards the cost of an improvement, that the improvement has been properly carried out.<br>(3) If at any time the county council are satisfied, on the report of their surveyor or some other person appointed by them for the purpose, that a main road the maintenance of which has in |

*Provision  
modified**Modification*21ST SCH  
—cont.**Sections  
twenty-four  
and twenty-  
five—cont.**

pursuance of this section been undertaken by the council of a county district is not in proper repair and condition, the county council may, by notice to the district council, require them to place the road in proper repair and condition and, if the notice is not complied with within a reasonable time, the county council may do anything that seems to them necessary to place it in proper repair and condition and may recover the expenses of so doing from the district council.

(4) Any question arising under this section between the county council and the council of a county district as to the refusal of the county council to make a payment thereunder, or whether a road is in proper repair or condition, or as to any notice under the last foregoing subsection shall, if either council so require, be determined by the Minister.”

**Section  
forty-five.**

Subsection (2) shall have effect with the omission of the requirement that the borough or urban district must have a population exceeding twenty thousand, with the substitution, for the reference to the period specified in the Eighth Schedule, of a reference to the period of twelve months from the date on which the highway becomes a main road, with the substitution, for the reference to section thirty-two of the Local Government Act, 1929, of a reference to subsection (2) of section eleven of the Local Government Act, 1888, and with the addition at the end of the subsection of the following words:—

“ Provided that where a highway in a non-county borough or an urban district becomes a main road by virtue only of paragraph (f) of subsection (2) of section twenty-one of this Act, this section shall have effect in relation to that highway as if the council of the borough or district in which the highway is had made a claim under this section in respect of the highway on the date on which it became a main road ”.

For subsection (3) there shall be substituted the following subsection:—

“ (3) Where a claim is made under this section, the date as from which the council making the claim shall be entitled to maintain the main road in respect of which the claim is made shall be the date of the claim ”.

21ST SCH.  
—cont.

Provision  
modified

Modification

- Section forty-five  
—cont.
- After the first paragraph of subsection (4) there shall be inserted the following paragraph:—
- “ A relinquishment under this subsection shall be effected by resolution of the council of the borough or of the district, as the case may be, confirmed by a further resolution of the same council passed within three months from the passing of the first resolution ”.
- In subsection (5), paragraph (b) shall be omitted.
- Section one hundred and sixteen.
- After subsection (9) there shall be inserted the following subsection:—
- “(10) The functions of the council of a county district under this section shall, in the case of the area of the Isle of Wight constituting a rural district, be exercised by the council of the county of the Isle of Wight and not by the council of the rural district.”
- Section two hundred and thirty-four.
- The section shall be omitted.
- Section two hundred and thirty-seven.
- In subsection (1), the words in paragraph (a) “ by quarterly instalments ” and paragraph (b) shall be omitted.
- In subsection (3), for the reference to the fifteenth day of December there shall be substituted a reference to the fifteenth day of January.
- Subsection (6) shall be omitted.
- Section two hundred and forty-six.
- Subsection (4) shall be omitted.
- Section two hundred and ninety.
- The following paragraph shall be added at the end of subsection (4):—
- “ An order made on an application by the council of the county of the Isle of Wight under paragraph (b) of this subsection may, if that council by the application so require, declare that the functions exercisable by virtue of the provision to which the application relates shall be exercisable by that council instead of by the council of the rural district.”
- Nineteenth Schedule.
- The references to the following provisions of this Act, that is to say, sections seventy-four, seventy-five and one hundred and thirty-two and subsections (1) to (3) of section one hundred and fifty-four, shall be omitted.



## TWENTY-SECOND SCHEDULE

Section 309.

## CONSEQUENTIAL AMENDMENTS

*The Inclosure Act, 1845*

(8 &amp; 9 Vict. c. 118)

In section seventy-two, the words from “and shall apply” to the end shall be omitted.

*The Tramways Act, 1870*

(33 &amp; 34 Vict. c. 78)

In section four, the words from “or of the road authority” to “Highway Acts” shall be omitted.

*The Annual Turnpike Acts Continuance Act, 1872*

(35 &amp; 36 Vict. c. 85)

In section thirteen, for the words from “if the road” to “such highway board” there shall be substituted the words “the highway authority for the road”, and the words from “and in other cases” to the end shall be omitted.

*The Evidence Act, 1877*

(40 &amp; 41 Vict. c. 14)

In section one the words “the non-repair of any public highway or bridge or for” shall be omitted.

*The Highways and Locomotives (Amendment) Act, 1878*

(41 &amp; 42 Vict. c. 77)

In section twenty-six, for the words from the beginning to “their county” there shall be substituted the words “The council of a county or county borough may make with respect to all or any of the highways in their county or borough”.

*The Annual Turnpike Acts Continuance Act, 1882*

(45 &amp; 46 Vict. c. 52)

In section eight, for the words from “so far as relates” to “such authority” there shall be substituted the words “by the highway authority for the road”; and the definition of “highway authority” shall be omitted.

*The Railway and Canal Traffic Act, 1888*

(51 &amp; 52 Vict. c. 25)

1. In section sixteen, in subsection (1), for the words from “highway board” to “parish” there shall be substituted the words “any local highway authority”, and subsection (3) shall be omitted.

2. In section fifty-four, in subsection (3), the words “if other than a surveyor of highways” shall be omitted.

*The Military Lands Act, 1892*

(55 &amp; 56 Vict. c. 43)

1. For section thirteen there shall be substituted the following section:—

“13.—In relation to a footpath crossing or near to any land leased under this Act, the Highways Act, 1959, shall have effect as if in section one hundred and eight thereof (which provides for the stopping up and diversion of highways) there

22ND SCH.  
—cont.

were added to the grounds for stopping up or diverting a highway specified in subsection (1) the ground that the highway crosses or runs inconveniently or dangerously near to any such land:

Provided that—

- (a) a magistrates' court shall not make an order under the said section one hundred and eight authorising the stopping up or diversion of the footpath unless it is satisfied that a new footpath convenient to the public will be substituted therefor, or that the footpath as diverted will be convenient to the public, as the case may be, and
- (b) if the order is made, an appeal shall not lie therefrom to a court of quarter sessions under section two hundred and seventy-five of the said Act of 1959 on the ground that the new footpath, or the footpath as diverted, as the case may be, is not convenient to the public.

In this section 'footpath' has the same meaning as in the said Act of 1959."

2. In section sixteen, in subsection (2), after the word "footpath", where it first occurs, there shall be inserted the words "within the meaning of the Highways Act, 1959".

*The Settled Land Act, 1925*

(15 & 16 Geo. 5, c. 18)

In section fifty-six, in subsection (3), for the words "section eighty-two of the Highway Act, 1835" and for the words "section eighty-five of that Act" there shall be substituted the words "the Highways Act, 1959".

*The Universities and College Estates Act, 1925*

(15 & 16 Geo. 5, c. 24)

In section sixteen, in subsection (3), for the words "section eighty-two of the Highway Act, 1835" and for the words "section eighty-five of that Act" there shall be substituted the words "the Highways Act, 1959".

*The Supreme Court of Judicature (Consolidation) Act, 1925*

(15 & 16 Geo. 5, c. 49)

In section twenty-nine, the words "non-repair or" shall be omitted.

*The Town and Country Planning Act, 1947*

(10 & 11 Geo. 6, c. 51)

In section one hundred and nineteen, in subsection (1), in the definition of "improvement", for the words from "the expression" to "1909" there shall be substituted the words "in the Highways Act, 1959".

*The Highways (Provision of Cattle-grids) Act, 1950*  
(14 Geo. 6, c. 24)

22ND SCH.  
—cont.

For section six there shall be substituted the following section:—

“6. As respects traffic signs relating to a cattle-grid provided under this Act or the Highways Act, 1959, for a highway not being for the purposes of the said Act of 1959 a highway maintainable at the public expense, or to a by-pass so provided for use in connection with such a cattle-grid, ‘highway authority’ in section forty-eight of the Road Traffic Act, 1930 (which provides for the placing and control of traffic signs) shall include the council of the county comprising the rural district, the council of the borough, or the council of the urban district, as the case may be, in which the highway is situated.”

*The Public Utilities Street Works Act, 1950*  
(14 Geo. 6, c. 39)

In section thirty-nine, in subsection (1), for the words in the definition of “road purposes” from “of roads” to “thereto” there shall be substituted the words “in subsection (1) of section two hundred and ninety-five of the Highways Act, 1959”, and after the word “footway”, where it first occurs in the said definition, there shall be inserted the words “or grass verge”.

*The Livestock Rearing Act, 1951*  
(14 & 15 Geo. 6, c. 18)

In section four—

- (a) in subsection (1), in paragraph (a), for the words from “the appropriate” to “1950” there shall be substituted the words “a highway authority under the Highways Act, 1959” and, in paragraph (b), for the words “section ten of the said Act of 1950” there shall be substituted the words “section ninety-three of the said Act of 1959”;
- (b) for the words “the appropriate authority” in every place, except the first, where they occur, there shall be substituted the words “the highway authority”; and
- (c) in subsection (3) paragraph (a) shall be omitted.

*The Costs in Criminal Cases Act, 1952*  
(15 & 16 Geo. 6 & 1 Eliz. 2, c. 48)

In section sixteen, in subsection (3), the words “non-repair or” shall be omitted.

*The Agriculture Act, 1957*  
(5 & 6 Eliz. 2, c. 57)

In section fifteen—

- (a) in subsection (1), for the words from “in pursuance” to the end of the subsection there shall be substituted the words “by a highway authority under the Highways Act, 1959”;
- (b) in subsection (2), for the words “section ten” there shall be substituted the words “section ninety-three”;
- (c) in subsection (3), for the words “the appropriate authority” there shall be substituted the words “the highway authority”.

## Section 311.

## TWENTY-THIRD SCHEDULE

## ENACTMENTS CEASING TO HAVE EFFECT

| Session and Chapter   | Short Title                   | Extent of Repeal                                                                                                                                                                                                            |
|-----------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22 Hen. 8. c. 5.      | The Bridges Act, 1530         | Section three.                                                                                                                                                                                                              |
| 1 Anne c. 12.         | The Bridges Act, 1702         | Section two.                                                                                                                                                                                                                |
| 12 Geo. 2. c. 29.     | The County Rates Act, 1738.   | The whole Act.                                                                                                                                                                                                              |
| 43 Geo. 3. c. 59.     | The Bridges Act, 1803         | In section one, the words from "and to remove" to "roads" in the second place where that word occurs, the words "as well" and the words from "as the preventing" to "roads" in the third place where that word occurs.      |
| 52 Geo. 3. c. 110.    | The Bridges Act, 1812         | Sections four and six.                                                                                                                                                                                                      |
| 54 Geo. 3. c. 90.     | The Bridges Act, 1814         | Sections one, two and five.                                                                                                                                                                                                 |
| 55 Geo. 3. c. 143.    | The Bridges Act, 1815         | Section two.                                                                                                                                                                                                                |
| 3 Geo. 4. c. 126.     | The Turnpike Roads Act, 1822. | Section five.                                                                                                                                                                                                               |
| 5 & 6 Will. 4. c. 50. | The Highway Act, 1835         | Sections ninety-seven to one hundred and three, one hundred and eighteen and one hundred and twenty-four.                                                                                                                   |
|                       |                               | Section nineteen.                                                                                                                                                                                                           |
|                       |                               | In section twenty-four, the words from "and also" to "carriages" and the words "or blocks".                                                                                                                                 |
|                       |                               | Sections thirty-five, forty-nine and fifty-eight to sixty-one.                                                                                                                                                              |
|                       |                               | Section sixty-five so far as it relates to a hedge or tree which causes an obstruction in a carriageway or cartway.                                                                                                         |
|                       |                               | Section sixty-six so far as it relates to the felling of trees.                                                                                                                                                             |
|                       |                               | Section seventy.                                                                                                                                                                                                            |
|                       |                               | In section seventy-two, the words from "or bait" to "near any highway".                                                                                                                                                     |
|                       |                               | In section seventy-eight, the words from "and every such driver" to the end.                                                                                                                                                |
|                       |                               | Section seventy-nine except so far as it authorises the arrest by a constable of a person committing an offence against section seventy-two of the Act consisting of wilfully obstructing the free passage along a highway. |
|                       |                               | Sections eighty and eighty-two.                                                                                                                                                                                             |

| Session and Chapter      | Short Title                                         | Extent of Repeal                                                                                                                                                                           |
|--------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 & 24 Vict.<br>c. 68.  | The South Wales Highways Act, 1860.                 | Sections one, two, four to thirteen, nineteen to twenty-six, thirty-one, thirty-two and forty-one.                                                                                         |
| 25 & 26 Vict.<br>c. 61.  | The Highway Act, 1862                               | Sections five to eleven, sixteen, thirty-two, thirty-three, thirty-seven, thirty-nine to forty-one and forty-three to forty-five.                                                          |
| 27 & 28 Vict.<br>c. 101. | The Highway Act, 1864                               | The Schedule.<br>Sections four to nineteen, thirty-one, thirty-three to thirty-five and thirty-seven to forty-four.<br>In section forty-six, the words from " and no justice " to the end. |
| 28 & 29 Vict.<br>c. 107. | The Annual Turnpike Acts Continuance Act, 1865.     | Section fifty-two.<br>Section two.                                                                                                                                                         |
| 33 & 34 Vict.<br>c. 73.  | The Annual Turnpike Acts Continuance Act, 1870.     | Section eleven.                                                                                                                                                                            |
| 41 & 42 Vict.<br>c. 34.  | The South Wales Highway Act Amendment Act, 1878.    | Section nine.                                                                                                                                                                              |
| 41 & 42 Vict.<br>c. 77.  | The Highways and Locomotives (Amendment) Act, 1878. | Sections three to five, eleven and nineteen.<br>In section twenty-six, in paragraph (4), the words " prohibiting or regulating the erection of gates across highways and ".                |
| 45 & 46 Vict.<br>c. 67.  | The South Wales Turnpike Roads Amendment Act, 1882. | Section three.                                                                                                                                                                             |
| 51 & 52 Vict.<br>c. 41.  | The Local Government Act, 1888.                     | In section eleven, subsection (13).                                                                                                                                                        |
| 56 & 57 Vict.<br>c. 73.  | The Local Government Act, 1894.                     | In section sixteen, in subsection (1) the words from " or that " to " manner ".                                                                                                            |

23RD SCH.  
—cont.

Section 312.

## TWENTY-FOURTH SCHEDULE

## TRANSITIONAL PROVISIONS

## PART I

## PROVISIONS RELATING TO PART I OF ACT

*Highway authorities*

1. Subsection (2) of section three (which contains provisions corresponding to paragraph (b) of the proviso to subsection (1) of section nine of the Development and Road Improvement Funds Act, 1909) shall have effect in relation to an agreement made under the said paragraph (b) and in force at the commencement of this Act as if for the words "on such date as may be provided by the agreement" there were substituted the words "at the commencement of this Act".

2.—(1) Section four shall apply to a county road which the council of a non-county borough or urban district are for the time being entitled to maintain by virtue of paragraph 9 of this Schedule as it applies to a county road which such a council are for the time being entitled to maintain by virtue of section forty-five.

(2) Any reference in this Act to section four shall be construed as including a reference to that section as applied by the foregoing subparagraph.

3. If at the commencement of this Act there is in force an agreement made under section one hundred and forty-eight of the Public Health Act, 1875, between the council of a county and the council of a non-county borough or urban district with respect to a highway to which, but for this paragraph, subsection (1) of section six would apply, the said subsection (1) shall not apply to that highway.

## PART II

## PROVISIONS RELATING TO PART II OF ACT

*Trunk roads*

4. Subsection (1) of section eight shall apply to a highway which at the commencement of this Act is a trunk road as it applies to a highway which becomes a trunk road after the said commencement.

*County roads*

5. Where the responsibility for the maintenance of, or the property in, a highway was transferred to a county council in pursuance of an agreement, or by virtue of an order, made under the Bridges Act, 1929, and immediately before the commencement of this Act that highway was maintainable by that council, then, without prejudice to the provisions of subsection (1) of section twenty-one, that highway (except any county bridge comprised therein) shall become a county road at the commencement of this Act.

## PART III

## PROVISIONS RELATING TO PART III OF ACT

24TH SCH.  
—cont.*Maintenance of road-ferries*

6. Subsection (3) of section twenty-six shall, in so far as it confers power on the Minister or a local highway authority to maintain road-ferries, have effect in relation to road-ferries in existence at the commencement of this Act and provided by the Minister or that authority, as the case may be, under Part II of the Development and Road Improvement Funds Act, 1909.

*Certain ways excluded from operation of section 34*

7. Where in respect of any way a court of competent jurisdiction has, in any proceedings pending on the sixteenth day of December, nineteen hundred and forty-nine, or has before that date, decided that the way is not a highway, subsections (1) and (2) of section one of the Rights of Way Act, 1932, as amended by section fifty-eight of the National Parks and Access to the Countryside Act, 1949, together with the other provisions of the said Act of 1932 applicable for the purposes of the said subsections (1) and (2), shall apply to the way as if this Act had not passed, and subsection (1) of section thirty-four shall not apply thereto.

## PART IV

## PROVISIONS RELATING TO PART IV OF ACT

*Maintenance of highways*

8. Section thirty-nine (which contains provisions corresponding to section twenty-three of the Highway Act, 1835) shall not apply to a highway dedicated by any person before the commencement of this Act in pursuance of a notice given by him under the said section twenty-three, but, notwithstanding the repeal by this Act of the said section twenty-three, proceedings with respect to that highway may be brought or continued under that section and that section shall continue to have effect in relation to that highway:

Provided that if the highway would, had this Act not passed, become maintainable under the said section twenty-three by the parish in which it is situated it shall become for the purposes of this Act a highway maintainable at the public expense.

9.—(1) Where, immediately before the commencement of this Act, the council of a non-county borough or urban district were, by virtue of the provisions of section thirty-two of the Local Government Act, 1929, maintaining a county road within their area, or having duly made a claim under those provisions were, by virtue thereof, entitled to undertake as from some future date the maintenance of such a county road, that council shall, subject to sub-paragraph (3) of this paragraph, continue to be entitled to maintain, or as the case may be shall as from the said future date be entitled to maintain, that road.

(2) Subsection (4) of section forty-five shall apply to a county road which the council of a non-county borough or urban district are for the time being entitled to maintain by virtue of sub-paragraph (1) of this paragraph as it applies to a county road which such a council are for the time being entitled to maintain by virtue of section forty-five.

24TH SCH.  
—cont.

(3) Paragraph 6 of the Eighth Schedule to this Act shall apply to a county road towards the construction or improvement of which by a county council advances have been made under the Development and Road Improvement Funds Act, 1909, as it applies to a county road towards the construction or improvement of which by a county council advances have been made under this Act.

(4) Sub-paragraph (1) of this paragraph shall have effect in the Isle of Wight with the substitution, for the reference to section thirty-two of the Local Government Act, 1929, of a reference to section nine of the Isle of Wight Highways Act, 1925, and section eleven of the Local Government Act, 1888.

## PART V

### PROVISIONS RELATING TO PART V OF ACT

#### *Improvement of highways*

10. Anything done before the first day of October, nineteen hundred and fifty-six, being the date of the coming into operation of section forty-five of the Road Traffic Act, 1956, otherwise than in pursuance of powers conferred by section thirty-nine of the Public Health Acts Amendment Act, 1890, or section fifty-five of the Road Traffic Act, 1930, which could lawfully have been done under the provisions of section sixty-five or section sixty-eight if those provisions had then been in force shall be treated as if those provisions had been in force when it was done.

11. Subsections (2) and (3) of section seventy-five shall apply in relation to any such thing as is referred to in subsection (1) of that section done before the commencement of this Act as they apply in relation to any such thing done thereafter:

Provided that section seventy-five shall not apply in relation to anything done in a rural district before the commencement of this Act unless, at the time when the thing in question was done, section three of the Public Health (Buildings in Streets) Act, 1888, was in force in that district.

12.—(1) Any cattle-grid, works or by-pass which immediately before the commencement of this Act was, by virtue of subsection (1) or subsection (2) of section eighteen of the Highways (Provision of Cattle-Grids) Act, 1950, deemed to have been provided in pursuance of that Act by the appropriate authority within the meaning of that Act, shall be deemed to have been provided under this Act by the highway authority for the highway in connection with which it was provided.

(2) If, as respects any other cattle-grid provided for a highway which consists of or comprises a carriageway, any gate or other works on such a highway for use in connection with such a cattle-grid, any by-pass for use in connection with such a cattle-grid and any gate or other works for the proper control of traffic passing over such a by-pass, being a cattle-grid, works or by-pass provided before the



twenty-eighth day of July, nineteen hundred and fifty, application is made to the Minister for his approval thereof by the highway authority for the highway and—

24TH SCH.  
—cont.

- (a) the Minister approves the cattle-grid, works or by-pass unconditionally, or
- (b) the Minister gives his approval subject to conditions as to the carrying out of work, the conclusion of an agreement under section ninety-three or any other matter, and those conditions have been complied with,

then, as from the giving of the Minister's approval unconditionally or, as the case may be, compliance with all conditions subject to which the Minister gives his approval, the cattle-grid, works or by-pass shall be deemed to have been provided under this Act by the highway authority by whom the application for approval was made.

(3) Where the Minister gives his approval of a cattle-grid, works or by-pass subject to conditions, the highway authority by whom the application for approval was made shall have power to carry out any work, or do any other thing, which is requisite for complying with the conditions; and in particular (but without prejudice to the foregoing provisions of this sub-paragraph) sections ninety, ninety-two and two hundred and nineteen shall apply in relation to the exercise of powers conferred by the foregoing provisions of this sub-paragraph as they apply in relation to the corresponding powers conferred by this Act.

(4) The provisions of this Act relating to cattle-grids shall apply, as respects any cattle-grid provided before the twenty-eighth day of July, nineteen hundred and fifty, off the highway for which the cattle-grid was provided, subject to such exceptions, modifications and adaptations as may be provided by regulations under section ninety-six.

13. Rules made by the Minister under section ten of the Bridges Act, 1929, shall, if in force at the commencement of this Act, have effect as if they were regulations made by the Minister under paragraph 11 of the Eleventh Schedule to this Act and may be varied or revoked accordingly.

14. Section one hundred and seven shall have effect in relation to a road-ferry in existence at the commencement of this Act and provided by a highway authority under the Development and Road Improvement Funds Act, 1909, as it has effect in relation to a road-ferry provided by a highway authority under this Act.

## PART VI

### PROVISIONS RELATING TO PART VI OF ACT

#### *Stopping up and diversion of highways*

15. Notwithstanding the repeal by this Act of sections eighty-four to ninety-one of the Highway Act, 1835, any proceedings instituted before the commencement of this Act for the stopping up or diversion of a highway under the said Act of 1835 may be continued as if this Act had not passed.

20TH SCH.  
—cont.

*Provision  
modified*

*Modification*

Section two  
hundred and  
fourteen—cont.

yards from the middle of a special road in London for which they are the special road authority, being land which, in the opinion of the Minister or of the special road authority, as the case may be, is necessary for preventing the erection of buildings detrimental to the view from the road.

(6) The Minister may acquire, but only by agreement, any other land in the neighbourhood of a trunk road in London, and a special road authority may acquire, but only by agreement, any other land in the neighbourhood of a special road in London for which they are the special road authority, being land which the Minister or the special road authority, as the case may be, considers or consider it desirable to acquire for preventing the erection of buildings detrimental to the view from the road or otherwise preserving the amenities of the locality in which it is, or is to be, situated.

(7) The power to acquire land in relation to a trunk road under the two last foregoing subsections may be exercised by the London County Council as well as by the Minister ”.

Subsection (8) shall be omitted.

In subsection (9), for the words “ subsections (5), (7) and (8) ” there shall be substituted the words “ subsections (5) and (7) ”.

Section two  
hundred and  
twenty-three.

In subsection (1), in paragraph (a), after the word “ construction ” there shall be inserted the words “ as part of a trunk road in London or a special road therein ”, and at the end of paragraph (c) there shall be added the words “ in connection with a trunk road in London or a special road therein ”.

In subsection (2), for the words from “ (a) if the ” to the end there shall be substituted the words “ if the acquisition is for a purpose specified in that subsection in connection with a trunk road in London, by the London County Council as well as by the Minister ”.

Section two  
hundred and  
twenty-five.

In subsection (3), for the reference to section one hundred and sixty-four of the Local Government Act, 1933, there shall be substituted a reference to section one hundred and seven of the London Government Act, 1939.

Section two  
hundred and  
thirty-one.

In subsection (1), for the words “ section two hundred and twenty-eight of this Act ” there shall be substituted the words “ section seven of the Trunk Roads Act, 1936, or any of the transitional provisions contained in the Fifth Schedule to that Act ”.

| <i>Provision Modified</i>             | <i>Modification</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <i>20TH SCR.<br/>—cont.</i> |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Section two hundred and seventy-nine. | For the references to section two hundred and ninety of the Local Government Act, 1933, there shall be substituted references to section one hundred and eighty-nine of the London Government Act, 1939.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                             |
| Section two hundred and ninety-five.  | For the definitions of “ council ” and “ highway maintainable at the public expense ” there shall, except for the purposes of section forty-two of this Act, be substituted the following:—<br><br>“ ‘ council ’ means the London County Council, the Common Council of the City of London or the council of a metropolitan borough;<br><br>‘ highway maintainable at the public expense ’ means a highway repairable by the inhabitants at large or by a highway authority.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |
| First Schedule.                       | Paragraphs 3 and 5 and head (i) of the Table set out at the end of the said paragraph 3 shall have effect, in relation to a highway or proposed highway to which an order proposed to be made under section seven, section nine or section twenty of this Act relates, and some part of which is situated in London, as if the reference in the said head to the council of a county and to the council of a county borough included a reference to the London County Council and to the council of a metropolitan borough respectively.<br><br>Paragraphs 3 and 5 and head (iii) of the said Table shall have effect, in relation to any works authorised by an order proposed to be made under section thirteen of this Act which are to be carried out in the City of London or a metropolitan borough, as if the reference in the said head to the council of a county, county borough and county district included a reference to the London County Council and to the Common Council of the City of London or the council of the metropolitan borough, as the case may be.<br><br>Paragraph 8 shall have effect, in relation to any part of the route of a special road which is situated in the City of London or a metropolitan borough, as if the reference therein to the council of a county, county borough and county district included a reference to the London County Council and to the Common Council of the City of London or the council of the metropolitan borough, as the case may be. |                             |

## Section 292.

## TWENTY-FIRST SCHEDULE

## MODIFICATIONS OF THIS ACT AS RESPECTS ISLE OF WIGHT

| <i>Provision modified</i>             | <i>Modification</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section five.                         | At the end of the section there shall be added the words "and the county council shall have, with reference to the highway, in addition to the powers of a highway authority, such other powers as may be specified in the agreement, being powers exercisable by the council of the borough or district, as the case may be, with reference to highways in their area."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Section twenty-one.                   | In subsection (1), for the reference to the Local Government Act, 1929, there shall be substituted a reference to the Local Government Act, 1888.<br>In subsection (4), paragraph (b) shall be omitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Section twenty-two.                   | Subsections (2) and (4) shall be omitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Sections twenty-four and twenty-five. | For sections twenty-four and twenty-five there shall be substituted the following section:—<br>"24.—(1) The council of a county district in the Isle of Wight may, by agreement with the council of the county of the Isle of Wight (hereafter in this section referred to as "the county council"), or shall, if the county council so require, undertake the maintenance and improvement of any main road in the county district other than a claimed main road, and, for the purposes of an undertaking in pursuance of this section, the council of the county district shall have the same functions in relation to the road as if they were the highway authority for the road.<br>(2) It shall be a condition of any such undertaking that the county council shall make such annual payments towards the cost of the maintenance and improvement of the road as may be agreed or, in default of agreement, as may be determined by the Minister:<br>Provided that the county council shall not make a payment under this subsection as respects a road unless they are satisfied by a report of their surveyor or of such other person as they may appoint for the purpose that the road has been properly maintained or, in the case of a payment towards the cost of an improvement, that the improvement has been properly carried out.<br>(3) If at any time the county council are satisfied, on the report of their surveyor or some other person appointed by them for the purpose, that a main road the maintenance of which has in |

*Provision  
modified*

**Sections  
twenty-four  
and twenty-  
five—cont.**

*Modification*

21ST SCH.  
—cont.

pursuance of this section been undertaken by the council of a county district is not in proper repair and condition, the county council may, by notice to the district council, require them to place the road in proper repair and condition and, if the notice is not complied with within a reasonable time, the county council may do anything that seems to them necessary to place it in proper repair and condition and may recover the expenses of so doing from the district council.

(4) Any question arising under this section between the county council and the council of a county district as to the refusal of the county council to make a payment thereunder, or whether a road is in proper repair or condition, or as to any notice under the last foregoing subsection shall, if either council so require, be determined by the Minister."

**Section  
forty-five.**

Subsection (2) shall have effect with the omission of the requirement that the borough or urban district must have a population exceeding twenty thousand, with the substitution, for the reference to the period specified in the Eighth Schedule, of a reference to the period of twelve months from the date on which the highway becomes a main road, with the substitution, for the reference to section thirty-two of the Local Government Act, 1929, of a reference to subsection (2) of section eleven of the Local Government Act, 1888, and with the addition at the end of the subsection of the following words:—

" Provided that where a highway in a non-county borough or an urban district becomes a main road by virtue only of paragraph (f) of subsection (2) of section twenty-one of this Act, this section shall have effect in relation to that highway as if the council of the borough or district in which the highway is had made a claim under this section in respect of the highway on the date on which it became a main road "

For subsection (3) there shall be substituted the following subsection:—

" (3) Where a claim is made under this section, the date as from which the council making the claim shall be entitled to maintain the main road in respect of which the claim is made shall be the date of the claim "

21ST SCH.  
—cont.

*Provision  
modified*

*Modification*

Section  
forty-five  
—cont.

After the first paragraph of subsection (4) there shall be inserted the following paragraph:—

“ A relinquishment under this subsection shall be effected by resolution of the council of the borough or of the district, as the case may be, confirmed by a further resolution of the same council passed within three months from the passing of the first resolution ”.

In subsection (5), paragraph (b) shall be omitted.

Section one  
hundred and  
sixteen.

After subsection (9) there shall be inserted the following subsection:—

“ (10) The functions of the council of a county district under this section shall, in the case of the area of the Isle of Wight constituting a rural district, be exercised by the council of the county of the Isle of Wight and not by the council of the rural district.”

Section two  
hundred and  
thirty-four.

The section shall be omitted.

Section two  
hundred and  
thirty-seven.

In subsection (1), the words in paragraph (a) “ by quarterly instalments ” and paragraph (b) shall be omitted.

In subsection (3), for the reference to the fifteenth day of December there shall be substituted a reference to the fifteenth day of January.

Subsection (6) shall be omitted.

Section two  
hundred and  
forty-six.

Subsection (4) shall be omitted.

Section two  
hundred and  
ninety.

The following paragraph shall be added at the end of subsection (4):—

“ An order made on an application by the council of the county of the Isle of Wight under paragraph (b) of this subsection may, if that council by the application so require, declare that the functions exercisable by virtue of the provision to which the application relates shall be exercisable by that council instead of by the council of the rural district.”

Nineteenth  
Schedule.

The references to the following provisions of this Act, that is to say, sections seventy-four, seventy-five and one hundred and thirty-two and subsections (1) to (3) of section one hundred and fifty-four, shall be omitted.

**TWENTY-SECOND SCHEDULE**

Section 309.

**CONSEQUENTIAL AMENDMENTS**

*The Inclosure Act, 1845*

(8 & 9 Vict. c. 118)

In section seventy-two, the words from "and shall apply" to the end shall be omitted.

*The Tramways Act, 1870*

(33 & 34 Vict. c. 78)

In section four, the words from "or of the road authority" to "Highway Acts" shall be omitted.

*The Annual Turnpike Acts Continuance Act, 1872*

(35 & 36 Vict. c. 85)

In section thirteen, for the words from "if the road" to "such highway board" there shall be substituted the words "the highway authority for the road"; and the words from "and in other cases" to the end shall be omitted.

*The Evidence Act, 1877*

(40 & 41 Vict. c. 14)

In section one the words "the non-repair of any public highway or bridge or for" shall be omitted.

*The Highways and Locomotives (Amendment) Act, 1878*

(41 & 42 Vict. c. 77)

In section twenty-six, for the words from the beginning to "their county" there shall be substituted the words "The council of a county or county borough may make with respect to all or any of the highways in their county or borough".

*The Annual Turnpike Acts Continuance Act, 1882*

(45 & 46 Vict. c. 52)

In section eight, for the words from "so far as relates" to "such authority" there shall be substituted the words "by the highway authority for the road"; and the definition of "highway authority" shall be omitted.

*The Railway and Canal Traffic Act, 1888*

(51 & 52 Vict. c. 25)

1. In section sixteen, in subsection (1), for the words from "highway board" to "parish" there shall be substituted the words "any local highway authority", and subsection (3) shall be omitted.

2. In section fifty-four, in subsection (3), the words "if other than a surveyor of highways" shall be omitted.

*The Military Lands Act, 1892*

(55 & 56 Vict. c. 43)

1. For section thirteen there shall be substituted the following section:—

"13.—In relation to a footpath crossing or near to any land leased under this Act, the Highways Act, 1959, shall have effect as if in section one hundred and eight thereof (which provides for the stopping up and diversion of highways) there

22ND SCH.  
—cont.

were added to the grounds for stopping up or diverting a highway specified in subsection (1) the ground that the highway crosses or runs inconveniently or dangerously near to any such land:

Provided that—

- (a) a magistrates' court shall not make an order under the said section one hundred and eight authorising the stopping up or diversion of the footpath unless it is satisfied that a new footpath convenient to the public will be substituted therefor, or that the footpath as diverted will be convenient to the public, as the case may be, and
- (b) if the order is made, an appeal shall not lie therefrom to a court of quarter sessions under section two hundred and seventy-five of the said Act of 1959 on the ground that the new footpath, or the footpath as diverted, as the case may be, is not convenient to the public.

In this section 'footpath' has the same meaning as in the said Act of 1959."

2. In section sixteen, in subsection (2), after the word "footpath", where it first occurs, there shall be inserted the words "within the meaning of the Highways Act, 1959".

*The Settled Land Act, 1925*

(15 & 16 Geo. 5, c. 18)

In section fifty-six, in subsection (3), for the words "section eighty-two of the Highway Act, 1835" and for the words "section eighty-five of that Act" there shall be substituted the words "the Highways Act, 1959".

*The Universities and College Estates Act, 1925*

(15 & 16 Geo. 5, c. 24)

In section sixteen, in subsection (3), for the words "section eighty-two of the Highway Act, 1835" and for the words "section eighty-five of that Act" there shall be substituted the words "the Highways Act, 1959".

*The Supreme Court of Judicature (Consolidation) Act, 1925*

(15 & 16 Geo. 5, c. 49)

In section twenty-nine, the words "non-repair or" shall be omitted.

*The Town and Country Planning Act, 1947*

(10 & 11 Geo. 6, c. 51)

In section one hundred and nineteen, in subsection (1), in the definition of "improvement", for the words from "the expression" to "1909" there shall be substituted the words "in the Highways Act, 1959".



*The Highways (Provision of Cattle-grids) Act, 1950*  
(14 Geo. 6, c. 24)

22ND SCH.  
—cont.

For section six there shall be substituted the following section:—

“6. As respects traffic signs relating to a cattle-grid provided under this Act or the Highways Act, 1959, for a highway not being for the purposes of the said Act of 1959 a highway maintainable at the public expense, or to a by-pass so provided for use in connection with such a cattle-grid, ‘highway authority’ in section forty-eight of the Road Traffic Act, 1930 (which provides for the placing and control of traffic signs) shall include the council of the county comprising the rural district, the council of the borough, or the council of the urban district, as the case may be, in which the highway is situated.”

*The Public Utilities Street Works Act, 1950*  
(14 Geo. 6, c. 39)

In section thirty-nine, in subsection (1), for the words in the definition of “road purposes” from “of roads” to “thereto” there shall be substituted the words “in subsection (1) of section two hundred and ninety-five of the Highways Act, 1959”, and after the word “footway”, where it first occurs in the said definition, there shall be inserted the words “or grass verge”.

*The Livestock Rearing Act, 1951*  
(14 & 15 Geo. 6, c. 18)

In section four—

- (a) in subsection (1), in paragraph (a), for the words from “the appropriate” to “1950” there shall be substituted the words “a highway authority under the Highways Act, 1959” and, in paragraph (b), for the words “section ten of the said Act of 1950” there shall be substituted the words “section ninety-three of the said Act of 1959”;
- (b) for the words “the appropriate authority” in every place, except the first, where they occur, there shall be substituted the words “the highway authority”; and
- (c) in subsection (3) paragraph (a) shall be omitted.

*The Costs in Criminal Cases Act, 1952*  
(15 & 16 Geo. 6 & 1 Eliz. 2, c. 48)

In section sixteen, in subsection (3), the words “non-repair or” shall be omitted.

*The Agriculture Act, 1957*  
(5 & 6 Eliz. 2, c. 57)

In section fifteen—

- (a) in subsection (1), for the words from “in pursuance” to the end of the subsection there shall be substituted the words “by a highway authority under the Highways Act, 1959”;
- (b) in subsection (2), for the words “section ten” there shall be substituted the words “section ninety-three”;
- (c) in subsection (3), for the words “the appropriate authority” there shall be substituted the words “the highway authority”.

## Section 311.

## TWENTY-THIRD SCHEDULE

## ENACTMENTS CEASING TO HAVE EFFECT

| Session and Chapter   | Short Title                   | Extent of Repeal                                                                                                                                                                                                            |
|-----------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22 Hen. 8. c. 5.      | The Bridges Act, 1530         | Section three.                                                                                                                                                                                                              |
| 1 Anne c. 12.         | The Bridges Act, 1702         | Section two.                                                                                                                                                                                                                |
| 12 Geo. 2. c. 29.     | The County Rates Act, 1738.   | The whole Act.                                                                                                                                                                                                              |
| 43 Geo. 3. c. 59.     | The Bridges Act, 1803         | In section one, the words from "and to remove" to "roads" in the second place where that word occurs, the words "as well" and the words from "as the preventing" to "roads" in the third place where that word occurs.      |
| 52 Geo. 3. c. 110.    | The Bridges Act, 1812         | Sections four and six.                                                                                                                                                                                                      |
| 54 Geo. 3. c. 90.     | The Bridges Act, 1814         | Sections one, two and five.                                                                                                                                                                                                 |
| 55 Geo. 3. c. 143.    | The Bridges Act, 1815         | Section two.                                                                                                                                                                                                                |
| 3 Geo. 4. c. 126.     | The Turnpike Roads Act, 1822. | Section five.                                                                                                                                                                                                               |
| 5 & 6 Will. 4. c. 50. | The Highway Act, 1835         | Sections ninety-seven to one hundred and three, one hundred and eighteen and one hundred and twenty-four.                                                                                                                   |
|                       |                               | Section nineteen.                                                                                                                                                                                                           |
|                       |                               | In section twenty-four, the words from "and also" to "carriages" and the words "or blocks".                                                                                                                                 |
|                       |                               | Sections thirty-five, forty-nine and fifty-eight to sixty-one.                                                                                                                                                              |
|                       |                               | Section sixty-five so far as it relates to a hedge or tree which causes an obstruction in a carriageway or cartway.                                                                                                         |
|                       |                               | Section sixty-six so far as it relates to the felling of trees.                                                                                                                                                             |
|                       |                               | Section seventy.                                                                                                                                                                                                            |
|                       |                               | In section seventy-two, the words from "or bait" to "near any highway".                                                                                                                                                     |
|                       |                               | In section seventy-eight, the words from "and every such driver" to the end.                                                                                                                                                |
|                       |                               | Section seventy-nine except so far as it authorises the arrest by a constable of a person committing an offence against section seventy-two of the Act consisting of wilfully obstructing the free passage along a highway. |
|                       |                               | Sections eighty and eighty-two.                                                                                                                                                                                             |

| Session and Chapter      | Short Title                                         | Extent of Repeal                                                                                                                                                                                                                 |
|--------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 & 24 Vict.<br>c. 68.  | The South Wales Highways Act, 1860.                 | Sections one, two, four to thirteen, nineteen to twenty-six, thirty-one, thirty-two and forty-one.                                                                                                                               |
| 25 & 26 Vict.<br>c. 61.  | The Highway Act, 1862                               | Sections five to eleven, sixteen, thirty-two, thirty-three, thirty-seven, thirty-nine to forty-one and forty-three to forty-five.                                                                                                |
| 27 & 28 Vict.<br>c. 101. | The Highway Act, 1864                               | The Schedule.<br>Sections four to nineteen, thirty-one, thirty-three to thirty-five and thirty-seven to forty-four.<br>In section forty-six, the words from " and no justice " to the end.<br>Section fifty-two.<br>Section two. |
| 28 & 29 Vict.<br>c. 107. | The Annual Turnpike Acts Continuance Act, 1865.     | Section eleven.                                                                                                                                                                                                                  |
| 33 & 34 Vict.<br>c. 73.  | The Annual Turnpike Acts Continuance Act, 1870.     | Section nine.                                                                                                                                                                                                                    |
| 41 & 42 Vict.<br>c. 34.  | The South Wales Highway Act Amendment Act, 1878.    | Sections three to five, eleven and nineteen.<br>In section twenty-six, in paragraph (4), the words " prohibiting or regulating the erection of gates across highways and ".                                                      |
| 41 & 42 Vict.<br>c. 77.  | The Highways and Locomotives (Amendment) Act, 1878. | Section three.                                                                                                                                                                                                                   |
| 45 & 46 Vict.<br>c. 67.  | The South Wales Turnpike Roads Amendment Act, 1882. | In section eleven, subsection (13).                                                                                                                                                                                              |
| 51 & 52 Vict.<br>c. 41.  | The Local Government Act, 1888.                     | In section sixteen, in subsection (1) the words from " or that " to " manner ".                                                                                                                                                  |
| 56 & 57 Vict.<br>c. 73.  | The Local Government Act, 1894.                     |                                                                                                                                                                                                                                  |

23RD SCH.  
—cont.

Section 312.

## TWENTY-FOURTH SCHEDULE

## TRANSITIONAL PROVISIONS

## PART I

## PROVISIONS RELATING TO PART I OF ACT

*Highway authorities*

1. Subsection (2) of section three (which contains provisions corresponding to paragraph (b) of the proviso to subsection (1) of section nine of the Development and Road Improvement Funds Act, 1909) shall have effect in relation to an agreement made under the said paragraph (b) and in force at the commencement of this Act as if for the words "on such date as may be provided by the agreement" there were substituted the words "at the commencement of this Act".

2.—(1) Section four shall apply to a county road which the council of a non-county borough or urban district are for the time being entitled to maintain by virtue of paragraph 9 of this Schedule as it applies to a county road which such a council are for the time being entitled to maintain by virtue of section forty-five.

(2) Any reference in this Act to section four shall be construed as including a reference to that section as applied by the foregoing subparagraph.

3. If at the commencement of this Act there is in force an agreement made under section one hundred and forty-eight of the Public Health Act, 1875, between the council of a county and the council of a non-county borough or urban district with respect to a highway to which, but for this paragraph, subsection (1) of section six would apply, the said subsection (1) shall not apply to that highway.

## PART II

## PROVISIONS RELATING TO PART II OF ACT

*Trunk roads*

4. Subsection (1) of section eight shall apply to a highway which at the commencement of this Act is a trunk road as it applies to a highway which becomes a trunk road after the said commencement.

*County roads*

5. Where the responsibility for the maintenance of, or the property in, a highway was transferred to a county council in pursuance of an agreement, or by virtue of an order, made under the Bridges Act, 1929, and immediately before the commencement of this Act that highway was maintainable by that council, then, without prejudice to the provisions of subsection (1) of section twenty-one, that highway (except any county bridge comprised therein) shall become a county road at the commencement of this Act.

## PART III

## PROVISIONS RELATING TO PART III OF ACT

24TH SCH.  
—cont.*Maintenance of road-ferries*

6. Subsection (3) of section twenty-six shall, in so far as it confers power on the Minister or a local highway authority to maintain road-ferries, have effect in relation to road-ferries in existence at the commencement of this Act and provided by the Minister or that authority, as the case may be, under Part II of the Development and Road Improvement Funds Act, 1909.

*Certain ways excluded from operation of section 34*

7. Where in respect of any way a court of competent jurisdiction has, in any proceedings pending on the sixteenth day of December, nineteen hundred and forty-nine, or has before that date, decided that the way is not a highway, subsections (1) and (2) of section one of the Rights of Way Act, 1932, as amended by section fifty-eight of the National Parks and Access to the Countryside Act, 1949, together with the other provisions of the said Act of 1932 applicable for the purposes of the said subsections (1) and (2), shall apply to the way as if this Act had not passed, and subsection (1) of section thirty-four shall not apply thereto.

## PART IV

## PROVISIONS RELATING TO PART IV OF ACT

*Maintenance of highways*

8. Section thirty-nine (which contains provisions corresponding to section twenty-three of the Highway Act, 1835) shall not apply to a highway dedicated by any person before the commencement of this Act in pursuance of a notice given by him under the said section twenty-three, but, notwithstanding the repeal by this Act of the said section twenty-three, proceedings with respect to that highway may be brought or continued under that section and that section shall continue to have effect in relation to that highway :

Provided that if the highway would, had this Act not passed, become maintainable under the said section twenty-three by the parish in which it is situated it shall become for the purposes of this Act a highway maintainable at the public expense.

9.—(1) Where, immediately before the commencement of this Act, the council of a non-county borough or urban district were, by virtue of the provisions of section thirty-two of the Local Government Act, 1929, maintaining a county road within their area, or having duly made a claim under those provisions were, by virtue thereof, entitled to undertake as from some future date the maintenance of such a county road, that council shall, subject to subparagraph (3) of this paragraph, continue to be entitled to maintain, or as the case may be shall as from the said future date be entitled to maintain, that road.

(2) Subsection (4) of section forty-five shall apply to a county road which the council of a non-county borough or urban district are for the time being entitled to maintain by virtue of subparagraph (1) of this paragraph as it applies to a county road which such a council are for the time being entitled to maintain by virtue of section forty-five.

24TH SCH.  
—cont.

(3) Paragraph 6 of the Eighth Schedule to this Act shall apply to a county road towards the construction or improvement of which by a county council advances have been made under the Development and Road Improvement Funds Act, 1909, as it applies to a county road towards the construction or improvement of which by a county council advances have been made under this Act.

(4) Sub-paragraph (1) of this paragraph shall have effect in the Isle of Wight with the substitution, for the reference to section thirty-two of the Local Government Act, 1929, of a reference to section nine of the Isle of Wight Highways Act, 1925, and section eleven of the Local Government Act, 1888.

## PART V

### PROVISIONS RELATING TO PART V OF ACT

#### *Improvement of highways*

10. Anything done before the first day of October, nineteen hundred and fifty-six, being the date of the coming into operation of section forty-five of the Road Traffic Act, 1956, otherwise than in pursuance of powers conferred by section thirty-nine of the Public Health Acts Amendment Act, 1890, or section fifty-five of the Road Traffic Act, 1930, which could lawfully have been done under the provisions of section sixty-five or section sixty-eight if those provisions had then been in force shall be treated as if those provisions had been in force when it was done.

11. Subsections (2) and (3) of section seventy-five shall apply in relation to any such thing as is referred to in subsection (1) of that section done before the commencement of this Act as they apply in relation to any such thing done thereafter:

Provided that section seventy-five shall not apply in relation to anything done in a rural district before the commencement of this Act unless, at the time when the thing in question was done, section three of the Public Health (Buildings in Streets) Act, 1888, was in force in that district.

12.—(1) Any cattle-grid, works or by-pass which immediately before the commencement of this Act was, by virtue of subsection (1) or subsection (2) of section eighteen of the Highways (Provision of Cattle-Grids) Act, 1950, deemed to have been provided in pursuance of that Act by the appropriate authority within the meaning of that Act, shall be deemed to have been provided under this Act by the highway authority for the highway in connection with which it was provided.

(2) If, as respects any other cattle-grid provided for a highway which consists of or comprises a carriageway, any gate or other works on such a highway for use in connection with such a cattle-grid, any by-pass for use in connection with such a cattle-grid and any gate or other works for the proper control of traffic passing over such a by-pass, being a cattle-grid, works or by-pass provided before the

twenty-eighth day of July, nineteen hundred and fifty, application is made to the Minister for his approval thereof by the highway authority for the highway and—

24TH SCH.  
—cont.

- (a) the Minister approves the cattle-grid, works or by-pass unconditionally, or
- (b) the Minister gives his approval subject to conditions as to the carrying out of work, the conclusion of an agreement under section ninety-three or any other matter, and those conditions have been complied with,

then, as from the giving of the Minister's approval unconditionally or, as the case may be, compliance with all conditions subject to which the Minister gives his approval, the cattle-grid, works or by-pass shall be deemed to have been provided under this Act by the highway authority by whom the application for approval was made.

(3) Where the Minister gives his approval of a cattle-grid, works or by-pass subject to conditions, the highway authority by whom the application for approval was made shall have power to carry out any work, or do any other thing, which is requisite for complying with the conditions; and in particular (but without prejudice to the foregoing provisions of this sub-paragraph) sections ninety, ninety-two and two hundred and nineteen shall apply in relation to the exercise of powers conferred by the foregoing provisions of this sub-paragraph as they apply in relation to the corresponding powers conferred by this Act.

(4) The provisions of this Act relating to cattle-grids shall apply, as respects any cattle-grid provided before the twenty-eighth day of July, nineteen hundred and fifty, off the highway for which the cattle-grid was provided, subject to such exceptions, modifications and adaptations as may be provided by regulations under section ninety-six.

13. Rules made by the Minister under section ten of the Bridges Act, 1929, shall, if in force at the commencement of this Act, have effect as if they were regulations made by the Minister under paragraph 11 of the Eleventh Schedule to this Act and may be varied or revoked accordingly.

14. Section one hundred and seven shall have effect in relation to a road-ferry in existence at the commencement of this Act and provided by a highway authority under the Development and Road Improvement Funds Act, 1909, as it has effect in relation to a road-ferry provided by a highway authority under this Act.

## PART VI

### PROVISIONS RELATING TO PART VI OF ACT

#### *Stopping up and diversion of highways*

15. Notwithstanding the repeal by this Act of sections eighty-four to ninety-one of the Highway Act, 1835, any proceedings instituted before the commencement of this Act for the stopping up or diversion of a highway under the said Act of 1835 may be continued as if this Act had not passed.

24TH SCH.  
—cont.

## PART VII

### PROVISIONS RELATING TO PART VII OF ACT

#### *Lawful and unlawful interference with highways and streets*

16. Where anything was done before the commencement of this Act which, if it had been done thereafter, would have contravened section one hundred and twenty-three, the provisions of subsection (2) of that section shall have effect in relation thereto as if this Act had commenced immediately before the doing thereof.

17. Section one hundred and twenty-eight shall apply in relation to things done before the commencement of this Act as it applies in relation to things done thereafter.

18.—(1) Where anything was done before the commencement of this Act which, if it had been done thereafter, would have contravened subsection (1) of section one hundred and thirty-two, the provisions of subsections (2) to (6) and (8) of that section shall, subject to the next following sub-paragraph, have effect in relation thereto as if this Act had commenced immediately before the doing thereof.

(2) Where before the date on which sections seventy-one and seventy-two of the Towns Improvement Clauses Act, 1847 (which contains provisions corresponding to section one hundred and thirty-two) became applicable in any area a door, gate or bar was put up on premises situated in that area, and the door, gate or bar opens outwards on a street, then, subject to the next following sub-paragraph, the local authority in whose area the premises are situated may, after the expiration of eight days from the date of service on either the owner or the occupier of the premises of a notice of their intention so to do, alter so as not to open outwards the door, gate or bar.

(3) The last foregoing sub-paragraph does not apply to a door, gate or bar put up on a public building with the consent of the local authority in whose area the building is situated.

19. For the purpose of determining the punishment which may be imposed on a person in respect of an offence under section one hundred and forty-one, an offence committed by him under section fifty-one of the Road Traffic Act, 1930, shall be deemed to have been committed under section one hundred and forty-one.

20. Subsections (2) to (5) of section one hundred and forty-six shall apply in relation to things done before the commencement of this Act as they apply in relation to things done thereafter.

21. Subsections (2) to (5) of section one hundred and fifty-three shall apply in relation to any such thing as is referred to in subsection (1) of that section done before the commencement of this Act as they apply in relation to any such thing done thereafter.



**PART VIII**  
**PROVISIONS RELATING TO PART VIII OF ACT**  
*New Streets*

24TH SECT.  
 —cont

22.—(1) Any order under section thirty of the Public Health Act, 1925, which has effect at the commencement of this Act shall continue to have effect as if that section had not been repealed, so however, that the appropriate authority may at any time revoke the order.

(2) While any order under the said section thirty has effect in relation to a highway no order shall be made under section one hundred and fifty-nine in relation to that highway.

(3) In this paragraph “the appropriate authority” has the same meaning as in section one hundred and fifty-nine.

23.—(1) The powers conferred on a local authority by subsection (1) of section one hundred and sixty-two may be exercised in any case where—

(a) plans of any proposed work were, in accordance with new street byelaws, deposited before the commencement of this Act with that authority, and either the plans have been approved by the authority or notice of rejection of the plans has not been given within the appropriate period (as defined for the purposes of Part VIII of this Act) from the deposit thereof, and

(b) the works to which the plans relate have not been begun within three years from the date of the deposit of the plans ; and the said subsection (1) shall have effect accordingly.

(2) Where immediately before the commencement of this Act section fifteen of the Public Health Acts Amendment Act, 1907, did not apply in any area and before the said commencement the local authority of that area approved the plans of any proposed work in connection with a new street, but the work was not begun before the said commencement, the authority shall within six months from the commencement of this Act give notice of the foregoing provisions of this paragraph to the person by whom or on whose behalf the plans were deposited or other the owner for the time being of the land to which the plans relate.

**PART IX**  
**PROVISIONS RELATING TO PART IX OF ACT**  
*Making up of private streets*

24. Where a highway—

(a) being a footpath or bridleway in existence on the sixteenth day of December, nineteen hundred and forty-nine, and

(b) being, immediately before the commencement of this Act, a highway repairable by the inhabitants at large by virtue only of subsection (1) of section forty-seven of the National Parks and Access to the Countryside Act, 1949,.

would, if the said section forty-seven had not been enacted, be a private street for the purposes of the code of 1875 or the code of 1892 or the corresponding provisions of any local Act, the fact that the path or way is, after the commencement of this Act, a

24TH SCH.  
—cont.

highway maintainable at the public expense by virtue of paragraph (a) of subsection (2) of section thirty-eight shall not prevent its being treated for those purposes as a private street:

Provided that where the street works authority have exercised the powers exercisable by them by virtue of this paragraph or of section fifty of the said Act of 1949 in relation to a path or way or to a part thereof this paragraph shall not thereafter apply to that path or way or to that part, as the case may be, so as to enable the authority to exercise those powers in relation thereto on any subsequent occasion.

#### PART X

##### PROVISIONS RELATING TO PART X OF ACT

###### *Transfer of property and liabilities relating to county roads*

25. The provisions of section two hundred and thirty-two shall apply in a case where before the commencement of this Act—

- (a) a highway in a non-county borough or urban district became a county road and the council of the borough or district did not, within the time specified in section thirty-two of the Local Government Act, 1929, claim to undertake the maintenance of that road, or
  - (b) the council of a non-county borough or urban district, having or having been deemed to have claimed as aforesaid with respect to a county road in their area, relinquished their right to maintain that road,
- as they apply in the corresponding cases mentioned in that section.

#### PART XI

##### PROVISIONS RELATING TO PART XII OF ACT

###### *Recovery of expenses*

26.—(1) Where a council have incurred expenses under any enactment specified in the next following sub-paragraph and have not recovered those expenses at the commencement of this Act, those expenses may be recovered under this Act and the provisions of section two hundred and sixty-four shall have effect in relation to those expenses as they have effect in relation to expenses recoverable by a council under that section, but subject to the modification that for the reference in subsection (1) of that section to the owner for the time being of the premises there shall be substituted a reference to the owner of the premises at the date when the works were completed.

(2) The enactments referred to in the foregoing sub-paragraph are—

- (a) sections sixty-nine, seventy-one, seventy-five and eighty-three of the Towns Improvements Clauses Act, 1847, as incorporated with the Public Health Act, 1875, by section one hundred and sixty thereof;
- (b) section one hundred and fifty of the Public Health Act, 1875;
- (c) section thirty-five of the Public Health Acts Amendment Act, 1890; and
- (d) sections nineteen, thirty and thirty-one of the Public Health Acts Amendment Act, 1907.

27. Where, immediately before the commencement of this Act, a street works authority were recovering any expenses by means of private improvement rates they may continue to recover the unpaid balance of those expenses by means of such rates as if this Act had not passed.

24TH SCH.  
—cont.

#### *Continuing offences*

28. Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under any enactment repealed and re-enacted, with or without modifications, by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the like manner as if the offence had been committed under the corresponding provision of this Act.

### PART XII

#### PROVISIONS AS TO CERTAIN ORDERS MADE UNDER THE TRUNK ROADS ACTS, 1936 AND 1946

29.—(1) Notwithstanding the repeal of subsection (3) of section twelve of the Trunk Roads Act, 1946, any order made before the sixth day of March, nineteen hundred and forty-six, under subsection (3) of section one of the Trunk Roads Act, 1936 (which authorised the Minister, if satisfied that it was expedient to construct a new highway or improve a highway with a view to superseding any part of a trunk road by the creation of a new route for through traffic, to make an order providing that on a date specified therein the route which was to supersede the part of the trunk road should become a trunk road), shall, if in force at the commencement of this Act, continue in force, and may be revoked or varied by a subsequent order made in the like manner and subject to the like provisions.

(2) The Second Schedule to this Act shall have effect as to the validity and date of operation of an order made under this paragraph.

(3) If an order made under the said subsection (3) and continued in force by sub-paragraph (1) of this paragraph, being an order which provides that on a date specified therein a route described therein shall become a trunk road, is revoked or varied by a subsequent order made at any time before the date on which the route is opened for the purposes of through traffic, the revoking or varying order shall not be deemed for the purposes of section two to be an order directing that a trunk road shall cease to be a trunk road.

30.—(1) Notwithstanding the repeal of subsection (6) of section fourteen of the Special Roads Act, 1949, any order made before the eleventh day of May, nineteen hundred and forty-nine, under section four of the Trunk Roads Act, 1946 (which conferred on the Minister certain powers relating to side roads connected with trunk roads), shall, if in force at the commencement of this Act, continue in force, and the provisions of subsections (1) to (3) of the said section four shall apply thereto, as if that section had not been repealed.

24TH SCH.  
—cont.

(2) Subject to the provisions of the next following sub-paragraph, an order made under the said section four and continued in force by the foregoing sub-paragraph may be revoked or varied by a subsequent order made in the like manner and subject to the like provisions.

(3) Part I of the First Schedule to this Act shall have effect as to the making of an order under this paragraph as it has effect as to the making of an order under section nine; and the Second Schedule to this Act shall have effect as to the validity and date of operation of an order under this paragraph.

(4) Subsection (2) of section twenty-one shall apply to a highway for which a county council become the highway authority by virtue of an order made under the said section four or this paragraph as it applies to a highway for which such a council become the highway authority by virtue of section two.

(5) Section two hundred and twenty-eight shall apply in relation to a highway for which any council become the highway authority by virtue of an order made under the said section four or this paragraph as if it had previously been a trunk road.

### PART XIII

#### GENERAL AND SUPPLEMENTARY PROVISIONS

31. In so far as any scheme, order, regulation, byelaw, agreement, requirement, application or apportionment made, resolution passed, charge conferred, authorisation granted, notice, direction, consent, approval, licence or certificate given, building line or improvement line prescribed, or other thing done under any enactment repealed or revoked by this Act could have been made, passed, conferred, granted, given, prescribed or done under a corresponding provision of this Act, it shall not be invalidated by the repeals and revocations effected by subsections (2), (3) and (4) of section three hundred and twelve but shall have effect as if made, passed, conferred, granted, given, prescribed or done under that corresponding provision.

32.—(1) Byelaws made under section thirteen of the Public Health Acts Amendment Act, 1890 (which authorises the councils of boroughs and urban districts to make byelaws for prevention of danger from posts, wires, tubes or other apparatus placed over, along or across a street) which were in force immediately before the commencement of this Act shall continue in force but may at any time be revoked by the council by whom they were made.

(2) Until any such byelaws are so revoked, the following enactments shall also continue to have effect in relation to them, that is to say, subsection (3) of the said section thirteen (which relates to offences against byelaws made under that section), section fourteen of the said Act (which relates to danger from objects exempted by the Minister from the operation of such byelaws) and section fifteen thereof (which relates to certain savings).

33. Any enactment relating to main roads, except in so far as it relates to main roads in the Isle of Wight, shall have effect as if for references therein to main roads there were substituted references to county roads.

34. Any enactment or document referring to a highway repairable by the inhabitants at large or a highway maintainable by the inhabitants at large shall be construed as referring to a highway which for the purposes of this Act is a highway maintainable at the public expense.

35. Any enactment or document referring to a surveyor of highways or a highway board shall be construed as referring to a highway authority.

36. References in any enactment to subsection (2) of section eleven of the Local Government Act, 1888, shall be construed as references to sections forty-five and two hundred and thirty-seven or to either of those sections, as the context may require:

Provided that this paragraph shall not have effect in relation to any enactment (including an enactment contained in this Act) in so far as it applies in the Isle of Wight.

37. For the purposes of the operation, in relation to a provision of this Act, of either of the following enactments, that is to say—

- (a) subsection (4) of section thirteen of the Town and Country Planning Act, 1947 (which authorises the effect of enactments passed before the passing of that Act and instruments made under such enactments to be modified for certain purposes), and
- (b) subsection (1) of section thirty-two of the Public Utilities Street Works Act, 1950 (which makes provision as to payments falling to be made under enactments passed before the passing of that Act and instruments made under or confirmed by such enactments),

the said provision of this Act shall be deemed to have passed on the date of the passing of the enactment which is re-enacted, with or without modifications, by that provision.

38. Any enactment or document referring to any enactment repealed by this Act shall, unless the context otherwise requires, be construed as referring or including a reference to the corresponding provision of this Act.

39. Where a period of time specified in any enactment repealed and re-enacted, with or without modifications, by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

40. Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.

## Section 312.

## TWENTY-FIFTH SCHEDULE

## REPEALS

| Session and Chapter                                                                                | Title or Short Title                                                                                                                                                                                                                                                                                                                              | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22 Hen. 8. c. 5.<br>1 Anne c. 12...<br>12 Geo. 2. c. 29<br>14 Geo. 2. c. 33<br>13 Geo. 3. c. 78.   | The Bridges Act, 1530 ...<br>The Bridges Act, 1702 ...<br>The County Rates Act, 1738<br>The Bridges Act, 1740 ...<br>An Act to explain, amend and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that part of Great Britain called England; and for other purposes. | The whole Act.<br>The whole Act.<br>The whole Act.<br>The whole Act.<br>The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 43 Geo. 3. c. 59<br>52 Geo. 3. c. 110<br>54 Geo. 3. c. 90<br>55 Geo. 3. c. 143<br>3 Geo. 4. c. 126 | The Bridges Act, 1803 ...<br>The Bridges Act, 1812 ...<br>The Bridges Act, 1814 ...<br>The Bridges Act, 1815 ...<br>The Turnpike Roads Act, 1822.                                                                                                                                                                                                 | The whole Act.<br>The whole Act.<br>The whole Act.<br>The whole Act.<br>Sections ninety-seven to one hundred and three, one hundred and eighteen and one hundred and twenty-four.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5 & 6 Will. 4. c. 50.                                                                              | The Highway Act, 1835 ...                                                                                                                                                                                                                                                                                                                         | In section five, the words " or waywarden ", the definition of " parish ", the words from " and wherever anything " to " meeting in vestry ", the definitions of " church " and " inhabitant " and the words from " and all the powers " to the end.<br>Sections nineteen to twenty-one.<br>In section twenty-two, the words from the beginning to " therewith " and the words from " the said " to the end.<br>Sections twenty-three to twenty-six.<br>Sections thirty-five, forty-one, forty-five, forty-seven and forty-nine.<br>Sections fifty-one to seventy.<br>In section seventy-two, the words from " or shall cause " to " highway " where it last occurs.<br>Sections seventy-three and seventy-five.<br>In section seventy-eight, the words from " and every such driver " to the end. |

25TH SECT.  
—cont.

| Session and Chapter           | Title or Short Title                            | Extent of Repeal                                                                                                                                                                                                                                                                                                    |
|-------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 & 6 Will. 4.<br>c. 50—cont. | The Highway Act, 1835<br>—cont.                 | Sections seventy-nine to ninety-six.<br>Section ninety-nine.<br>In section one hundred and three, the words “and all balances due from a surveyor”.<br>Sections one hundred and eleven, one hundred and thirteen, one hundred and sixteen, one hundred and seventeen and one hundred and eighteen.<br>The Schedule. |
| 4 & 5 Vict.<br>c. 51.         | The Highway Act, 1841 ...                       | The whole Act.                                                                                                                                                                                                                                                                                                      |
| 8 & 9 Vict.<br>c. 118.        | The Inclosure Act, 1845                         | In section seventy-two, the words from “and shall apply” to the end.                                                                                                                                                                                                                                                |
| 10 & 11 Vict.<br>c. 34.       | The Towns Improvement Clauses Act, 1847.        | Sections forty-eight and forty-nine.<br>Sections sixty-six to seventy-four.<br>In section seventy-five, the words “to passengers or”, the words from “shall immediately” to “passengers and” and the words “of putting up every such fence and”.                                                                    |
| 23 & 24 Vict.<br>c. 68.       | The South Wales Highways Act, 1860.             | Sections seventy-nine to eighty-three.<br>The whole Act.                                                                                                                                                                                                                                                            |
| 25 & 26 Vict.<br>c. 61.       | The Highway Act, 1862 ...                       | The whole Act.                                                                                                                                                                                                                                                                                                      |
| 27 & 28 Vict.<br>c. 101.      | The Highway Act, 1864 ...                       | The whole Act except sections one and forty-six.<br>In section forty-six, the words from “and no justice” to the end.                                                                                                                                                                                               |
| 28 & 29 Vict.<br>c. 107.      | The Annual Turnpike Acts Continuance Act, 1865. | The whole Act.                                                                                                                                                                                                                                                                                                      |
| 33 & 34 Vict.<br>c. 73.       | The Annual Turnpike Acts Continuance Act, 1870. | The whole Act.                                                                                                                                                                                                                                                                                                      |
| 33 & 34 Vict.<br>c. 78.       | The Tramways Act, 1870                          | In section four, the words from “or of the road authority” to “Highway Acts”.                                                                                                                                                                                                                                       |
| 35 & 36 Vict.<br>c. 85.       | The Annual Turnpike Acts Continuance Act, 1872. | In section thirteen, the words from “and in other cases” to the end.                                                                                                                                                                                                                                                |
| 38 & 39 Vict.<br>c. 55.       | The Public Health Act, 1875                     | Sections twenty-six, one hundred and forty-four, one hundred and forty-six and one hundred and forty-seven.                                                                                                                                                                                                         |

25TH SCH.  
*cont.*

| Session and Chapter                  | Title or Short Title                                   | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 38 & 39 Vict.<br>c. 55— <i>cont.</i> | The Public Health Act, 1875— <i>cont.</i>              | <p>In section one hundred and forty-eight, the words "maintenance repair".</p> <p>Sections one hundred and forty-nine to one hundred and fifty-two, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-seven and one hundred and fifty-eight.</p> <p>In section one hundred and sixty, paragraphs (2) to (4) and the words from "Notices" to the end.</p> <p>Sections two hundred and thirteen to two hundred and fifteen, two hundred and eighteen to two hundred and twenty-three, two hundred and twenty-five, two hundred and twenty-six, two hundred and thirty-two, two hundred and thirty-four, two hundred and forty, two hundred and forty-one, two hundred and fifty-six, two hundred and fifty-seven and two hundred and sixty-eight.</p> <p>In the Fourth Schedule, Form G.</p> <p>In the Fifth Schedule, so much of Part III as re-enacts 26 &amp; 27 Vict. c. 17. s. 6.</p> |
| 40 & 41 Vict.<br>c. 14.              | The Evidence Act, 1877 ...                             | In section one, the words "the non-repair of any public highway or bridge or for".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 41 & 42 Vict.<br>c. 34.              | The South Wales Highway Act Amendment Act, 1878.       | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 41 & 42 Vict.<br>c. 77.              | The Highways and Locomotives (Amendment) Act, 1878.    | <p>Part I except section twenty-six, and in section twenty-six paragraph (4).</p> <p>Section thirty-four.</p> <p>In section thirty-six, the words "this Act or".</p> <p>Section thirty-eight, except so far as it defines "the metropolis" and "person".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 43 & 44 Vict.<br>c. 5.               | The County Bridges Loans Extension Act, 1880.          | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 44 & 45 Vict.<br>c. 14.              | The South Wales Bridges Act, 1881.                     | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 45 & 46 Vict.<br>c. 27.              | The Highway Rate Assessment and Expenditure Act, 1882. | Section six.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



25TH SCH.  
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| Session and Chapter     | Title or Short Title                                | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 45 & 46 Vict.<br>c. 50. | The Municipal Corporations Act, 1882.               | Section one hundred and nineteen.<br>In the Ninth Schedule, the references to the South Wales Highways Act, 1860, the Highway Act, 1862, and the Highways and Locomotives (Amendment) Act, 1878.                                                                                                                                                                                                                                                                                                              |
| 45 & 46 Vict.<br>c. 52. | The Annual Turnpike Acts Continuance Act, 1882.     | In section eight, the definition of "highway authority".                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 45 & 46 Vict.<br>c. 67. | The South Wales Turnpike Roads Amendment Act, 1882. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 48 & 49 Vict.<br>c. 13. | The Highway Act Amendment Act, 1885.                | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 51 & 52 Vict.<br>c. 25. | The Railway and Canal Traffic Act, 1888.            | In section sixteen, subsection (3).<br>In section fifty-four, in subsection (3), the words "if other than a surveyor of highways".                                                                                                                                                                                                                                                                                                                                                                            |
| 51 & 52 Vict.<br>c. 41. | The Local Government Act, 1888.                     | In section three, paragraph (viii).<br>Section six.<br>In section eleven, subsections (1), (7), (9), (10) and (13) and in subsection (12) the words from the beginning to "council and".<br>Sections twelve and thirteen.<br>In section thirty-four, subsection (2).<br>In section thirty-five, subsections (3) and (4).<br>In section thirty-eight, paragraph (d) of subsection (2), and subsections (3) and (4).<br>Section ninety-seven.<br>In section one hundred, the definition of "highway authority". |
| 51 & 52 Vict.<br>c. 52. | The Public Health (Buildings in Streets) Act, 1888. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 53 & 54 Vict.<br>c. 59. | The Public Health Acts Amendment Act, 1890.         | In section seven, subsection (2).<br>In section eleven, subsection (2).<br>Sections thirteen, fourteen, fifteen, thirty-four, thirty-five, thirty-nine, forty-one and forty-three.                                                                                                                                                                                                                                                                                                                            |
| 54 & 55 Vict.<br>c. 63. | The Highways and Bridges Act, 1891.                 | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 55 & 56 Vict.<br>c. 57. | The Private Street Works Act, 1892.                 | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 56 & 57 Vict.<br>c. 32. | The Barbed Wire Act, 1893.                          | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

R

25TH SCH.  
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| Session and Chapter       | Title or Short Title                                       | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 56 & 57 Vict.<br>c. 73.   | The Local Government Act, 1894.                            | In section eight, paragraph (g) of subsection (1) in so far as it applies to a highway within the meaning of the Highways Act, 1959.<br>Section thirteen.<br>In section sixteen, subsection (1) so far as regards functions of a rural district council which are functions under this Act, and the words in that subsection from "or that" to "manner".<br>In section nineteen, in paragraph (8), the words from "with", where it first occurs, to "expense and".<br>In section twenty-five, subsections (2) and (3).<br>In section twenty-six, subsections (1), (4), (5) and (6).<br>Section eighty-two. |
| 7 Edw. 7. c. 53.          | The Public Health Acts Amendment Act, 1907.                | In section seven, subsection (2).<br>Sections fifteen to twenty, twenty-two and twenty-eight to thirty.<br>In section thirty-one the words from "is owing" to "passengers or".<br>Sections thirty-two, thirty-three and ninety-five.                                                                                                                                                                                                                                                                                                                                                                       |
| 9 Edw. 7. c. 47.          | The Development and Road Improvement Funds Act, 1909.      | Part II.<br>In section nineteen, in subsection (1), the words "or Part II" and the proviso.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 9 & 10 Geo. 5.<br>c. 50.  | The Ministry of Transport Act, 1919.                       | Section ten.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10 & 11 Geo. 5.<br>c. 72. | The Roads Act, 1920 ...                                    | The First Schedule so far as it amends any enactment repealed by this Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 14 & 15 Geo. 5.<br>c. 34. | The London Traffic Act, 1924.                              | Sections four and five.<br>Section eleven.<br>In section sixteen, the definition of "undertakers".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 15 & 16 Geo. 5.<br>c. 18. | The Settled Land Act, 1925.                                | In section fifty-six, paragraph (c) of subsection (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 15 & 16 Geo. 5.<br>c. 24. | The Universities and College Estates Act, 1925.            | In section sixteen, paragraph (c) of subsection (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 15 & 16 Geo. 5.<br>c. 49. | The Supreme Court of Judicature (Consolidation) Act, 1925. | In section twenty-nine, the words "non-repair or".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 15 & 16 Geo. 5.<br>c. 68. | The Roads Improvement Act, 1925.                           | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

25TH SCH.  
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| Session and Chapter         | Title or Short Title                  | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 15 & 16 Geo. 5.<br>c. 71.   | The Public Health Act, 1925.          | <p>In section three, the proviso. Section thirteen.</p> <p>In section sixteen, in subsection (1), the words from "nor shall" to the end.</p> <p>Sections twenty-one to twenty-five and twenty-seven to thirty-five.</p> <p>Section seventy-seven.</p> <p>Sections eighty-one to eighty-four.</p> <p>The First Schedule.</p> <p>The Second Schedule except so far as it relates to sections seventeen to nineteen of that Act.</p>                                                                                                                                                                                                                                                                                    |
| 15 & 16 Geo. 5.<br>c. xiii. | The Isle of Wight Highways Act, 1925. | <p>In section two, the definition of "main road".</p> <p>In section three, subsection (1), in subsection (2), the references to sections one hundred and forty-four, one hundred and fifty-five and two hundred and sixty-eight of the Public Health Act, 1875, and the Public Health (Buildings in Streets) Act, 1888, and subsections (3) and (4), except in so far as they relate to any enactment passed before the commencement of this Act and not repealed thereby.</p> <p>Sections four, nine, ten and eleven.</p> <p>In section twelve, paragraphs (2), (3) and (4).</p> <p>Sections thirteen, fourteen and fifteen.</p> <p>In section nineteen, subsection (1).</p> <p>Sections twenty and twenty-one.</p> |
| 17 & 18 Geo. 5.<br>c. 23.   | The Crown Lands Act, 1927.            | In section eleven, subsection (1B).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 19 & 20 Geo. 5.<br>c. 17.   | The Local Government Act, 1929.       | <p>Section twenty-nine.</p> <p>Section thirty except subsection (2) and except subsection (3) so far as it relates to functions under the enactments mentioned in Parts I and II of the First Schedule to that Act.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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25TH SCH.  
—cont.

| Session and Chapter            | Title or Short Title                             | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 19 & 20 Geo. 5.<br>c. 17—cont. | The Local Government Act, 1929—cont.             | <p>Section thirty - one except subsection (5) so far as it relates to functions under the enactment mentioned in Part V of the said First Schedule.</p> <p>Sections thirty-two to thirty-nine.</p> <p>Section one hundred and eighteen.</p> <p>In section one hundred and twenty-nine, subsection (2).</p> <p>In the First Schedule, Part I except so far as it relates to section one hundred and forty-eight of the Public Health Act, 1875, Parts II and V except so far as they relate to section forty of the Public Health Acts Amendment Act, 1890, and Parts III and IV.</p> <p>In the Tenth Schedule, paragraphs 2 and 10.</p> |
| 19 & 20 Geo. 5.<br>c. 33.      | The Bridges Act, 1929 ...                        | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 20 & 21 Geo. 5.<br>c. 43.      | The Road Traffic Act, 1930                       | <p>Sections fifty-one to fifty-six.</p> <p>In section fifty-seven, subsections (1) and (2).</p> <p>Section fifty-eight.</p> <p>In section one hundred and twenty-one, in subsection (2), the words from "other than the section" to "traffic".</p>                                                                                                                                                                                                                                                                                                                                                                                      |
| 22 & 23 Geo. 5.<br>c. 45.      | The Rights of Way Act, 1932.                     | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 24 & 25 Geo. 5.<br>c. 50.      | The Road Traffic Act, 1934.                      | <p>Section twenty-three.</p> <p>The Third Schedule, so far as it amends subsection (2) of section fifty-seven of the Road Traffic Act, 1930.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 25 & 26 Geo. 5.<br>c. 47.      | The Restriction of Ribbon Development Act, 1935. | <p>Sections four, thirteen, fourteen and eighteen.</p> <p>The Fourth Schedule.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1 Edw. 8. &<br>1 Geo. 6. c. 5. | The Trunk Roads Act, 1936                        | <p>Sections one and two.</p> <p>In section three, in subsection (1), the words from "and any functions" to "local Act" and the remainder of that subsection so far as it relates to functions under any enactment repealed by this Act, subsection (2), so far as it relates to functions mentioned in Part II of the Third Schedule to that Act, and subsections (4) to (7).</p>                                                                                                                                                                                                                                                       |

25TH SCH.  
—cont.

| Session and Chapter                  | Title or Short Title                | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 1 Edw. 8 & 1 Geo. 6. c. 5.<br>—cont. | The Trunk Roads Act, 1936<br>—cont. | <p>Sections four and five.</p> <p>In section six, subsections (1) to (4), (8) and (9) and in subsection (7) the words from the beginning to “subways) and ” and the word “respectively ”.</p> <p>Sections seven and eight.</p> <p>Sections ten and eleven.</p> <p>In section thirteen, in subsection (1), the definitions of “classified road”, “former highway authority”, “improvement”, “property”, and “statutory undertakers ”.</p> <p>The First Schedule.</p> <p>The Second Schedule except so far as it relates to sections forty-seven and forty-eight of the Road Traffic Act, 1930, and section thirty of the Road and Rail Traffic Act, 1933.</p> <p>In the Third Schedule, Part I except so far as it relates to section one hundred and forty-eight of the Public Health Act, 1875, section forty-six of the Road Traffic Act, 1930, and sections one and eighteen of the Road Traffic Act, 1934, Part II and Part III except so far as it relates to sections forty and forty-two of the Public Health Acts Amendment Act, 1890, and section fourteen of the Public Health Act, 1925.</p> <p>The Fourth and Fifth Schedules.</p> |
| 9 & 10 Geo. 6. c. 30.                | The Trunk Roads Act, 1946           | <p>Sections one and two.</p> <p>In section three, subsection (2).</p> <p>Sections five to ten.</p> <p>In section eleven, in subsection (1), the definitions of “the Act of 1935 ” and “swing bridge”, and subsection (2).</p> <p>In section twelve, subsection (3).</p> <p>Sections thirteen and sixteen.</p> <p>The First and Second Schedules.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

25TH SCH.  
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| Session and Chapter            | Title or Short Title                                         | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 9 & 10 Geo. 6.<br>c. 30.—cont. | The Trunk Roads Act, 1946<br>—cont.                          | The Third Schedule in so far as it amends any enactment repealed by this Act.<br>The Fourth Schedule in so far as it relates to section five of, and the Fourth Schedule to, the Trunk Roads Act, 1936.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 9 & 10 Geo. 6.<br>c. 49.       | The Acquisition of Land (Authorisation Procedure) Act, 1946. | In section one, in paragraph (b) of subsection (1), the words from "under section eleven" to "1946, or".<br>The Fourth Schedule in so far as it amends any enactment repealed by this Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 9 & 10 Geo. 6.<br>c. 68.       | The New Towns Act, 1946.                                     | In section seven, subsection (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10 & 11 Geo. 6.<br>c. 51.      | The Town and Country Planning Act, 1947.                     | In section forty-seven, subsection (1).<br>Section forty-eight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11 & 12 Geo. 6.<br>c. 26.      | The Local Government Act, 1948.                              | Section one hundred and twenty-seven.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12, 13 & 14<br>Geo. 6. c. 32.  | The Special Roads Act, 1949.                                 | Sections one to eight.<br>In section nine, subsections (1), (3) and (5).<br>Sections ten and eleven.<br>Sections thirteen to fifteen.<br>In section sixteen, in subsection (1), the words "Subject to the provisions of the First Schedule to this Act" and the words from "for prescribing" where first occurring to "therewith) and", and subsections (2) and (3).<br>Section seventeen.<br>In section eighteen, in subsection (1), the words "to make or confirm schemes or" and the words "or orders under section two thereof", and subsection (2).<br>In section nineteen, paragraph (b) of subsection (2).<br>Section twenty.<br>In section twenty-one, subsection (1), except so far as it defines "Minister", "special road" and "use".<br>Section twenty-two except subsection (2).<br>The Schedules. |

25TH SCH.  
—cont.

| Session and Chapter                      | Title or Short Title                                        | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12, 13 & 14<br>Geo. 6. c. 97.            | The National Parks and Access to the Countryside Act, 1949. | <p>Sections thirty-nine to fifty, fifty-six and fifty-eight.</p> <p>In section ninety-nine, subsection (4).</p> <p>In section one hundred and one, in subsection (6), the words from "public" to "order or".</p> <p>In section one hundred and seven, in subsection (1), the words "under section forty-six thereof".</p> <p>In section one hundred and eight, paragraph (b) of subsection (1).</p> <p>Part I of the First Schedule so far as it relates to a public path order, a diversion order or an extinguishment order.</p> |
| 14 Geo. 6.<br>c. 24.                     | The Highways (Provision of Cattle-Grids) Act, 1950.         | The whole Act except section six and subsections (1) and (4) of section nineteen.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 14 Geo. 6.<br>c. 39.                     | The Public Utilities Street Works Act, 1950.                | <p>In section twenty-three, subsection (6).</p> <p>In section twenty-seven, subsections (2) and (3).</p> <p>Section twenty-eight.</p> <p>The Fifth Schedule so far as it amends section twenty of the Special Roads Act, 1949.</p>                                                                                                                                                                                                                                                                                                 |
| 14 & 15 Geo. 6.<br>c. 40.                | The New Streets Act, 1951.                                  | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 48. | The Costs in Criminal Cases Act, 1952.                      | In section sixteen, in subsection (3), the words "non-repair or".                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1 & 2 Eliz. 2.<br>c. 26.                 | The Local Government (Miscellaneous Provisions) Act, 1953.  | Section nine.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4 & 5 Eliz. 2. c.<br>6.                  | The Miscellaneous Financial Provisions Act, 1955.           | <p>The First Schedule so far as it amends subsection (1) of section fifty-seven of the Road Traffic Act, 1930.</p>                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4 & 5 Eliz. 2. c.<br>20.                 | The Agriculture (Improvement of Roads) Act, 1955.           | In section one, subsection (6).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4 & 5 Eliz. 2.<br>c. 67.                 | The Road Traffic Act, 1956.                                 | <p>Section forty-five.</p> <p>In the Eighth Schedule, paragraph 5.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5 & 6 Eliz. 2.<br>c. 33.                 | The New Streets Act, 1951 (Amendment) Act, 1957.            | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5 & 6 Eliz. 2.<br>c. 42.                 | The Parish Councils Act, 1957.                              | In section three, subsection (9).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5 & 6 Eliz. 2.<br>c. 56.                 | The Housing Act, 1957 ...                                   | In section one hundred and forty-seven, subsection (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Section 312.

## TWENTY-SIXTH SCHEDULE

PROVISIONS OF TRUNK ROADS ACTS, 1936 AND 1946,  
REPEALED AS RESPECTS LONDON*The Trunk Roads Act, 1936*  
(1 Edw. 8 & 1 Geo. 6. c. 5.)

In section one, in subsection (1), the words from the beginning to "name and", and subsection (2).

Section two.

In section four, subsection (6).

The First Schedule.

In the Fourth Schedule, paragraphs 6 and 7, and paragraph 8 in so far as it relates to the definition of the expression "middle of the road".

*The Trunk Roads Act, 1946*  
(9 & 10 Geo. 6. c. 30.)

Sections one and two.

In section three, subsection (2).

In section five, subsection (1).

Sections six and seven.

In section eight, in subsection (3), the words from "under", where it first occurs, to "of London".

Section nine.

In section ten, subsection (3).

In section eleven, in subsection (1), the definition of "swing bridge", and subsection (2).

In section twelve, subsection (3).

The First and Second Schedules.

The Third Schedule in so far as it amends subsection (6) of section four of, and the Fourth Schedule to, the Trunk Roads Act, 1936.

The Fourth Schedule in so far as it relates to section five of, and the Fourth Schedule to, the Trunk Roads Act, 1936.



Table of Statutes referred to in this Act

| Short Title                                                             | Session and Chapter      |
|-------------------------------------------------------------------------|--------------------------|
| Highway Act, 1835 ... ..                                                | 5 & 6 Will. 4. c. 50.    |
| Lands Clauses Consolidation Act, 1845 ...                               | 8 & 9 Vict. c. 18.       |
| Inclosure Act, 1845 ... ..                                              | 8 & 9 Vict. c. 118.      |
| Towns Improvement Clauses Act, 1847 ...                                 | 10 & 11 Vict. c. 34.     |
| Metropolis Management Act, 1855 ... ..                                  | 18 & 19 Vict. c. 120.    |
| Metropolis Management Amendment Act, 1862                               | 25 & 26 Vict. c. 102.    |
| Tramways Act, 1870 ... ..                                               | 33 & 34 Vict. c. 78.     |
| Bank Holidays Act, 1871 ... ..                                          | 34 & 35 Vict. c. 17.     |
| Annual Turnpike Acts Continuance Act, 1872                              | 35 & 36 Vict. c. 85.     |
| Holidays Extension Act, 1875 ... ..                                     | 38 & 39 Vict. c. 13.     |
| Public Health Act, 1875... ..                                           | 38 & 39 Vict. c. 55.     |
| Local Loans Act, 1875 ... ..                                            | 38 & 39 Vict. c. 83.     |
| Commons Act, 1876 ... ..                                                | 39 & 40 Vict. c. 56.     |
| Evidence Act, 1877 ... ..                                               | 40 & 41 Vict. c. 14.     |
| Telegraph Act, 1878 ... ..                                              | 41 & 42 Vict. c. 76.     |
| Highways and Locomotives (Amendment) Act,<br>1878. ... ..               | 41 & 42 Vict. c. 77.     |
| Annual Turnpike Acts Continuance Act, 1882                              | 45 & 46 Vict. c. 52.     |
| Railway and Canal Traffic Act, 1888 ... ..                              | 51 & 52 Vict. c. 25.     |
| Local Government Act, 1888 ... ..                                       | 51 & 52 Vict. c. 41.     |
| Public Health (Buildings in Streets) Act, 1888...                       | 51 & 52 Vict. c. 52.     |
| Interpretation Act, 1889 ... ..                                         | 52 & 53 Vict. c. 63.     |
| Public Health Acts Amendment Act, 1890 ...                              | 53 & 54 Vict. c. 59.     |
| Military Lands Act, 1892 ... ..                                         | 55 & 56 Vict. c. 43.     |
| Private Street Works Act, 1892 ... ..                                   | 55 & 56 Vict. c. 57.     |
| Local Government Act, 1894 ... ..                                       | 56 & 57 Vict. c. 73.     |
| Building Societies Act, 1894 ... ..                                     | 57 & 58 Vict. c. 47.     |
| Public Works Loans Act, 1897 ... ..                                     | 60 & 61 Vict. c. 51.     |
| London Government Act, 1899 ... ..                                      | 62 & 63 Vict. c. 14.     |
| Public Health Acts Amendment Act, 1907 ...                              | 7 Edw. 7. c. 53.         |
| Development and Road Improvement Funds<br>Act, 1909. ... ..             | 9 Edw. 7. c. 47.         |
| Welsh Church Act, 1914 ... ..                                           | 4 & 5 Geo. 5. c. 91.     |
| Ministry of Transport Act, 1919 ... ..                                  | 9 & 10 Geo. 5. c. 50.    |
| Acquisition of Land (Assessment of Compensa-<br>tion) Act, 1919. ... .. | 9 & 10 Geo. 5. c. 57.    |
| London Traffic Act, 1924 ... ..                                         | 14 & 15 Geo. 5. c. 34.   |
| Settled Land Act, 1925 ... ..                                           | 15 & 16 Geo. 5. c. 18.   |
| Law of Property Act, 1925 ... ..                                        | 15 & 16 Geo. 5. c. 20.   |
| Land Charges Act, 1925 ... ..                                           | 15 & 16 Geo. 5. c. 22.   |
| Universities and College Estates Act, 1925 ...                          | 15 & 16 Geo. 5. c. 24.   |
| Supreme Court of Judicature (Consolidation)<br>Act, 1925. ... ..        | 15 & 16 Geo. 5. c. 49.   |
| Public Health Act, 1925... ..                                           | 15 & 16 Geo. 5. c. 71.   |
| Rating and Valuation Act, 1925 ... ..                                   | 15 & 16 Geo. 5. c. 90.   |
| Isle of Wight Highways Act, 1925 ... ..                                 | 15 & 16 Geo. 5. c. xiii. |
| Local Government Act, 1929 ... ..                                       | 19 & 20 Geo. 5. c. 17.   |
| Bridges Act, 1929 ... ..                                                | 19 & 20 Geo. 5. c. 33.   |
| Road Traffic Act, 1930 ... ..                                           | 20 & 21 Geo. 5. c. 43.   |
| Land Drainage Act, 1930 ... ..                                          | 20 & 21 Geo. 5. c. 44.   |
| Rights of Way Act, 1932 ... ..                                          | 22 & 23 Geo. 5. c. 45.   |
| Local Government Act, 1933 ... ..                                       | 23 & 24 Geo. 5. c. 51.   |
| Road Traffic Act, 1934 ... ..                                           | 24 & 25 Geo. 5. c. 50.   |
| Restriction of Ribbon Development Act, 1935                             | 25 & 26 Geo. 5. c. 47.   |

| Short Title                                                     | Session and Chapter                |
|-----------------------------------------------------------------|------------------------------------|
| Public Health Act, 1936... ..                                   | 26 Geo. 5. & 1 Edw. 8. c. 49.      |
| Public Health (London) Act, 1936 ... ..                         | 26 Geo. 5. & 1 Edw. 8. c. 50.      |
| Trunk Roads Act, 1936 ... ..                                    | 1 Edw. 8 & 1 Geo. 6. c. 5.         |
| London Government Act, 1939 ... ..                              | 2 & 3 Geo. 6. c. 40.               |
| Town and Country Planning Act, 1944 ... ..                      | 7 & 8 Geo. 6. c. 47.               |
| Distribution of Industry Act, 1945 ... ..                       | 8 & 9 Geo. 6. c. 36.               |
| Statutory Orders (Special Procedure) Act, 1945 ... ..           | 9 & 10 Geo. 6. c. 18.              |
| Trunk Roads Act, 1946 ... ..                                    | 9 & 10 Geo. 6. c. 30.              |
| Acquisition of Land (Authorisation Procedure) Act, 1946. ... .. | 9 & 10 Geo. 6. c. 49.              |
| New Towns Act, 1946 ... ..                                      | 9 & 10 Geo. 6. c. 68.              |
| Forestry Act, 1947 ... ..                                       | 10 & 11 Geo. 6. c. 21.             |
| Transport Act, 1947 ... ..                                      | 10 & 11 Geo. 6. c. 49.             |
| Town and Country Planning Act, 1947 ... ..                      | 10 & 11 Geo. 6. c. 51.             |
| River Boards Act, 1948 ... ..                                   | 11 & 12 Geo. 6. c. 32.             |
| Special Roads Act, 1949 ... ..                                  | 12, 13 & 14 Geo. 6. c. 32.         |
| Coast Protection Act, 1949 ... ..                               | 12, 13 & 14 Geo. 6. c. 74.         |
| National Parks and Access to the Countryside Act, 1949. ... ..  | 12, 13 & 14 Geo. 6. c. 97.         |
| Highways (Provision of Cattle Grids) Act, 1950 ... ..           | 14 Geo. 6. c. 24.                  |
| Public Utilities Street Works Act, 1950 ... ..                  | 14 Geo. 6. c. 39.                  |
| Livestock Rearing Act, 1951 ... ..                              | 14 & 15 Geo. 6. c. 18.             |
| New Streets Act, 1951 ... ..                                    | 14 & 15 Geo. 6. c. 40.             |
| Costs in Criminal Cases Act, 1952 ... ..                        | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 48. |
| Magistrates' Courts Act, 1952 ... ..                            | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. |
| Housing Repairs and Rents Act, 1954 ... ..                      | 2 & 3 Eliz. 2. c. 53.              |
| Post Office and Telegraph (Money) Act, 1955... ..               | 4 & 5 Eliz. 2. c. 14.              |
| Agriculture (Improvement of Roads) Act, 1955 ... ..             | 4 & 5 Eliz. 2. c. 20.              |
| Road Traffic Act, 1956 ... ..                                   | 4 & 5 Eliz. 2. c. 67.              |
| Parish Councils Act, 1957 ... ..                                | 5 & 6 Eliz. 2. c. 42.              |
| Housing Act, 1957 ... ..                                        | 5 & 6 Eliz. 2. c. 56.              |
| Agriculture Act, 1957 ... ..                                    | 5 & 6 Eliz. 2. c. 57.              |

## CHAPTER 26

### *Terms and Conditions of Employment Act, 1959*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Catering wages boards to become wages councils.
2. Wages councils: advisory committees.
3. Provisions as to abolition, and variation of field of operation, of wages councils.
4. Repeal of paragraph (b) of s. 10 (3) of Act of 1945.
5. Apportionment of remuneration.
6. Remuneration of certain home-workers.

## Section

7. Amendment as to enforcement of Act of 1945.
8. Settlement of claims as to recognised terms or conditions of employment .
9. Short title, construction, citation, interpretation, repeal, commencement and extent.

## SCHEDULES:

- First Schedule—Transitional Provisions.  
 Second Schedule—Provisions as to Advisory Committees.  
 Third Schedule—Enactments repealed.

An Act to repeal the Catering Wages Act, 1943, and to convert wages boards under that Act into wages councils; to make further provision with respect to wages councils and statutory minimum remuneration and with respect to the observance of recognised terms or conditions of employment; and for purposes connected with the matters aforesaid.

[30th April, 1959]

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

1.—(1) The Catering Wages Act, 1943, shall cease to have effect, and the wages boards to which this section applies shall be deemed to be wages councils—

- (a) established by wages council orders under Part I of the Act of 1945, having their existing chairmen, deputy chairmen, other members and officers, and having their existing names, but with the substitution of the word "Council" for the word "Board", and
- (b) operating in relation to the workers and their employers in relation to whom, by virtue of orders made under section four of the Catering Wages Act, 1943, they were respectively operating immediately before the commencement of this Act.

(2) Any order under section eight of the Catering Wages Act, 1943, in force immediately before the commencement of this Act shall thereafter have effect as if it were a wages regulation order under section ten of the Act of 1945, and may be amended or revoked accordingly.

R\* 2

(3) This section applies to—

- (a) the Industrial and Staff Canteen Undertakings Wages Board,
- (b) the Unlicensed Place of Refreshment Wages Board,
- (c) the Licensed Residential Establishment and Licensed Restaurant Wages Board, and
- (d) the Licensed Non-residential Establishment Wages Board.

(4) The transitional provisions set out in the First Schedule to this Act shall have effect for the purposes of this section.

Wages  
councils:  
advisory  
committees.

2.—(1) A wages council may request the Minister to appoint a committee for any of the workers within the field of operation of the council and the Minister shall appoint a committee accordingly, and the council may refer to it for a report and recommendations any matter relating to those workers which the council thinks it expedient so to refer.

(2) Section seven of the Act of 1948 (which provides for the continuance in office of members of wages councils or central co-ordinating committees until the appointments of their successors take effect) shall apply in relation to members of any committee appointed under this section as it applies in relation to members of wages councils or central co-ordinating committees.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to committees appointed under this section.

(4) A committee constituted at the request of a wages board under subsection (2) of section six of the Catering Wages Act, 1943, being a committee in existence immediately before the commencement of this Act, shall be deemed to be a committee constituted in like manner under this section at the request of the wages council which the board becomes by virtue of the foregoing section, and paragraph 2 of the First Schedule to this Act shall apply to its members as it applies to the members of wages councils therein referred to.

5 & 6 Eliz. 2.  
c. 20.

(5) In Part III of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain offices the holders of which are disqualified under that Act) and in the Part substituted therefor by the Third Schedule to that Act in its application to the Senate and the House of Commons of Northern Ireland, in the entry relating to Councils and Committees under the Act of 1945, after the words "1945" there shall be inserted the words "Chairman of a Committee appointed under paragraph 1 (1) (a) of the Second Schedule to the Terms and Conditions of Employment Act, 1959", and for the words "that Act" there shall be substituted the words "the said Act of 1945".

**3.—(1) The Minister—**

- (a) may if he thinks fit in any case where he is considering whether to exercise his power under subsection (1) of section six of the Act of 1945 to abolish or vary the field of operation of a wages council,
- (b) shall in any case where an application for the abolition of a wages council has been made to him under subsection (2) of the said section six and he does not thereupon proceed to the making of an order under the said subsection (1) giving effect to the application,

Provisions as to abolition, and variation of field of operation, of wages councils.

refer to a commission of inquiry the question whether the council should be abolished or, as the case may be, its field of operation varied; and section five of the Act of 1945, in its application to the making of an order in pursuance of a recommendation of a commission under this section, shall have effect as if any reference in that section to a wages council recommendation included a reference to the recommendation of the commission.

(2) On a reference, under the foregoing subsection or under paragraph (b) of subsection (4) of section five of the Act of 1945 (which provides for references to a commission of inquiry in certain circumstances of draft orders to abolish or vary the field of operation of a wages council), as to the abolition of a wages council, a commission of inquiry, if of opinion that it is expedient to do so having regard—

- (a) to the extent to which there is, and is likely to remain, adequate machinery set up by agreement between organisations representing workers and employers respectively for the effective regulation of remuneration and conditions of employment of workers within the field of operation of the wages council to which the reference relates, or
- (b) to the extent (if any) to which it is practicable and desirable to bring within the field of operation of another wages council all or any of the workers within the field of operation of the council to which the reference relates,

or to both those considerations, may make a report to the Minister recommending—

- (i) the abolition of the wages council to which the reference relates, or
- (ii) the narrowing of the field of operation of the council,

and (in either case), if the commission is of opinion that it is expedient as aforesaid, also recommending the transfer of workers to the field of operation of another existing wages

council or a wages council to be established, whether or not in pursuance of a wages council recommendation embodied in the same report.

(3) On a reference, under subsection (1) of this section or the said paragraph (b) of subsection (4) of section five of the Act of 1945, as to the variation of the field of operation of a wages council, the commission may make a report to the Minister recommending any variation (including the transfer of workers to the field of operation of any other such wages council as aforesaid) which appears to the commission desirable in all the circumstances.

(4) In the proviso to subsection (2) of section five of the Act of 1948 (which provides for the notification to commissions of inquiry of objections to draft orders referred to them) for the words "an order in pursuance of a wages council recommendation" there shall be substituted the words "an order in pursuance of a recommendation of a commission of inquiry".

(5) The power of the Minister under paragraph (b) of subsection (4) of section five of the Act of 1945, as applied by section six of that Act, to modify a draft order shall include power to make any alterations necessary to give effect to a recommendation of a commission of inquiry under this section, with or without modifications.

(6) This section shall be construed as one with section six of the Act of 1945.

(7) It is hereby declared that nothing in subsection (2) of section three of the Act of 1948 affects the duty of the Minister under paragraph (a) of the proviso to subsection (1) of section six of the Act of 1945 to consult a central co-ordinating committee.

(8) Any increase attributable to this section in the sums payable out of moneys provided by Parliament under section twenty-two of the Act of 1945 shall be defrayed out of moneys so provided.

Repeal of  
paragraph (b)  
of s. 10 (3) of  
Act of 1945.

4. Paragraph (b) of the proviso to subsection (3) of section ten of the Act of 1945 (which requires a central co-ordinating committee to be furnished with copies of wages regulation proposals on their submission to the Minister) shall cease to have effect.

Apportion-  
ment of  
remuneration.

5. Where for any period a worker receives remuneration for work for part of which he is entitled to statutory minimum remuneration at one or more time rates and for the remainder of which no statutory minimum remuneration is fixed, the amount of the remuneration which is to be attributed to the work for which he is entitled to statutory minimum remuneration shall, if not apparent from the terms of the contract between

the employer and the worker, be deemed for the purposes of the Act of 1945 to be the amount which bears to the total amount of the remuneration the same proportion as the time spent on the part of the work for which he is entitled to statutory minimum remuneration bears to the time spent on the whole of the work.

6. A home-worker under a contract for the execution of work with statutory minimum remuneration shall, notwithstanding that the contract is not a contract of service or a contract for the execution of the work by the home-worker personally, be treated for the purposes of the statutory provisions relating to the obligation to pay statutory minimum remuneration (other than holiday remuneration), and the statutory provisions providing for, or ancillary to, the enforcement of that obligation, as if he were a worker within the meaning of the Act of 1945; and references in the Act of 1945 to an outworker and an employer shall be construed accordingly.

Remuneration  
of certain  
home-workers.

7. In subsection (6) of section seventeen of the Act of 1945 (which inter alia provides a penalty for refusal to comply with the requirements of officers acting for the purposes of Part II of that Act) for the word "refuses" there shall be substituted the word "fails", and at the end of the subsection there shall be added—

Amendment as  
to enforcement  
of Act of  
1945.

"Provided that it shall be a defence for a person charged under this subsection with failing to comply with a requirement to prove that it was not reasonably practicable to comply therewith."

8.—(1) Where a claim is duly reported to the Minister under this section—

Settlement of  
claims as to  
recognised  
terms or  
conditions of  
employment.

(a) that terms or conditions of employment are established in any trade or industry, or section of a trade or industry, either generally or in any district, which have been settled by an agreement or award, and

(b) that the parties to the agreement, or to the proceedings in which the award was made, are or represent organisations of employers and organisations of workers or associations of such organisations, and represent (generally or in the district in question, as the case may be) a substantial proportion of the employers and of the workers in the trade, industry or section, being workers of the description (hereinafter referred to as "the relevant description") to which the agreement or award relates, and

(c) that as respects any worker of the relevant description an employer engaged in the trade, industry or section (or, where the operation of the agreement or award is

limited to a district, an employer so engaged in that district), whether represented as aforesaid or not, is not observing the terms or conditions (hereinafter referred to as "the recognised terms or conditions"),

the Minister may take any steps which seem to him expedient to settle, or to secure the use of appropriate machinery to settle, the claim and shall, if the claim is not otherwise settled, refer it to the Industrial Court constituted under Part I of the Industrial Courts Act, 1919:

9 & 10 Geo. 5.  
c. 69.

Provided that—

- (i) no claim shall be reported under this section as respects workers whose remuneration or minimum remuneration is fixed (otherwise than by the employer, with or without the approval of any other person) in pursuance of any enactment other than this section or in the case of whom provision is made by or under any enactment other than this section for the settlement of questions as to remuneration or minimum remuneration ;
- (ii) no claim shall be reported under this section as respects terms or conditions fixed as aforesaid.

(2) For the purposes of this section a claim, to be duly reported, must be reported to the Minister in writing by an organisation or association being, or represented by, one of the parties mentioned in paragraph (b) of the foregoing subsection ; and if in the opinion of the Minister the report of a claim does not contain sufficient particulars he may require further particulars to be given, and if he does so the report shall not be treated as having been duly made until the Minister is satisfied that the particulars required have been given.

(3) If on a reference under this section the Industrial Court is satisfied that the claim is well founded, then unless the Court is satisfied that the terms or conditions which the employer is observing are not less favourable than the recognised terms or conditions the Court shall make an award requiring the employer to observe the recognised terms or conditions as respects all workers of the relevant description from time to time employed by him.

(4) An award under this section shall have effect as an implied term of the contract of employment, and shall have effect from such date as the Industrial Court may determine, being a date not earlier than the date on which, in the opinion of the Court, the employer was first informed of the claim giving rise to the award by the organisation or association which reported the claim to the Minister ; and an award under this section shall cease to have effect on the coming into operation of an agreement or award varying or abrogating the recognised terms or conditions.



(5) For the purposes of this section the carrying on of the activities of public or local authorities shall be treated as the carrying on of a trade or industry.

9.—(1) This Act may be cited as the Terms and Conditions of Employment Act, 1959, and shall be construed as one with the Wages Councils Acts, 1945 to 1948, and this Act and those Acts may be cited together as the Wages Councils Acts, 1945 to 1959.

Short title,  
construction,  
citation,  
interpretation,  
repeal, com-  
mencement  
and extent.

(2) In this Act the following expressions have the meanings hereby assigned to them respectively:—

“ Act of 1945 ” means the Wages Councils Act, 1945 ;

8 & 9 Geo. 6.  
c. 17.

“ Act of 1948 ” means the Wages Councils Act, 1948 ;

12, 13 & 14  
Geo. 6. c. 7.

“ home-worker ” means a person who contracts with a person, for the purposes of that person’s business, for the execution of work to be done in a place not under the control or management of the person with whom he contracts, and who does not normally make use of the services of more than two persons in the carrying out of contracts for the execution of work with statutory minimum remuneration ;

“ statutory provision ” means a provision contained in or having effect under any enactment ;

“ time rate ” means a rate where the amount of the remuneration is to be calculated by reference to the actual number of hours worked ;

“ work with statutory minimum remuneration ” means work of a description for which, when executed by a worker within the meaning of the Act of 1945, statutory minimum remuneration is provided under that Act.

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

(4) This Act shall come into operation on the expiration of the period of one month beginning with the date of the passing thereof.

(5) Notwithstanding anything in subsection (1) of this section, subsection (5) of section two of this Act, subsection (3) of this section and Part II of the Third Schedule to this Act shall extend to Northern Ireland

## SCHEDULES

### Section 1.

### FIRST SCHEDULE

#### TRANSITIONAL PROVISIONS

1. In this Schedule "wages board" means any of the boards to which section one of this Act applies, and "wages council" means the wages council which a wages board becomes by virtue of that section.

2. The chairman, deputy chairman, other members and officers of a wages council shall hold office as if appointed for periods expiring when their respective appointments to or under the wages board would have expired, and any member of a wages council shall be deemed to have been appointed as an independent person, as representing employers, or as representing workers, according to the capacity in which he was appointed to the wages board.

3.—(1) Any wages regulation proposals of a wages board shall be deemed to be wages regulation proposals of the wages council, and anything duly done before the commencement of this Act under the Catering Wages Act, 1943, in relation to proposals of a wages board shall be deemed for the purposes of the Act of 1945 to have been duly done under the corresponding provision of that Act.

(2) The foregoing sub-paragraph does not apply to proposals to which effect has been given by the Minister before the commencement of this Act.

4. In subsection (3) of section eleven of the Act of 1945 (which enables evidence to be given, on the conviction of an employer of failure to pay the minimum remuneration, of any like contravention within the previous two years and empowers the court, on proof of the contravention, to order the employer to pay the amount of the under-payment) in paragraph (a) after the words "part of the employer" there shall be inserted the words "(whether under this Part of this Act or under the Catering Wages Act, 1943)" and in paragraph (b) after the word "Act" there shall be inserted the words "or of the said Act of 1943".

5. Without prejudice to the generality of the operation of subsection (2) of section thirty-eight of the Interpretation Act, 1889, (which relates to the effect of repeals), it is hereby declared that the repeal by this Act of the Catering Wages Act, 1943, does not affect the right of a worker to recover sums due from his employer on account of the payment to the worker of remuneration less than the statutory minimum remuneration, or the power of an officer appointed to act for the purposes of that Act to institute on behalf of and in the name of the worker civil proceedings for the enforcement of that right or the power of the court in such proceedings to make an order for the payment of costs by the officer.

6. The references in section seventeen of the Act of 1945 (which relates to officers and the powers and duties thereof) to Part II of

that Act shall include references to the Catering Wages Act, 1943 ; and officers appointed under that section—

1st Sch.  
—cont.

- (a) may proceed thereunder accordingly in relation to things done or omitted to be done before the commencement of this Act ; and
- (b) may also exercise the powers conferred on officers appointed under the Catering Wages Act, 1943, so far as those powers continue to be exercisable, as if they had been appointed under the last-mentioned Act.

7. A permit granted by a wages board under subsection (4) of section nine of the Catering Wages Act, 1943, authorising the employment of a worker at less than the statutory minimum remuneration shall have effect as if it had been granted by the wages council under subsection (1) of section twelve of the Act of 1945.

8.—(1) Subsection (1) of section fifteen of the Act of 1945 (which requires the keeping of the necessary records to show whether or not the provisions of Part II of that Act are being complied with) shall have effect with the substitution for the words from “ to show ” to “ as respects them ” of the words “ to indicate, as respects those workers, compliance or non-compliance with the provisions of this Part of this Act or the provisions of the Catering Wages Act, 1943 ”.

(2) As respects wages regulation proposals and wages regulation orders which have effect under the Act of 1945 by virtue of this Act, it shall, except in so far as may be otherwise expressly provided by regulations under the Act of 1945, be sufficient compliance with subsection (2) of section fifteen of that Act (which relates to the posting or giving of notice of wages regulation proposals and orders) to comply with the requirements in force immediately before the commencement of this Act under subsection (2) of section eleven of the Catering Wages Act, 1943, and the regulations under that Act.

9. Subsection (1) of section fourteen of the Act of 1945 (which restricts the payment of premiums by apprentices) shall not apply to any payment made, under a contract entered into before the passing of this Act, by or in respect of a worker within the field of operation, as constituted by section one of this Act, of a wages council so constituted.

## SECOND SCHEDULE

Section 2.

### PROVISIONS AS TO ADVISORY COMMITTEES

1.—(1) Any committee appointed by the Minister at the request of a wages council shall consist of—

- (a) a chairman chosen as being an independent person ;
- (b) persons who appear to the Minister to represent the employers in relation to whom the committee will operate ; and
- (c) persons who appear to the Minister to represent the workers in relation to whom the committee will operate.

(2) On any such committee the persons appointed under head (b), and the persons appointed under head (c), of the foregoing subparagraph shall be equal in number.

2ND SCH.  
—cont.

2. The appointment of a member of any such committee as aforesaid shall be for such term as may be determined by the Minister before his appointment and shall be subject to such conditions as may be so determined.

3. There may be paid to the chairman of any such committee as aforesaid such fees, and to any member of any such committee such travelling and other allowances, as the Minister may, with the consent of the Treasury, determine, and all such fees and allowances shall be defrayed out of moneys provided by Parliament.

Section 9.

## THIRD SCHEDULE

## ENACTMENTS REPEALED

## PART I

## REPEALS EXTENDING TO GREAT BRITAIN ONLY

| Session and Chapter     | Short Title                      | Extent of Repeal                                                                                                                    |
|-------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Geo. 6.<br>c. 24. | The Catering Wages Act,<br>1943. | The whole Act.                                                                                                                      |
| 8 & 9 Geo. 6.<br>c. 17. | The Wages Councils Act,<br>1945. | In section six, in subsection (2), the words from " and where such " to the end.<br>In section ten, in subsection (3), proviso (b). |

## PART II

## REPEALS EXTENDING TO THE WHOLE UNITED KINGDOM

| Session and Chapter      | Short Title                                         | Extent of Repeal                                                                                                                                                 |
|--------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 & 6 Eliz. 2.<br>c. 20. | The House of Commons Disqualification Act,<br>1957. | In Part III of the First Schedule, and in the Part substituted therefor by the Third Schedule, the entry relating to offices under the Catering Wages Act, 1943. |

## CHAPTER 27

An Act to make further provision as to compensation for any loss or damage occasioned to fishing nets or gear detained by sea fishery officers in Scotland.

[30th April, 1959]

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

1.—The provisions in subsection (2) of section nine of Compensation. the Sea Fisheries Regulation (Scotland) Act, 1895, relating to 58 & 59 Vict. c. 42. compensation for any loss or damage occasioned to any net seized under that section where no conviction follows for an offence against byelaws made thereunder, shall apply to any net or gear detained by a sea fishery officer in the exercise of his powers in relation to any byelaws made under section four of the Sea Fisheries (Scotland) Amendment Act, 1885, where no 48 & 49 Vict. c. 70. conviction follows for an offence against such byelaws.

2.—(1) Any reference in this Act to any enactment shall be Interpretation, construed as a reference to that enactment as amended by any short title and extent. subsequent enactment.

(2) This Act may be cited as the Sea Fisheries (Compensation) (Scotland) Act, 1959.

(3) This Act shall extend only to Scotland.

## CHAPTER 28

*Income Tax (Repayment of Post-War Credits) Act, 1959*

## ARRANGEMENT OF SECTIONS

## Section

1. Repayment of post-war credits.
2. Interest on post-war credits.
3. Repayment of credits to building societies.
4. Payments out of Consolidated Fund and moneys provided by Parliament, and power to borrow.
5. Regulations.
6. Short title and interpretation.

An Act to make further provision for the repayment of post-war credits (including credits to building societies), and to provide for the payment of interest thereon.

[30th April, 1959]

**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:—

Repayment of  
post-war  
credits.

1.—(1) Subject to the provisions of this section, where a written application has been made to the Commissioners of Inland Revenue, in the form required by them, satisfying them of the applicant's title to a post-war credit and of his being on the date of the application qualified to receive repayment of the credit, the Commissioners shall as soon as may be pay the amount of the credit to him.

(2) The qualifications to receive repayment of post-war credits shall be such as may be prescribed by the Treasury, whether by reference to the applicant or to any predecessor in title of his to the credit, and qualifications may be prescribed so as to depend on the circumstances in which the applicant or any predecessor in title of his became entitled to the credit.

(3) For the purposes of this section a person shall be treated as having been at any time entitled to a credit if under subsection (1) of section seven of the Finance Act, 1941 he would have been entitled to have it credited to him if that time had been the date fixed by the Treasury under that subsection.

(4) No payment shall be made by virtue of this section before the first day of June, nineteen hundred and fifty-nine; but anything done before the commencement of this Act with a view to obtaining or making payment on or as soon as may be after the said first day of June shall, if done at any time after the third day of May, nineteen hundred and fifty-nine, be and be deemed to have been of the same effect as if this section and the regulations in force thereunder on the said first day of June had been in force at that time.

(5) It shall be a condition of the making of any payment under this section that the applicant has complied with such requirements as may be prescribed by the Treasury (whether before or after the making of the claim) for verifying his application in such manner as may be so prescribed or required by the Commissioners of Inland Revenue.

(6) If any person, in or in connection with an application under this section, makes a statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(7) Section twenty-six of the Finance Act, 1946, section sixteen of the Finance Act, 1947 and subsections (1), (3), (4) and (6) of section fifteen of the Finance Act, 1954 shall cease to have effect, but without prejudice to their operation as respects any application under the said section twenty-six made before the first day of June, nineteen hundred and fifty-nine.

2.—(1) In respect of post-war credits not repaid before the first day of November, nineteen hundred and fifty-nine compound interest shall accrue calculated at the rate of two and a half per cent. per annum from the beginning of October, nineteen hundred and fifty-nine with yearly rests, fractions of a pound in the amount on which interest is calculated being disregarded.

(2) Interest under this section shall be payable by the Commissioners of Inland Revenue on the repayment of the post-war credit, and to the person to whom the repayment is made, as if it were part of the credit, and shall cease to accrue at the end of the last full month before the month in which the order for the repayment is issued.

(3) Notwithstanding anything in the foregoing provisions of this section—

(a) no interest shall accrue in respect of a post-war credit if at any time before the first day of June, nineteen hundred and fifty-nine some person fulfilled the conditions which (subject to the necessary application and to satisfying the Commissioners of Inland Revenue) entitled him under any of the enactments repealed by this Act to repayment of the credit, or if at any time on or after that day and before the first day of October, nineteen hundred and fifty-nine some person was qualified under the foregoing section to receive repayment of the credit;

(b) interest shall not continue to accrue for more than two months after the end of the earliest month in which some person was qualified as aforesaid.

(4) Interest under this section shall be disregarded for all the purposes of income tax.

Repayment  
of credits  
to building  
societies.

3.—(1) Whereas for the year 1941–42 and each of the four next following years arrangements were made contemplating the crediting or payment to certain building societies, at the date fixed by the Treasury under subsection (1) of section seven of the Finance Act, 1941 for the crediting of post-war credits, of amounts ascertained by reference to the composite rate specified in the arrangements for ascertaining the actual liability of a society to income tax and a lower composite rate specified in the arrangements:

Now, therefore, in lieu of the contemplated crediting or payment the Commissioners of Inland Revenue shall pay to each of the societies, at such time as may be prescribed by the Treasury or by such instalments at such times as may be so prescribed, an amount equal to the excess (if any) of the tax paid by the society in respect of the said five years over the tax which would have been payable by the society if the lower composite rates had been substituted for the higher composite rates.

(2) In the case of any union of building societies or transfer of the engagements of one society to another, whether effected during the said five years or subsequently (either before or after the passing of this Act), references in the foregoing subsection to a society shall include references to any predecessor or successor, as the case may require.

(3) The following provisions shall have effect as respects assignments:—

(a) where, if effect had been given to the arrangements mentioned in subsection (1) of this section and the date fixed as therein mentioned had been the ninth day of April, nineteen hundred and fifty-nine, an assignee, other than a successor on such a union or transfer as aforesaid, would have been entitled to any such credit or payment as is mentioned in that subsection, payment under that subsection, instead of being made to the building society or its successor, shall be made to the assignee or a person claiming under him;

(b) no assignment by a building society of its right to receive payment under this section, whether made before or after the commencement of this Act, shall have effect unless either the society has been united with, or transferred its engagements to, another building society and that other society was the assignee, or the assigning society has been dissolved without any such union or transfer and the assignee was a building society.



(4) The foregoing section shall with the necessary modifications apply to so much of any amount to be paid under this section as is for the time being outstanding as it applies to post-war credits, but as if for subsection (3) there were substituted a provision that interest shall not continue to accrue on any amount or instalment for more than two months after the end of the month in which the time prescribed for its payment fell; and interest payable by virtue of this subsection shall be disregarded for the purposes of the profits tax.

(5) In this section—

“ assignment ” includes a charge and an agreement for an assignment or charge, and “ assignee ” shall be construed accordingly;

“ building society ” means a society incorporated under the Building Societies Act, 1874, or such an unincorporated society as is mentioned in section seven of that Act, and in relation to any arrangements, union, transfer or assignment includes a company within the meaning of the Companies Act, 1948 which at the relevant time carried on a business which, in the opinion of the Commissioners of Inland Revenue, was similar to that carried on by a building society.

4.—(1) Any interest payable under this Act shall be charged on and payable out of the Consolidated Fund, and such sums as are required by the Commissioners of Inland Revenue for the purpose of making payments under this Act other than payments of interest shall be issued to them out of the Consolidated Fund.

Payments out of Consolidated Fund and moneys provided by Parliament, and power to borrow.

(2) For the purpose of providing or replacing any such sums as aforesaid the Treasury may raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(3) Any increase in any administrative expenses defrayed out of moneys provided by Parliament, being an increase attributable to the exercise of functions conferred by regulations under this Act, shall be paid out of moneys so provided.

5.—(1) The Treasury may make regulations for carrying this Act into effect and, in particular, for prescribing anything which under this Act is to be prescribed; and in this Act “ prescribed ” means prescribed by regulations.

(2) Regulations under this Act may contain such incidental and supplemental provisions (including provisions as to the determination of questions) as may be necessary or expedient for the

purposes of the regulations, and make different provisions for different cases or classes of case.

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

(4) The power to make regulations conferred by this section shall be exercisable by statutory instrument.

Short title and interpretation.

6.—(1) This Act may be cited as the Income Tax (Repayment of Post-War Credits) Act, 1959.

(2) In this Act “ post-war credit ” means a sum ascertained and recorded in relation to any person under section seven of the Finance Act, 1941 for any year of assessment:

Provided that where an apportionment of any such sum between a man and his wife was made under the provisions of the said section seven, or two or more persons are severally entitled to different shares of any such sum, such parts thereof shall be treated as separate post-war credits as the case may require.

*Table of Statutes referred to in this Act*

| Short Title                  | Session and Chapter    |
|------------------------------|------------------------|
| Building Societies Act, 1874 | 37 & 38 Vict. c. 42.   |
| National Loans Act, 1939     | 2 & 3 Geo. 6. c. 117.  |
| Finance Act, 1941            | 4 & 5 Geo. 6. c. 30.   |
| Finance Act, 1946            | 9 & 10 Geo. 6. c. 64.  |
| Finance Act, 1947            | 10 & 11 Geo. 6. c. 35. |
| Companies Act, 1948          | 11 & 12 Geo. 6. c. 38. |
| Finance Act, 1954            | 2 & 3 Eliz. 2. c. 44.  |

**CHAPTER 29**

*Colonial Development and Welfare (Amendment) Act, 1959*

ARRANGEMENT OF SECTIONS

Section

1. Extension of provisions as to schemes for colonial development and welfare.
2. Loans for approved colonial development programmes.
3. Supplementary provisions as to loans.
4. Minor and consequential amendments.
5. Short title, repeals and commencement.

An Act to make further provision with respect to the development and welfare of colonies and other territories.  
[30th April, 1959]

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

1.—(1) Section one of the Colonial Development and Welfare Act, 1955, shall be amended as follows. Extension of provisions as to schemes for colonial development and welfare. 3 & 4 Eliz. 2. c. 6. 3 & 4 Geo. 6. c. 40.

(2) In subsection (2) thereof (which provides that no scheme under section one of the Colonial Development and Welfare Act, 1940, other than a scheme for promoting research or enquiry, shall continue in force after the thirty-first day of March, nineteen hundred and sixty) for the word "sixty" there shall be substituted the words "sixty-four"; and that subsection shall not prevent the continuance in force of any scheme under the said section one in so far as the scheme makes provision for the payment out of moneys provided by Parliament of pensions, allowances or other benefits in respect of injuries or diseases, or aggravation of diseases, incurred by persons engaged in activities carried on for the purposes of schemes under the said section one.

(3) In subsection (3) thereof (which provides that the aggregate of the sums to be paid for the purposes of such schemes after the first day of April, nineteen hundred and forty-six shall not exceed two hundred and twenty million pounds) for the words "two hundred and twenty" there shall be substituted the words "three hundred and fifteen".

(4) Subsection (4) thereof (which imposes an annual limit on the sums to be paid out of moneys provided by Parliament for the purposes of such schemes) shall cease to have effect.

2.—(1) Subject to the provisions of this section, the Secretary of State may with the approval of the Treasury make loans to the government of any territory to which this section applies for enabling that government to provide finance for any of the purposes of a development programme approved by the Secretary of State and by the legislature of the territory. Loans for approved colonial development programmes.

(2) The terms of any such loan shall be such as may be fixed by the Secretary of State with the approval of the Treasury, and different terms may be fixed for portions of the loan issued at different times.

(3) Loans under this section shall be made in accordance with proposals approved by the Secretary of State and the Treasury, and proposals for a loan shall not be approved until

provision has been made to the satisfaction of the Secretary of State and the Treasury—

- (a) for securing that moneys representing the amount of the loan will be duly applied for the purpose or purposes in aid of which the loan was made ;
- (b) for the repayment of the loan, and the payment of interest thereon, in accordance with the terms of the loan, and for charging the amount of the loan and the interest thereon on the general revenues and assets of the territory and on any other revenues or assets which may be made available for the purpose.

(4) Where a purpose in aid of which a loan is proposed under this section involves the execution of any works, the Secretary of State shall not approve the proposal if (except in the case of the Aden Protectorate) he is not satisfied that the law of the territory provides reasonable facilities for the establishment and activities of trade unions, or if (in any case) he is not satisfied that fair conditions of labour will be observed in the execution of the works and in particular—

- (a) that the wages paid will be at not less than the rates recognised by employers and trade unions in the area where the works are to be executed or, if there are no rates so recognised, at rates approved by the appropriate authority of the territory ; and
- (b) that no children under such age as may be appropriate in the circumstances, but not in any case being less than fourteen years, will be employed on the works.

(5) Proposals shall not be approved so that the aggregate amount of the loans under this section provided for by the proposals exceeds twenty-five million pounds as respects the proposals approved in any financial year or one hundred million pounds in all, no proposals for loans under this section shall be approved after the thirty-first day of March, nineteen hundred and sixty-four, and no moneys shall be lent under this section after the thirty-first day of March, nineteen hundred and sixty-seven.

(6) In this section “ development programme ” means a programme of public expenditure for promoting the general development or welfare of the territory in question, whether by the provision of new services or the promotion of new enterprises or by the improvement of existing services or enterprises.

(7) The territories to which this section applies are any colony or other territory outside the United Kingdom for the international relations of which Her Majesty's Government in the United Kingdom are responsible, and the New Hebrides ; and where there is one government constituted for two or more such

territories as aforesaid, or one authority established for two or more such territories for the purpose of providing or administering services which are common to, or relate to matters of common interest to, the territories, references in this section to the government of a territory to which this section applies shall include references to the government or authority constituted or established as aforesaid, and the territories may be treated for the purposes of this section either as separate territories or as a single territory to which this section applies.

3.—(1) The Treasury may issue to the Secretary of State, out of the Consolidated Fund, the sums required by him under the foregoing section. Supplementary provisions as to loans.

(2) For providing sums to be so issued, or 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. 2 & 3 Geo. 6.  
c. 117.

(3) Any sums received by the Secretary of State by way of interest on, or in repayment of, loans made under the foregoing 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.

(4) As respects each financial year the Secretary of State shall prepare in such form and manner as the Treasury may direct an account of sums issued to him under this section and of sums received by him by way of interest on, or in repayment of, loans under the foregoing section, and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of the 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.

(5) As respects each financial year the Secretary of State shall lay before each House of Parliament a statement of the loans under the foregoing section for which he has approved proposals, together with particulars of the development programmes to which they relate.

Minor and consequential amendments.

4.—(1) In section one of the Colonial Development and Welfare Act, 1940 (which provides for schemes for colonial development and welfare), in subsection (1) for the word “colony” there shall be substituted the words “territory to which section two of the Colonial Development and Welfare (Amendment) Act, 1959, applies” and in subsection (2) for the word “colony” wherever it occurs there shall be substituted the word “territory”; and subsection (5) of the said section one (which extends the meaning of the expression “colony”) and section two of the Colonial Development and Welfare Act, 1955 (which extends the said section one to the New Hebrides) shall cease to have effect.

(2) In subsection (2) of section one of the Colonial Development and Welfare Act, 1940 (which makes the like provision as subsection (4) of section two of this Act) for the words “approved by the person for the time being administering the government” there shall be substituted the words “approved by the appropriate authority”.

(3) The following subsections shall be inserted after subsection (4) of section one of the Colonial Development and Welfare Act, 1940—

“(4A) A scheme in force under this section which was made solely for the benefit of any territory shall, if the territory at any time ceases to be one to which section two of the Colonial Development and Welfare (Amendment) Act, 1959, applies, cease to have effect at that time without prejudice to the making of payments in pursuance of the scheme after that time in respect of any period falling before that time; and, so far as practicable, but subject to the provisions of the next following subsection, no part of any sums paid out of moneys provided by Parliament for the purposes of any other scheme made under this section before that time shall be employed in respect of any period falling after that time for the benefit of the territory

(4B) Notwithstanding that a territory to which the said section two applies ceases at any time to be one to which that section applies, a scheme may be made under this section after that time with respect to a body established for the joint benefit of the territory and a territory to which the said section two applies, and sums paid out of moneys provided by Parliament may be employed for the purposes of such a scheme made before that time, if (in either case) the government of the first-mentioned territory has undertaken to bear a reasonable share of the cost of the scheme.”

5.—(1) This Act may be cited as the Colonial Development and Welfare (Amendment) Act, 1959, and the Colonial Development and Welfare Acts, 1940 to 1955, and this Act may be cited together as the Colonial Development and Welfare Acts, 1940 to 1959. Short title, repeals, and commencement.

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

## SCHEDULE

Section 5.

### REPEALS

| Session and Chapter     | Short Title                                     | Extent of Repeal                                |
|-------------------------|-------------------------------------------------|-------------------------------------------------|
| 3 & 4 Geo. 6.<br>c. 40. | The Colonial Development and Welfare Act, 1940. | In section one, subsection (5).                 |
| 3 & 4 Eliz. 2.<br>c. 6. | The Colonial Development and Welfare Act, 1955. | In section one, subsection (4).<br>Section two. |

## CHAPTER 30

An Act to amend sections twenty-four and twenty-nine  
of the National Assistance Act, 1948.

[30th April, 1959]

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

1.—(1) Section twenty-four of the National Assistance Act, 1948 (which makes provision for determining the local authority liable for the provision of accommodation for any person under Part III of that Act by reference to the ordinary residence of that person) shall have effect, and, subject to subsection (3) of this section, be deemed always to have had effect, as if at the end thereof there were added the following subsection, that is to say—

Determination of ordinary residence in certain cases.  
11 & 12 Geo. 6.  
c. 29.

“(6) For the purposes of the provision of residential accommodation under this Part of this Act, a patient in a hospital forming part of the hospital and specialist services

9 & 10 Geo. 6.  
c. 81.  
10 & 11 Geo. 6.  
c. 27.

provided under Part II of the National Health Service Act, 1946, or Part II of the National Health Service (Scotland) Act, 1947, shall be deemed to be ordinarily resident in the area, if any, in which he was ordinarily resident immediately before he was admitted as a patient to the hospital, whether or not he in fact continues to be ordinarily resident in that area."

(2) Subsection (7) of section twenty-nine of the said Act of 1948 (which, with a view to determining the local authority liable for any expenditure incurred, provides that a person engaged in work in such a workshop as is therein mentioned shall be deemed to be ordinarily resident in the area in which he was ordinarily resident immediately before he became engaged in the work) shall have effect, and, subject to subsection (3) of this section, be deemed always to have had effect, as if for the words "became engaged in the work" there were substituted the words "was accepted for work in that workshop; and for the purposes of this subsection a course of training in such a workshop shall be deemed to be work in that workshop".

(3) Nothing in this section shall authorise the recovery by any local authority from any other local authority after the date of the passing of this Act of any expenditure incurred before that date.

Citation  
and extent.

2.—(1) This Act may be cited as the National Assistance (Amendment) Act, 1959, and this Act and the National Assistance Acts, 1948 and 1951, may be cited together as the National Assistance Acts, 1948 to 1959.

(2) This Act shall not extend to Northern Ireland

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## CHAPTER 31

An Act to empower the Minister of Agriculture, Fisheries and Food and the Secretary of State to make provision by regulations as to the payment of improvement grants under the Hill Farming and Livestock Rearing Acts, 1946 to 1956, and as to the payment of grants and contributions under certain other enactments; and for purposes connected therewith. [30th April, 1959]

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



1.—(1) For the purposes of the payment of improvement grants under the Hill Farming and Livestock Rearing Acts, 1946 to 1956, regulations made by the Ministers with the consent of the Treasury may provide that, in such cases and subject to such conditions as may be specified in the regulations, the cost of any work of a description specified in the regulations shall, if the applicant for a grant so elects, be taken to be such amount as may be so specified.

Payment of grants by reference to prescribed standard costs.

(2) Where, by virtue of any regulations made under the preceding subsection, the cost of any work is to be taken to be an amount specified in the regulations, subsection (1) of section two of the Hill Farming Act, 1946 (which provides that the amount of an improvement grant shall be one-half of the cost of the work so far as approved by the appropriate Minister as having been reasonably incurred) shall apply in relation to that work as if the words "so far as approved by the appropriate Minister as having been reasonably incurred" were omitted.

9 & 10 Geo. 6. c. 73.

(3) If it appears to the appropriate Minister or Ministers that provision similar to that made by subsection (1) of this section should be made with respect to any of the enactments mentioned in the next following subsection, the appropriate Minister or Ministers, with the consent of the Treasury, may by regulations provide that, for the purposes of the payment of grants under that enactment, in such cases and subject to such conditions as may be specified in the regulations, the expenditure incurred or to be incurred in carrying out any work of a description specified in the regulations shall, if the applicant for a grant so elects, be taken to be expenditure of such amount as may be so specified.

(4) The said enactments are the following, that is to say—

- (a) section sixteen of the Agriculture Act, 1937 (which empowers the Secretary of State to make grants in respect of the drainage of, or supply of water to, agricultural land in Scotland, and in respect of the supply of water to agricultural dwelling houses there);
- (b) section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which empowers the Minister of Agriculture, Fisheries and Food to make grants in respect of the field drainage of agricultural land, the cleansing or other improvement of ditches on such land, and the supply of water thereto);
- (c) section three of the Pests Act, 1954 (which empowers the said Minister and the Secretary of State to contribute towards the cost of the destruction of pests or the taking of preventive measures).

(5) Any regulations made under this Act may contain such transitional, supplementary and incidental provisions as may appear to the Ministers or Minister making the regulations to be

necessary or expedient for the purposes thereof; and different provision may be made by any such regulations in relation to different classes of cases.

(6) The power to make regulations under this Act shall be exercisable by statutory instrument; and any instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

(8) In this Act "the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly; "the appropriate Minister or Ministers", in relation to section sixteen of the Agriculture Act, 1937, means the Secretary of State, in relation to section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, means the Minister of Agriculture, Fisheries and Food, and in relation to section three of the Pests Act, 1954, means the Ministers; and "grant" includes a contribution.

2.—(1) This Act may be cited as the Agricultural Improvement Grants Act, 1959; and the Hill Farming and Livestock Rearing Acts, 1946 to 1956, and this Act may be cited together as the Hill Farming and Livestock Rearing Acts, 1946 to 1959.

(2) It is hereby declared that this Act, except subsections (3) and (4) of section one thereof, extends to Northern Ireland.

Short title,  
citation and  
extent.

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## CHAPTER 32

An Act to make further provision for contributions by local authorities in Wales (including Monmouthshire) towards the expenses of the Royal National Eisteddfod. [30th April, 1959]

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

1. The power conferred on a local authority by section one hundred and thirty-two of the Local Government Act, 1948, to contribute towards the expenses of an entertainment held in the area of another authority shall, in relation to a Royal National Eisteddfod, be exercisable by any local authority in Wales (including Monmouthshire), whether or not the place in which it is held is convenient for residents in their area, and whether or not the other authority consent.

Extension of  
power to  
contribute  
towards  
expenses of  
Eisteddfod.

11 & 12 Geo. 6.  
c. 26.

2. Any increase attributable to this Act in the sums payable by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland shall be defrayed out of moneys provided by Parliament.

Payment out of moneys provided by Parliament of resulting increase in grants.

3. This Act may be cited as the Eisteddfod Act, 1959.

Short title.

## CHAPTER 33

### *House Purchase and Housing Act, 1959*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### LOANS FOR PURCHASE OF HOUSES

##### Section

1. Designation of building societies for investment by trustees and government loans.
2. Exchequer advances to building societies.
3. Power of local authorities to advance full value of houses.

##### PART II

##### ASSISTANCE FOR IMPROVEMENT OF DWELLINGS IN ENGLAND AND WALES

##### *Grants by local authorities for provision of standard amenities*

4. Duty of local authorities to make grants towards certain improvements.
5. Approval of applications for standard grant.
6. Amount of standard grant.
7. Application of provisions of Part II of Act of 1958 as to Exchequer contributions, conditions, etc.
8. Effect of standard grant on application for and limit of improvement grant.

##### *Amendment of provisions relating to improvement grants*

9. Statement of reasons for refusal to make improvement grant or to pay maximum amount.
10. Duration of leasehold interest of applicant for improvement grant.
11. Conditions to be observed with respect to dwellings.
12. Rent of dwelling improved with assistance of local authority.

*Contributions to local authorities for provision of  
standard amenities*

## Section

13. Contributions to local authorities in respect of standard amenities provided by them.
14. Amount of contribution under s. 13.

*Contributions to local authorities under ss. 9 & 12  
of Act of 1958*

15. Nature and amount of Exchequer contribution under Act of 1958 for dwellings converted or improved by local authorities.
16. Local authorities for purposes of s. 9 of Act of 1958.
17. Effect of contribution under s. 13 on contribution under s. 9 of Act of 1958.
18. Contribution for dwellings improved under arrangements with local authorities.

## PART III

## ASSISTANCE FOR IMPROVEMENT OF DWELLINGS IN SCOTLAND

*Grants by local authorities for provision of standard amenities*

19. Duty of local authorities to make grants towards certain improvements.
20. Approval of applications for standard grant.
21. Amount of standard grant.
22. Application of provisions of Part VII of Act of 1950 as to Exchequer contributions, conditions, etc., and provision as to landholders, etc.
23. Effect of standard grant on application for and limit of improvement grant.

*Amendment of provisions relating to improvement grants*

24. Amendment of provisions of Act of 1950 relating to improvement grants.

## PART IV

## MISCELLANEOUS AND GENERAL

25. Abolition of contributions to development corporations.
26. Omission of certain dwellings from Housing Revenue Account.
27. Effect of standard grant on adjustment of rent limit.
28. Orders and regulations.
29. Interpretation.
30. Payment out of moneys provided by Parliament and payment into Exchequer.
31. Amendments, repeal and saving.
32. Short title, citation, construction, commencement and extent.

## SCHEDULES:

First Schedule—Amendments of Housing (Financial Provisions) Act, 1958, and Housing (Scotland) Act, 1950.

Second Schedule—Enactments repealed.

An Act to authorise Exchequer advances to, and the deposit of trust funds with, designated building societies; to enlarge the power of local authorities to make advances under the Small Dwellings Acquisition Acts, 1899 to 1923, the Small Dwellings Acquisition (Scotland) Acts, 1899 to 1923, section forty-three of the Housing (Financial Provisions) Act, 1958, and section seventy-five of the Housing (Scotland) Act, 1950; to make further provision for grants by local authorities and Exchequer contributions to local authorities towards the improvement of dwellings; to amend the provisions of the said Act of 1958 and the said Act of 1950, with respect to Exchequer contributions and grants by local authorities towards the provision of dwellings by the conversion of houses and other buildings and towards the improvement of dwellings, and with respect to the conditions to be observed where assistance has been given under Part II of the said Act of 1958 or Part VII of the said Act of 1950; and for purposes connected with the matters aforesaid. [14th May, 1959]

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

## PART I

### LOANS FOR PURCHASE OF HOUSES

**1.**—(1) Where the Chief Registrar of Friendly Societies (in this section referred to as the Registrar) is satisfied that a permanent building society fulfils such requirements as to its assets and liabilities, liquid funds, reserves, and other matters, as the Treasury may by regulations prescribe, he may designate the society for the purposes of this section; and where a society has been so designated and the designation has not been revoked—

- (a)* the powers of a trustee under section one of the Trustee Act, 1925, or section ten of the Trusts (Scotland) Act, 1921, shall include power to invest funds of trusts in his hands by depositing with the society amounts not exceeding five thousand pounds for any one trust; and
- (b)* the Minister may make advances to the society in accordance with the provisions of section two of this Act.

**PART I**  
**—cont.**

(2) Where the officer appointed to perform in Northern Ireland the functions of registrar of friendly societies (in this section referred to as the Registrar for Northern Ireland) is satisfied that a society incorporated under the Building Societies Acts (Northern Ireland), 1874 to 1940, which is a permanent society within the meaning of those Acts fulfils the requirements prescribed under subsection (1) of this section, he may designate the society for the purposes of paragraph (a) of that subsection ; and where a society has been so designated and the designation has not been revoked, that paragraph shall apply in relation to it as it applies in relation to a permanent building society within the meaning of this Act.

(3) The Registrar or, as the case may be, the Registrar for Northern Ireland, shall publish in the London, Edinburgh and Belfast Gazettes a notice of every designation made by him under this section and of any revocation of such a designation.

(4) If any person knowingly or recklessly makes or causes or procures another person to make a false or misleading statement in connection with any information which the Registrar or the Registrar for Northern Ireland may request for the purposes of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or both.

(5) The Treasury may by order vary the amount specified in paragraph (a) of subsection (1) of this section.

**Exchequer  
advances to  
building  
societies.**

**2.—**(1) Any advance made to a building society under this Act shall be repayable to the Minister at such times and by such methods, and interest thereon shall be payable at such rates and at such times, as the Minister may with the approval of the Treasury direct.

(2) Subject to subsection (3) of this section—

(a) such advances made to any building society in respect of any financial year shall not exceed the amounts advanced in that year by the society to its members for the purchase or improvement of houses in the United Kingdom satisfying the following conditions, that is to say, that each house was completed before the year nineteen hundred and nineteen and that its estimated value does not exceed two thousand five hundred pounds, or in the Metropolitan Police District or the City of London, three thousand pounds ;

(b) such an advance shall not be made to a building society if the amount thereof, together with the amount outstanding in respect of any such advances previously

made to the society, would exceed one-fifth of the amount outstanding in respect of any funds raised by the society by other means.

(3) The Minister may by order vary the conditions specified in paragraph (a) of subsection (2) of this section or the fraction specified in paragraph (b) of that subsection.

(4) Advances made to building societies under this Act shall not together exceed the sum of one hundred million pounds.

(5) The Treasury may issue to the Minister, out of the Consolidated Fund, such sums as are necessary to enable him to make such advances; and for the purpose of providing sums to be so issued, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(6) Any sums received by the Minister under subsection (1) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit; and
- (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

(7) 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 for advances under this Act and of sums received by him under subsection (1) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(8) The reference in paragraph (a) of subsection (2) of this section to the estimated value of a house shall be construed, in relation to a house in England, Wales or Northern Ireland, as a reference to the estimated value of its fee simple in possession free from incumbrances and, in relation to a house in Scotland,

**PART I**  
**—cont.**

as a reference to the estimated value of the house subject to feu duty, ground annual or other burden incident to tenure but free from other incumbrances.

Power of local  
authorities to  
advance full  
value of  
houses.

3.—(1) Paragraph (d) of section twenty-two of the Housing, &c. Act, 1923, paragraph (b) of subsection (3) of section forty-three of the Act of 1958, and paragraph (b) of subsection (3) of section seventy-five of the Act of 1950 (which limit to ninety per cent. of the value therein mentioned the amount of any advance that may be made by local authorities in respect of certain houses) shall be amended by the omission of the words “ ninety per cent. of ” and “ nine-tenths of ”, wherever they occur in those enactments.

(2) So much of the said section forty-three and of the said section seventy-five as prevents the making of an advance thereunder in respect of a house the estimated value of which or of the fee simple of which exceeds five thousand pounds shall cease to have effect.

**PART II****ASSISTANCE FOR IMPROVEMENT OF DWELLINGS IN ENGLAND AND WALES***Grants by local authorities for provision of standard amenities*

Duty of local  
authorities to  
make grants  
towards  
certain  
improvements.

4.—(1) Subject to subsection (6) of this section, a local authority shall give assistance in respect of the improvement of any dwelling by any person other than a local authority or county council by such works as may be required for the dwelling to be provided, for the exclusive use of its occupants, with the standard amenities, that is to say, subject to subsection (2) of this section, all of the following:—

- (a) a fixed bath or shower in a bathroom ;
- (b) a wash-hand basin ;
- (c) a hot water supply ;
- (d) a water closet in or contiguous to the dwelling ; and
- (e) satisfactory facilities for storing food ;

by way of making a grant (in this Part of this Act referred to as a “ standard grant ”) in respect of the cost of executing the works, if an application in that behalf is made by that person to the local authority and approved by them before the works are begun and the works are executed to the satisfaction of the authority.

(2) The Minister may by order vary the class of amenities which are the standard amenities for the purposes of this Part of this Act.

(3) An application under this section must specify the dwelling and the works proposed to be carried out and, where those works



comprise the provision of part only of the standard amenities, must contain a statement that the dwelling is already provided with the remainder.

(4) An application under this section must also contain a statement either that the applicant is the occupier of the dwelling or that the occupier has consented in writing to the making of the application.

(5) Where the works include the provision of a hot water supply, their execution must include the connection of the supply to a sink as well as to the bath or shower and the wash-hand basin.

(6) An application under this section shall not be entertained if it relates to a dwelling provided after the end of the year nineteen hundred and forty-four, unless the dwelling was provided by the conversion before the end of the year nineteen hundred and fifty-eight of a building erected before the end of the year nineteen hundred and forty-four.

5.—(1) A local authority shall approve an application for a standard grant if they are satisfied of the matters mentioned in subsections (2) and (3) of this section, and shall not approve it if not so satisfied. Approval of applications for standard grant.

(2) The local authority must be satisfied that after the execution of the works specified in the application the dwelling will be in such condition as not to be unfit for human habitation, and that it is likely to remain in that condition and available for use as a dwelling for a period of not less than fifteen years.

(3) The local authority must also be satisfied that the applicant has, in every parcel of land on which the works are to be carried out (other than land proposed to be sold or leased to him under subsection (2) of section one hundred and five of the Housing Act, 1957 (which authorises a local authority to dispose of land for the purpose of carrying out works in connection with work on an adjoining house)), an interest constituting either an estate in fee simple absolute in possession or a term of years absolute of which not less than fifteen years remain unexpired at the date of the application.

(4) Where the local authority do not approve an application for a standard grant they shall, if the applicant so requests, state to him in writing of which of the matters mentioned in subsections (2) and (3) of this section they are not satisfied and their reasons for not being satisfied thereof.

6.—(1) The amount of a standard grant shall, subject to subsection (2) of this section, be one-half of the cost shown to have been incurred in executing the works in respect of which it is made. Amount of standard grant.

(2) The amount of a standard grant shall not exceed one hundred and fifty-five pounds if at the time the works were begun the dwelling was provided with none of the standard amenities

**PART II**  
**—cont.**

and, in any other case, shall not exceed that amount reduced by the following amounts respectively for each of those amenities with which the dwelling was then provided, that is to say—

- (a) by twenty-five pounds for the amenity mentioned in paragraph (a),
- (b) by five pounds for that mentioned in paragraph (b),
- (c) by seventy-five pounds for that mentioned in paragraph (c),
- (d) by forty pounds for that mentioned in paragraph (d),
- (e) by ten pounds for that mentioned in paragraph (e),

of subsection (1) of section four of this Act.

(3) The reduction required by subsection (2) of this section in respect of any of the standard amenities shall not be made if part of the cost incurred in executing the works was attributable to interference with or replacement of that amenity and the local authority are satisfied that it would not have been reasonably practicable to avoid the interference or replacement.

(4) The Minister may by order vary the amounts specified in subsection (2) of this section, and an order made by the Minister under section four of this Act varying the amenities which are the standard amenities for the purposes of this Part of this Act may specify the reductions to be made under subsection (2) of this section in respect of those amenities respectively.

Application of provisions of Part II of Act of 1958 as to Exchequer contributions, conditions, etc.

**7.**—(1) The provisions of sections thirty-three to forty-one of and the Fourth Schedule to the Act of 1958 (which provide for Exchequer contributions towards improvement grants, the observance and enforcement of conditions in connection with such grants, and certain other matters relating to such grants) shall, with the necessary modifications, and, in particular, subject to the following provisions of this section, apply in relation to standard grants as they apply in relation to improvement grants; and section forty-two of that Act (which relates to the interpretation of those provisions) shall apply accordingly.

(2) In relation to standard grants—

- (a) section thirty-seven of the Act of 1958 (which excludes the application of subsection (3) of section thirty-one of that Act in relation to certain ecclesiastical and other property) shall have effect as if for the reference to that subsection there were substituted a reference to subsection (3) of section five of this Act; and
- (b) section thirty-eight and section thirty-nine of that Act shall each apply with the omission of subsection (1) (which relates only to assistance in respect of the provision of dwellings).

Effect of standard grant on application for and limit of improvement grant.

**8.**—(1) Where, at any time within three years after the making of a standard grant in respect of any dwelling, an application for an improvement grant is made in respect of that dwelling and the application contains a statement of the cost incurred in executing the works in respect of which the standard grant was

made, subsection (3) of section thirty of the Act of 1958 (which prevents such an application from being entertained unless the estimated amount of the relevant expenses is not less than one hundred pounds or such other amount as may be prescribed) shall have effect, in relation to that application (or, if the dwelling is not the only one to which the application relates, in relation to the application so far as it relates to the dwelling), as if the amount specified in or prescribed under that subsection were reduced by the cost incurred as aforesaid.

(2) Where after the making of a standard grant in respect of a dwelling an improvement grant is made in respect of that dwelling, subsection (1) of section thirty-two of the Act of 1958 (which limits the amount of an improvement grant) shall have effect, in relation to that dwelling, as if the sum specified in or prescribed under paragraph (b) of that subsection were reduced by the amount of the standard grant.

*Amendment of provisions relating to improvement grants*

9. Where a local authority refuse an application under section thirty of the Act of 1958 (which authorises the making of improvement grants) or, in approving such an application, fix the amount of the grant at less than the maximum authorised by paragraphs (a) and (b) of subsection (1) of section thirty-two of that Act, they shall, if the applicant so requests, give him a written statement of their reasons for doing so.

Statement of reasons for refusal to make improvement grant or to pay maximum amount.

10. In subsection (3) of section thirty-one of the Act of 1958 (which prevents the making of improvement grants in cases where the applicant's interest in the land concerned is a leasehold interest for an unexpired term of less than thirty years or any shorter period for which the dwellings concerned will provide satisfactory housing accommodation) there shall be substituted, for all the words after "less than", the words "fifteen years".

Duration of leasehold interest of applicant for improvement grant.

11.—(1) In subsection (1) of section thirty-three of the Act of 1958 (which requires, in the case of dwellings in respect of which assistance has been given under Part II of that Act, the observance of certain conditions for the period specified in subsection (2) of that section, that is to say, for twenty years or, in certain cases, a shorter period) there shall be substituted, for the words "the period specified in subsection (2) of this section", the words "the period of ten years beginning with the day on which the dwelling first becomes fit for occupation after the completion of the improvement works".

Conditions to be observed with respect to dwellings.

(2) In subsection (1) of section thirty-five of that Act (which provides for the release from any such conditions as aforesaid on payment, with the agreement of the local authority, of a sum equal to the appropriate proportion of the amounts received under the said Part II together with compound interest thereon) the words "if the local authority so agree" shall be omitted.

**PART II**  
—cont.

(3) In paragraph 3 of the Fourth Schedule to that Act (which requires the dwelling to be let or kept available for letting when it is not occupied by a person of a class defined in sub-paragraphs (a) to (c) of that paragraph) the following sub-paragraph shall be inserted after sub-paragraph (b) (which allows occupation by a person who has become entitled to an interest in the dwelling on the death of the applicant):—

“ (bb) by a person who, after the expiration of three years from the beginning of the period during which the conditions set out in this Schedule are to be observed, has become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or the proceeds of sale thereof, or by a member of the family of such a person, or ”;

and the said sub-paragraph (b) shall be amended by inserting, before the word “or” at the end thereof, the words “or by a member of the family of such a person”.

(4) Paragraph 4 of the said Fourth Schedule (which imposes a limit on the rent at which the dwelling may be let when not occupied as mentioned in the said paragraph 3) shall have effect subject to the provisions of section twelve of this Act.

(5) The proper officer of the local authority shall record in the register of local land charges any change effected by subsection (1) or subsection (3) of this section in any conditions registered in that register.

Rent of  
dwelling  
improved with  
assistance of  
local  
authority.

**12.**—(1) Where, after the commencement of this Act, an application is made to a local authority for an improvement grant or a standard grant in respect of the provision of a dwelling or in respect of the improvement of a dwelling which is not subject to a controlled tenancy, the application may contain a request to fix for the purposes of paragraph 4 of the Fourth Schedule to the Act of 1958 a rent higher than the limit imposed by section twenty of the Rent Act, 1957; and if it appears to the local authority reasonable to do so, having regard to all the circumstances and, in particular, to the rents payable for similar dwellings in their area with respect to which no limit or condition is imposed by the Rent Act, 1957, or the Act of 1958, they may, on approving the application, fix such higher rent for those purposes as they think reasonable.

(2) Subject to the following provisions of this section, a rent so fixed shall be substituted in the condition set out in the said paragraph 4 for the limit imposed by the said section 20, and subsection (3) of that section shall not apply to any tenancy of the dwelling.

(3) A rent so fixed shall be fixed as for a letting under which the lessee will be responsible for internal decorative repairs (but no others) and no services or furniture (except such as may be specified in the application) will be provided for him; and where

the dwelling is let or kept available for letting on other terms, the rent so fixed shall be deemed to be increased or reduced (according as the terms are more favourable or less favourable to the lessee) by such amount as may, subject to subsection (4) of this section, be agreed between the lessor and the local authority or as may in default of agreement be determined by the county court.

(4) So far as any such increase or reduction is attributable to a variation of the terms as to repairs,—

- (a) the increase shall not be more than one-sixth if the lessor is to be responsible for internal decorative repairs, and shall be less than one-sixth in any other case; and
- (b) the reduction shall not be more than one-third if the lessee is to be responsible for all repairs, and shall be less than one-third in any other case.

(5) Where the application is made in respect of the provision of a dwelling by the conversion of any premises, the local authority, before determining whether to fix a rent under this section, shall obtain from the valuation officer an estimate of the relevant change in the valuation list which is likely to result from the conversion; and if they approve the application and fix a rent, but in consequence of the change in fact resulting from the conversion the rent so fixed is less than the limit imposed by the said section twenty, subsections (2) to (4) of this section shall cease to apply to the dwelling.

*Contributions to local authorities for provision of  
standard amenities*

13.—(1) Subject to subsection (5) of this section, the Minister shall make a contribution to a local authority in respect of the improvement by them of any dwelling by such works as may be required for the dwelling to be provided, for the exclusive use of its occupants, with the standard amenities, if an application in that behalf is made to him by the local authority and approved by him before the works are begun and the works are executed to his satisfaction.

**Contributions to local authorities in respect of standard amenities provided by them.**

(2) An application under this section must specify the dwelling and the works proposed to be carried out and, where those works comprise the provision of part only of the standard amenities, must contain a statement that the dwelling is already provided with the remainder.

(3) The Minister shall approve an application for a contribution under this section if he is satisfied that after the execution of the works specified in the application the dwelling will be in such condition as not to be unfit for human habitation and that it is likely to remain in that condition and available for

**PART II**  
**—cont.**

**PART II**  
—*cont.*

use as a dwelling for a period of not less than fifteen years ; and he shall not approve the application if he is not so satisfied.

(4) The following authorities in England and Wales shall be local authorities for the purposes of this section, that is to say, the councils of counties, county boroughs, county districts and metropolitan boroughs, and the Common Council of the City of London.

(5) An application under this section shall not be entertained if it relates to a dwelling provided after the end of the year nineteen hundred and forty-four, unless the dwelling was provided by the conversion before the end of the year nineteen hundred and fifty-eight of a building erected before the end of the year nineteen hundred and forty-four.

**Amount of  
contribution  
under s. 13.**

**14.—**(1) A contribution under section thirteen of this Act shall be a sum payable annually for the twenty financial years beginning with the year in which the works in respect of which it is made are completed, equal to three-eighths of the annual loan charges referable to the amount specified in the following provisions of this section.

(2) The said amount shall, subject to subsection (3) of this section, be the cost shown to have been incurred in executing the works in respect of which the contribution is made.

(3) The said amount shall not exceed three hundred and ten pounds if at the time the works were begun the dwelling was provided with none of the standard amenities and, in any other case, shall not exceed that amount reduced by the following amounts respectively for each of those amenities with which the dwelling was then provided, that is to say—

(a) by fifty pounds for the amenity mentioned in paragraph (a),

(b) by ten pounds for that mentioned in paragraph (b),

(c) by one hundred and fifty pounds for that mentioned in paragraph (c),

(d) by eighty pounds for that mentioned in paragraph (d),

(e) by twenty pounds for that mentioned in paragraph (e),  
of subsection (1) of section four of this Act.

(4) The reduction required by subsection (3) of this section in respect of any of the standard amenities shall not be made if part of the cost incurred in executing the works was attributable to interference with or replacement of that amenity and the Minister is satisfied that it would not have been reasonably practicable to avoid the interference or replacement.

(5) The Minister may by order vary the amounts specified in subsection (3) of this section, and an order made by the Minister under section four of this Act varying the amenities

which are the standard amenities for the purposes of this Part of this Act may specify the reductions to be made under subsection (3) of this section in respect of those amenities respectively.

**PART II**  
**—cont.**

(6) The Minister may by order reduce, as respects applications approved after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.

*Contributions to local authorities under ss. 9 & 12 of  
Act of 1958*

**15.**—(1) A contribution to a local authority under section nine of the Act of 1958 (which authorises the Minister to make contributions towards the annual loss likely to be incurred by a local authority in carrying out approved proposals for the conversion or improvement of houses) shall, instead of being such a contribution as is mentioned in that section, be a contribution towards the cost of the works of conversion or improvement required for carrying out the proposals; and the following provisions of this section shall have effect with respect to such a contribution.

Nature and amount of Exchequer contribution under Act of 1958 for dwellings converted or improved by local authorities.

(2) The contribution shall be a sum payable annually for the twenty financial years beginning with the year in which the said works are completed, equal to three-eighths of the annual loan charges referable to an amount determined in accordance with subsections (3) and (4) of this section.

(3) The said amount shall be determined by the Minister when approving the proposals, and shall, subject to subsection (4) of this section, be the amount appearing to him to be the cost likely to be incurred by the local authority in carrying out the works.

(4) The amount so determined shall not exceed eight hundred pounds, or such other amount as may be specified by order of the Minister, for each dwelling provided or improved by the works, unless the Minister is satisfied in any particular case that in all the circumstances of the case there is good reason for determining a higher amount.

(5) The Minister may by order reduce, as respects proposals approved after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.

(6) A local authority submitting to the Minister such proposals as are mentioned in the said section nine shall furnish to him such estimates and such particulars as he may require for the purposes of this section.

PART II  
—*cont.*

Local  
authorities for  
purposes of  
s. 9 of Act of  
1958.

16. For subsections (4) and (5) of section nine of the Act of 1958 (which specify the local authorities for the purposes of that section) there shall be substituted the following—

“(4) The following shall be local authorities for the purposes of this section, that is to say, the councils of counties, county boroughs, county districts and metropolitan boroughs, and the Common Council of the City of London.”

Effect of  
contribution  
under s. 13 on  
contribution  
under s. 9 of  
Act of 1958.

17. Where proposals for the improvement of a dwelling are approved under section nine of the Act of 1958 after the approval of an application in respect of that dwelling under section thirteen of this Act, subsection (4) of section fifteen of this Act shall have effect, in relation to the dwelling, as if the amount specified in that subsection or an order made thereunder were reduced by the amount on which the contribution under section thirteen of this Act is based, that is to say, the amount to which the loan charges are referable by reference to which the said contribution is determined under section fourteen of this Act.

Contribution  
for dwellings  
improved  
under  
arrangements  
with local  
authorities.

18.—(1) The sum payable annually by the Minister under section twelve of the Act of 1958 (which provides for the payment of a contribution by the Minister to a local authority who have made arrangements with a housing association or development corporation for the conversion or improvement of houses, and for the payment of grants by the local authority to the association or corporation of amounts not less than the contribution) shall be equal to three-eighths of the annual loan charges referable to an amount determined by the local authority with the approval of the Minister in accordance with subsections (2) and (3) of this section.

(2) The said amount shall, subject to subsection (3) of this section, be the amount appearing to the local authority and the Minister to be the cost likely to be incurred by the association or corporation for the purpose of the execution of any works of conversion or improvement required for carrying out the arrangements.

(3) The amount so determined shall not exceed eight hundred pounds, or such other amount as may be specified by order of the Minister, for each dwelling provided or improved by the works, unless the local authority and the Minister are satisfied in any particular case that in all the circumstances of the case there is good reason for determining a higher amount.

(4) The Minister may by order reduce, as respects arrangements made after such date as may be specified in the order, the proportion of the said annual loan charges, but not below one-third.



## PART III

## ASSISTANCE FOR IMPROVEMENT OF DWELLINGS IN SCOTLAND

*Grants by local authorities for provision of standard amenities*

19.—(1) Subject to subsection (6) of this section, a local authority shall give assistance in respect of the improvement of any dwelling by any person other than a local authority by such works as may be required for the dwelling to be provided, for the exclusive use of its occupants, with the standard amenities, that is to say, subject to subsection (2) of this section, all of the following:—

Duty of local authorities to make grants towards certain improvements.

- (a) a fixed bath or shower in a bathroom ;
- (b) a wash-hand basin ;
- (c) a hot water supply ;
- (d) a water closet ; and
- (e) satisfactory facilities for storing food ;

by way of making a grant (in this Part of this Act referred to as a "standard grant") in respect of the cost of executing the works, if an application in that behalf is made by that person to the local authority and approved by them before the works are begun and the works are executed to the satisfaction of the authority.

(2) The Secretary of State may by order vary the class of amenities which are the standard amenities for the purposes of this Part of this Act.

(3) An application under this section must specify the dwelling and the works proposed to be carried out and, where those works comprise the provision of part only of the standard amenities, must contain a statement that the dwelling is already provided with the remainder.

(4) An application under this section must also contain a statement either that the applicant is the occupier of the dwelling or that the occupier has consented in writing to the making of the application.

(5) Where the works include the provision of a hot water supply, their execution must include the connection of the supply to a sink as well as to the bath or shower and the wash-hand basin.

(6) An application under this section shall not be entertained if it relates to a dwelling provided after the end of the year nineteen hundred and forty-four, unless the dwelling was provided by the conversion before the end of the year nineteen hundred and fifty-eight of a building erected before the end of the year nineteen hundred and forty-four.

## PART III

—cont.

Approval of  
applications  
for standard  
grant.

20.—(1) A local authority shall approve an application for a standard grant if they are satisfied of the matters mentioned in subsections (2) and (3) of this section, and shall not approve it if not so satisfied.

(2) The local authority must be satisfied that after the execution of the works specified in the application the dwelling will be in such condition as not to be unfit for human habitation, and that it is likely to remain in that condition and available for use as a dwelling for a period of not less than fifteen years.

(3) The local authority must also be satisfied that the applicant is, in respect of every parcel of land on which the works are to be carried out (other than land proposed to be sold or leased to him under subsection (2) of section sixty-five of the Act of 1950 (which authorises a local authority to dispose of land for the purpose of carrying out works thereon)), either the owner or the lessee under a lease of which there remains unexpired at the date of the application a period of not less than fifteen years.

(4) Where the local authority do not approve an application for a standard grant they shall, if the applicant so requests, notify him in writing of the grounds on which they have not approved it.

Amount of  
standard grant.

21.—(1) The amount of a standard grant shall, subject to subsection (2) of this section, be one-half of the cost shown to have been incurred in executing the works in respect of which it is made.

(2) The amount of a standard grant shall not exceed one hundred and fifty-five pounds if at the time the works were begun the dwelling was provided with none of the standard amenities and, in any other case, shall not exceed that amount reduced by the following amounts respectively for each of those amenities with which the dwelling was then provided, that is to say—

(a) by twenty-five pounds for the amenity mentioned in paragraph (a),

(b) by five pounds for that mentioned in paragraph (b),

(c) by seventy-five pounds for that mentioned in paragraph (c),

(d) by forty pounds for that mentioned in paragraph (d),

(e) by ten pounds for that mentioned in paragraph (e),

of subsection (1) of section nineteen of this Act.

(3) The reduction required by subsection (2) of this section in respect of any of the standard amenities shall not be made if part of the cost incurred in executing the works was attributable to interference with or replacement of that amenity and the local authority are satisfied that it would not have been reasonably practicable to avoid the interference or replacement.

(4) The Secretary of State may by order vary the amounts specified in subsection (2) of this section, and an order made by the Secretary of State under section nineteen of this Act varying the amenities which are the standard amenities for the purposes of this Part of this Act may specify the reductions to be made under subsection (2) of this section in respect of those amenities respectively.

22.—(1) The provisions of sections one hundred and thirteen to one hundred and twenty and sections one hundred and twenty-two to one hundred and twenty-six of the Act of 1950 (which provide for Exchequer contributions towards improvement grants, the observance and enforcement of conditions in connection with such grants, and certain other matters relating to such grants) shall, with the necessary modifications, and, in particular, subject to the next following subsection, apply in relation to standard grants as they apply in relation to improvement grants.

Application of provisions of Part VII of Act of 1950 as to Exchequer contributions, conditions, etc., and provision as to landholders, etc.

(2) In relation to standard grants section one hundred and seventeen and section one hundred and nineteen of the Act of 1950 shall apply with the omission of subsection (1) (which relates only to assistance in respect of the provision of dwellings).

(3) The provisions of subsection (2) of section nine of the Housing (Scotland) Act, 1952 (which subsection provides that in relation to improvement grants under section one hundred and eleven of the Act of 1950 certain tenants, landholders, crofters and statutory small tenants shall be deemed to be the owners of dwellings and other land occupied by them) shall apply in relation to standard grants as they apply in relation to grants under the said section one hundred and eleven.

23.—(1) Where, at any time within three years after the making of a standard grant in respect of a dwelling, an application for an improvement grant is made in respect of that dwelling and the application contains a statement of the cost incurred in executing the works in respect of which the standard grant was made, subsection (4) of section one hundred and eleven of the Act of 1950 (which prevents such an application from being entertained unless the estimated amount of the relevant expenses is not less than one hundred pounds or such other amount as may be prescribed) shall have effect, in relation to that application (or, if the dwelling is not the only one to which the application relates, in relation to the application so far as it relates to the dwelling) as if the amount specified in or prescribed under that subsection were reduced by the cost incurred as aforesaid.

Effect of standard grant on application for and limit of improvement grant.

(2) Where after the making of a standard grant in respect of a dwelling an improvement grant is made in respect of that dwelling, subsection (1) of section one hundred and twelve of the Act of 1950 (which limits the amount of an improvement

PART III  
—cont.

grant) shall have effect, in relation to that dwelling, as if the sum specified in or prescribed under paragraph (b) of that subsection were reduced by the amount of the standard grant.

*Amendment of provisions relating to improvement grants*

Amendment  
of provisions  
of Act of 1950  
relating to  
improvement  
grants.

24.—(1) In subsection (1) of section one hundred and eleven of the Act of 1950 (which specifies the matters in respect of which a local authority may give assistance by way of improvement grant) for the words “other than the authority” there shall be substituted the words “other than a local authority”.

(2) In subsection (1) of section one hundred and fourteen of the Act of 1950 (which requires, in the case of dwellings in respect of which assistance has been given under section one hundred and eleven of that Act, the observance of certain conditions for the period specified in that subsection, that is to say, for twenty years or, in certain cases, a shorter period) there shall be substituted, for the words from “for a period of twenty years” to “beginning in each case with”, the words “for a period of ten years, beginning with”.

(3) In subsection (1) of the said section one hundred and fourteen for paragraph (b) there shall be substituted the following paragraph—

“(b) the dwelling shall, at all times at which it is not occupied—

- (i) by the applicant for the improvement grant or a member of his family ; or
- (ii) by a person who on the death of the applicant has (whether or not in consequence of a disposition by will) become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or in the proceeds of a sale thereof, or by a member of the family of such a person ; or
- (iii) by a person who after the expiration of three years from the beginning of the period during which the conditions set out in this section are to be observed has become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or in the proceeds of a sale thereof, or by a member of the family of such a person ; or
- (iv) by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant ;

be let or kept available for letting.”

(4) So much of section one hundred and fourteen of the Act of 1950 as requires the owner of a dwelling in respect of which assistance has been given under section one hundred and eleven

of that Act to repay to the local authority in the event of the voluntary alienation of the dwelling by him any part of the assistance so given shall cease to have effect.

PART III  
—cont.

(5) Any notice which in accordance with subsection (5) of section one hundred and fourteen of the Act of 1950 was recorded in the appropriate Register of Sasines and was, immediately before the commencement of this Act, in force with respect to a dwelling, shall as from the commencement of this Act have effect as if—

- (a) for the conditions specified therein as required to be observed with respect to the dwelling by virtue of the said section one hundred and fourteen as in force at the time when the notice was so recorded there were substituted the conditions required to be observed with respect to a dwelling by virtue of the said section as amended by the foregoing provisions of this section; and
- (b) any reference therein to any liability of the owner of the dwelling to repay to the local authority on a voluntary alienation of the dwelling any part of the sums paid by way of improvement grant in respect thereof were omitted.

#### PART IV

##### MISCELLANEOUS AND GENERAL

25. Section eleven of the Act of 1958 (which empowers the Minister to make the like contribution to a development corporation as he has power to make to a local authority under section nine of that Act) and section one hundred and ten of the Act of 1950 (which makes similar provision as respects Scotland) shall cease to have effect.

Abolition of contributions to development corporations.

26. In subsection (1) of section fifty of the Act of 1958 (which requires a local authority to keep a Housing Revenue Account in respect of certain property described in paragraphs (a) to (f) of that subsection) paragraph (c) (dwellings provided or improved by a local authority in accordance with improvement proposals approved by the Minister under section nine of that Act) shall be omitted, and at the end of paragraph (b) of subparagraph (1) of paragraph 1 of the Fifth Schedule to that Act (which requires a local authority to carry to the credit of the account amounts including, among other things, contributions paid to them under the said section nine) there shall be added the words "in respect of houses and other property within the account".

Omission of certain dwellings from Housing Revenue Account.

27. Section five of the Rent Act, 1957 (which provides for an increase of the rent limit under a controlled tenancy where money has been spent by the landlord on the improvement of

Effect of standard grant on adjustment of rent limit.

**PART IV**  
**—cont.**

the dwelling) shall have effect as if references to a standard grant (within the meaning of Part II of this Act) were included in the references to an improvement grant in the proviso to subsection (3) of that section (which limits the right of the tenant to apply for the cancellation or reduction of the increase on the ground that the improvement was unnecessary) and in subsection (4) of that section (which prevents the amount of the grant from being taken into account as an amount spent by the landlord).

**Orders and  
regulations.**

**28.**—(1) Any order made under any provision of this Act may be varied or revoked by a subsequent order made thereunder.

(2) An order made under subsection (6) of section fourteen, subsection (5) of section fifteen or subsection (4) of section eighteen of this Act shall be made by statutory instrument and—

(a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament ;

(b) shall not specify a date earlier than the date of the laying of the draft ;

and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(3) Any order made under any other provision of this Act and any regulations made under section one thereof shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Interpretation.**

**29.**—(1) In this Act—

“ the Act of 1950 ” means the Housing (Scotland) Act, 1950 ;

“ the Act of 1958 ” means the Housing (Financial Provisions) Act, 1958 ;

“ controlled tenancy ” has the same meaning as in the Rent Act, 1957 ;

“ improvement grant ” means a grant under section thirty of the Act of 1958 or under section one hundred and eleven of the Act of 1950 ;

“ the Minister ” means the Minister of Housing and Local Government or, as respects Scotland, the Secretary of State ;

“ permanent building society ” means a society incorporated under the Building Societies Acts, 1874 to 1940, which is a permanent society within the meaning of those Acts ;

“ standard amenities ” and “ standard grant ” have, in Part II of this Act, the meanings assigned to them by section four of this Act and, in Part III of this Act, the meanings assigned to them by section nineteen thereof ;

PART IV  
—cont.

“ the valuation officer ”, in relation to a valuation list, means any officer of the Commissioners of Inland Revenue who is for the time being appointed by the Commissioners to be the valuation officer or one of the valuation officers, or to be the deputy valuation officer or one of the deputy valuation officers, in relation to that list.

(2) Section four of the Housing Act, 1957, and, in Scotland, subsection (2) of section one hundred and eighty-four of the Act of 1950, shall apply to the determination for the purposes of this Act of any question whether any dwelling will be unfit for human habitation as they apply to the determination of such questions for the purposes of those Acts respectively.

(3) For the purposes of this Act, the annual loan charges referable to any amount shall be the annual sum that, in the opinion of the Minister, would fall to be provided by a local authority for the payment of interest on, and the repayment of, a loan of that amount repayable over a period of twenty years.

(4) Any reference in this Act to any other enactment is a reference thereto as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

**30.**—(1) There shall be defrayed out of moneys provided by Parliament—

Payment  
out of moneys  
provided by  
Parliament  
and payment  
into  
Exchequer.

(a) any contributions made to local authorities under this Act ;

(b) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under the Act of 1958 or the Act of 1950 ;

(c) any increase attributable to this Act in the sums payable by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland ; and

(d) any administrative expenses incurred by the Minister under this Act.

(2) Any sums received by the Minister by virtue of Part II or Part III of this Act shall be paid into the Exchequer.

**31.**—(1) The Act of 1958 shall have effect subject to the amendments specified in Part I of the First Schedule to this Act, being amendments consequential on the provisions of Part II of this Act or for applying to those provisions certain provisions

Amendments,  
repeal and  
saving.

PART IV  
—cont.

of the Act of 1958 ; and the Act of 1950 shall have effect subject to the amendments specified in Part II of the First Schedule to this Act, being amendments consequential on the provisions of Part III of this Act.

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

(3) This Act shall not affect the payment or amount of any grant or contribution payable in pursuance of any proposals or application approved, or arrangements made, before the commencement of this Act.

32.—(1) This Act may be cited as the House Purchase and Housing Act, 1959 ; and—

(a) this Act, except so far as it extends to Scotland only, and the Act of 1958 may be cited together as the Housing (Financial Provisions) Acts, 1958 and 1959 ; and

(b) this Act, so far as it extends to Scotland, and the Housing (Scotland) Acts, 1950 to 1957, may be cited together as the Housing (Scotland) Acts, 1950 to 1959.

(2) Part III of this Act shall be construed as one with the Act of 1950.

(3) This Act shall come into force on the expiration of a period of one month beginning with the day on which it is passed.

(4) Part III of this Act and Part II of the First Schedule thereto extend to Scotland only, and the following provisions of this Act do not extend to Scotland, that is to say, Part II, sections twenty-six and twenty-seven, and Part I of the First Schedule.

## SCHEDULES

## FIRST SCHEDULE

AMENDMENTS OF HOUSING (FINANCIAL PROVISIONS) ACT, 1958,  
AND HOUSING (SCOTLAND) ACT, 1950

## PART I

## AMENDMENTS OF ACT OF 1958

1. In subsection (1) of section nine, for the words from “ and may ” to the end of the subsection there shall be substituted the words “ and may make a contribution towards the cost of the works of conversion or improvement required for carrying out approved improvement proposals.”

2. In subsection (1) of section twelve, for the words from “ equal to ” to “ the arrangements ” there shall be substituted the words “ determined in accordance with section eighteen of the House Purchase and Housing Act, 1959.”

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

Sections 31, 32.



1ST SCH.  
—cont.

3. In section twenty-five, the references to sections one to ten of the Act of 1958 shall be deemed to be references to sections one to nine of that Act and to sections thirteen and fourteen of this Act, and the references to the Act of 1958 in the proviso to subsection (2) of the section shall be deemed to include references to this Act.

4. In section twenty-eight, after the words “ the Housing (Financial and Miscellaneous Provisions) Act, 1946 ” there shall be inserted the words “ or the House Purchase and Housing Act, 1959 ”.

5. In section fifty-four the references to the purposes of the Act of 1958 shall be deemed to include references to the purposes of this Act.

6. In subsection (1) of section fifty-five there shall be added, at the end, the words “ and the House Purchase and Housing Act, 1959.”

7. Section fifty-seven shall apply in relation to this Act as it applies in relation to the provisions specified in subsection (3) of that section.

8. In subsection (2) of section fifty-eight there shall be added, at the end, the words “ section thirteen of the House Purchase and Housing Act, 1959.”

9. The reference in paragraph 9 of the Fourth Schedule to subparagraphs (a) and (b) of paragraph 3 of that Schedule shall be deemed to include a reference to the sub-paragraph inserted by subsection (3) of section eleven of this Act.

## PART II

### AMENDMENTS OF ACT OF 1950

10. Subsection (2) of section one hundred and twenty-eight (which subsection relates to the time and manner in which contributions under certain enactments shall be payable) and section one hundred and twenty-nine (which relates among other things to the failure of a local authority to discharge any duty, or exercise any power, under certain enactments) shall apply in relation to section one hundred and sixteen of the Act of 1950 as applied by section twenty-two of this Act as they apply in relation to the enactments specified in Part II of the Sixth Schedule, and accordingly the said Part II shall have effect with the addition, at the end thereof, of the words—

“ 14. Section one hundred and sixteen of this Act as applied by section twenty-two of the House Purchase and Housing Act, 1959.”

11. Subsection (1) of section one hundred and eighty-four and Part I of the Sixth Schedule (which together define the expression “ Exchequer contribution ”) shall have effect with the addition, at the end of the said Part, of the words—

“ 14. Section one hundred and sixteen of this Act as applied by section twenty-two of the House Purchase and Housing Act, 1959.”

## SECOND SCHEDULE

Section 31.

## ENACTMENTS REPEALED

| Session and Chapter                       | Short Title                                   | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 & 14 Geo. 5.<br>c. 24.                 | The Housing, &c. Act, 1923.                   | In section twenty-two, in paragraph (d), the words "ninety per cent. of".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 14 Geo. 6.<br>c. 34.                      | The Housing (Scotland) Act, 1950.             | In section seventy-five, in paragraph (b) of subsection (3), the words "nine-tenths of" in both places where they occur; and in subsection (4), the words from "shall not be made" to "such an advance" and the words from "In the case" to the end of the subsection.                                                                                                                                                                                                                                                                                                                   |
|                                           |                                               | Section one hundred and ten.<br>In section one hundred and fourteen, in subsection (2), the words "or in the event of the voluntary alienation of a dwelling by the owner thereof during the said period", and the words "or of the voluntary alienation of the dwelling, as the case may be"; in subsection (5), the words "or on a voluntary alienation of the dwelling"; in subsection (6) the words "or of a voluntary alienation of the dwelling".<br>In section one hundred and twenty-six, in subsection (1), the words from "voluntary alienation" to the end of the subsection. |
| 15 & 16 Geo. 6.<br>& 1 Eliz. 2.<br>c. 63. | The Housing (Scotland) Act, 1952.             | In section six, subsection (1); and in subsection (3), the words "and occupation (except in relation to occupation by an employer)".                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6 & 7 Eliz. 2.<br>c. 42.                  | The Housing (Financial Provisions) Act, 1958. | In section nine, in subsection (1), the words "and the next following".<br>Sections ten and eleven.<br>In section twelve, the proviso to subsection (1); and subsection (3).<br>In section thirty-three, subsection (2).<br>In section thirty-five, in subsection (1), the words "if the local authority so agree" and the words "subsection (2) of".                                                                                                                                                                                                                                    |

2ND SCH.  
—cont.

| Session and Chapter           | Short Title                                            | Extent of Repeal                                                                                                                                                                                                                                                                                                                          |
|-------------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Eliz. 2.<br>c. 42—cont. | The Housing (Financial Provisions) Act, 1958<br>—cont. | In section forty-three, in paragraph (b) of subsection (3), the words “ ninety per cent. of ” in both places where they occur; and in subsection (4), the words from “ shall not be made ” to “ such an advance ” and the words from “ In the case ” to the end of the subsection.<br>In section fifty, in subsection (1), paragraph (c). |

Table of Statutes referred to in this Act

| Short Title                                                 | Session and Chapter                |
|-------------------------------------------------------------|------------------------------------|
| Trusts (Scotland) Act, 1921 ... ..                          | 11 & 12 Geo. 5. c. 58.             |
| Housing, &c. Act, 1923 ... ..                               | 13 & 14 Geo. 5. c. 24.             |
| Trustee Act, 1925 ... ..                                    | 15 & 16 Geo. 5. c. 19.             |
| National Loans Act, 1939 ... ..                             | 2 & 3 Geo. 6. c. 117.              |
| Housing (Financial and Miscellaneous Provisions) Act, 1946. | 9 & 10 Geo. 6. c. 48.              |
| Housing (Scotland) Act, 1950 ... ..                         | 14 Geo. 6. c. 34.                  |
| Housing (Scotland) Act, 1952 ... ..                         | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 63. |
| Rent Act, 1957 ... ..                                       | 5 & 6 Eliz. 2. c. 25.              |
| Housing Act, 1957 ... ..                                    | 5 & 6 Eliz. 2. c. 56.              |
| Housing (Financial Provisions) Act, 1958 ...                | 6 & 7 Eliz. 2. c. 42.              |

**CHAPTER 34**

An Act to make provision as to the circumstances in which underground rooms are to be deemed for the purposes of section eighteen of the Housing Act, 1957, to be unfit for human habitation.

[14th May, 1959]

**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:—

Closing orders  
as to under-  
ground rooms.  
5 & 6 Eliz. 2,  
c. 56.

1.—(1) Section four of the Housing Act, 1957 (which makes general provision as to the defects to be treated for the purposes of that Act as rendering a house unfit for human habitation), shall not affect the operation of paragraph (b) of subsection (1) and subsection (2) of section eighteen of that Act (which confer special powers to close underground rooms deemed for the purposes of that section to be unfit for human habitation).

(2) Accordingly in subsection (2) of section eighteen of that Act the words "Subject to the provisions of section four of this Act as to the circumstances under which a house is to be deemed unfit for human habitation" are hereby repealed.

Short title,  
citation,  
extent and  
commence-  
ment.

2.—(1) This Act may be cited as the Housing (Underground Rooms) Act, 1959, and the Housing Act, 1957, and this Act may be cited together as the Housing Acts, 1957 and 1959.

(2) Nothing in this Act extends to Scotland or Northern Ireland.

(3) This Act shall come into force on the expiration of one month beginning with the day on which it is passed.

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**CHAPTER 35**

An Act to amend the law with respect to the holding of small lotteries on licensed premises.

[14th May, 1959]

**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 any proceedings instituted under subsection (1) of section one hundred and forty-one of the Licensing Act, 1953 (which penalises the holder of a justices' licence who allows gaming or unlawful games on his premises) it shall be a defence to prove that the gaming or unlawful game to which the proceedings relate was such a lottery as is by section one of the Small Lotteries and Gaming Act, 1956 (which exempts certain small lotteries) deemed not to be an unlawful lottery.

Exemption of certain small lotteries conducted on licensed premises.  
1 & 2 Eliz. 2. c. 46.  
4 & 5 Eliz. 2. c. 45.

2.—(1) This Act may be cited as the Small Lotteries and Gaming Act, 1956 (Amendment) Act, 1959.

Short title and extent.

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

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CHAPTER 36

An Act to postpone the coming into force of new valuation lists under Part III of the Local Government Act, 1948, and to restrict proposals for altering the current lists; to postpone the date as from which relief under section eight of the Rating and Valuation (Miscellaneous Provisions) Act, 1955, can be terminated or reduced; and for purposes connected with the matters aforesaid.
[14th May, 1959]

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 thirty-four of the Local Government Act, 1948 (which fixes the dates when new valuation lists for rating purposes are to come into force in England and Wales) shall have effect as if, for the reference to the year nineteen hundred and sixty-one, there were substituted a reference to the year nineteen hundred and sixty-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 new valuation lists, and restriction on proposals for altering current lists.
11 & 12 Geo. 6. c. 26.

(2) In accordance with the preceding subsection, section thirty-four of the said Act of 1948 shall have effect as set out in the Schedule to this Act.

(3) Notwithstanding anything in section forty of the said Act of 1948 (which enables proposals to be made for the alteration of valuation lists) a proposal for altering a valuation list in force at the passing of this Act (not being a proposal made by the valuation officer)—

(a) shall not have effect if served on the valuation officer after the passing of this Act, and

(b) shall be deemed never to have had effect if served on the valuation officer before the passing of this Act but on or after the twelfth day of February, nineteen hundred and fifty-nine,

unless (in either case) it is or was a proposal made by the owner or occupier of the hereditament to which it relates, or a proposal made by virtue of subsection (2A) of the said section forty (which enables a rating authority to make proposals with respect to hereditaments not included in the valuation list).

Postponement of termination or reduction of relief for charitable and other organisations.

4 & 5 Eliz. 2.
c. 9.

2.—(1) Subsection (3) of section eight of the Rating and Valuation (Miscellaneous Provisions) Act, 1955 (which enables a rating authority to serve a notice terminating or reducing the relief conferred by that section in respect of certain classes of hereditaments) shall have effect subject to the following provisions of this section.

(2) Where a notice served under that subsection (whether before or after the passing of this Act) specifies a year earlier than the year 1962-63, the notice (if valid apart from this section) shall have effect as if the year specified therein had been the year 1962-63, and any reference in that subsection to the year specified in the notice shall be construed accordingly.

(3) In this section “year” means a period of twelve months beginning with the first day of April, and “the year 1962-63” means the year beginning with the first day of April, nineteen hundred and sixty-two.

Financial provisions.

3. Any increase attributable to this Act in the sums payable by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland shall be defrayed out of moneys provided by Parliament.

Short title, interpretation and extent.

4.—(1) This Act may be cited as the Rating and Valuation Act, 1959.

(2) In this Act “the valuation officer” has the same meaning as in Part III of the Local Government Act, 1948.

(3) Subsections (2) and (3) of section sixteen of the Rating and Valuation (Miscellaneous Provisions) Act, 1955 (which relate to the interpretation of that Act) shall apply for the purposes of this Act as they apply for the purposes of that Act.

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

(5) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULE

Section 1.

SECTION THIRTY-FOUR OF LOCAL GOVERNMENT ACT, 1948,
AS AMENDED

34.—(1) New valuation lists shall be made for all rating areas Times for so as to come into force on the first day of April in the following making new years, that is to say, the year nineteen hundred and sixty-three and valuation lists. each fifth subsequent year.

(2) Every valuation list shall remain in force until it is superseded by a new valuation list.

CHAPTER 37

An Act to amend the law in relation to the making and disposing and importation of flick knives and other dangerous weapons. [14th May, 1959]

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) Any person who manufactures, sells or hires or offers for sale or hire, or lends or gives to any other person—
- Penalties for offences in connection with dangerous weapons.
- (a) any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, sometimes known as a "flick knife" or "flick gun"; or
 - (b) any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a "gravity knife",

shall be guilty of an offence and shall be liable on summary conviction in the case of a first offence to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine, and in the case of a second or subsequent offence to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and fine.

(2) The importation of any such knife as is described in the foregoing subsection is hereby prohibited.

Short title,
commencement
and extent.

2.—(1) This Act may be cited as the Restriction of Offensive Weapons Act, 1959.

(2) This Act shall come into operation at the expiration of the period of one month beginning with the day on which it is passed.

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

CHAPTER 38

An Act to amend the provisions of the Schedule to the Police Act, 1919, with respect to the dates of elections of Branch Boards and of annual meetings of Branch Boards and Central Conferences of the Police Federation.
[14th May, 1959]

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:—

Dates of
elections
and annual
meetings.
9 & 10 Geo. 15.
c. 46.

1.—(1) The Schedule to the Police Act, 1919 (which makes provision as to the constitution, functions and proceedings of the Police Federation) shall have effect, as respects the year nineteen hundred and sixty and subsequent years, as if for paragraphs 5 and 9 thereof there were substituted the following paragraphs:—

“ 5. The election for each Board shall for each calendar year take place within such period (which may fall wholly or partly before the beginning of that year) as the Secretary of State may specify after consulting the three Central Committees sitting together as a Joint Committee, and the annual meeting of each Board shall be held within one month after the election of its members. ”

“ 9. The Central Conference for each rank shall be held each calendar year at such time as the Secretary of State may specify after consulting the three Central Committees sitting together as a Joint Committee. ”

(2) The Secretary of State may direct, after consulting the three Central Committees of the Police Federation for England and Wales sitting as a Joint Committee, that no elections or meetings shall be held in England and Wales in the year nineteen hundred and fifty-nine under the said paragraphs 5 and 9 as originally enacted.

(3) In paragraph 22 of the said Schedule (which enables Branch Boards to hold four quarterly meetings) the word "four" shall be omitted.

2.—(1) This Act may be cited as the Police Federation Act, 1959. Short title
and extent.

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

CHAPTER 39

An Act to amend the law relating to the restriction of
vexatious actions. [14th May, 1959]

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 subsection (1) of section fifty-one of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides that if, on an application made by the Attorney General under that section, the High Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the High Court or in any inferior court, and whether against the same person or against different persons, the court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall without the leave of the High Court or a judge thereof be instituted by him in any court) after the words "in any court" there shall be inserted the words "and that any legal proceedings instituted by him in any court before the making of the order shall not be continued by him without such leave". Restriction of
vexatious
actions.
15 & 16 Geo. 5
c. 49.

(2) In subsection (1) of section thirty-one of the said Act of 1925 (which provides that no appeal shall lie in certain cases) at the end there shall be added the following paragraph, that is to say—

“(1) from an order refusing leave for the institution or continuance of legal proceedings by a person who is the subject of an order for the time being in force under section fifty-one of this Act.”

2. This Act may be cited as the Supreme Court of Judicature (Amendment) Act, 1959. Short title.

CHAPTER 40*Deer (Scotland) Act, 1959*

ARRANGEMENT OF SECTIONS

PART I

Conservation and Control of Red Deer

Section

1. Constitution and general functions of Red Deer Commission.
2. Appointment of panels.
3. Duty of Commission to advise Secretary of State.
4. Particular powers of the Commission.
5. Returns of numbers of deer killed.
6. Power of Commission to deal with marauding deer.
7. Control schemes.
8. Contents of control schemes.
9. Liability of owners or occupiers under control schemes.
10. Enforcement of control schemes.
11. Recovery of expenses incurred under section 10.
12. Power of Commission to provide services and equipment.
13. Power of Commission to dispose of carcasses.
14. Persons acting under this Part of this Act not required to obtain game licences.
15. Entry on land.
16. Service of notices.
17. Offences in relation to execution of this Part of this Act.
18. Financial provisions.
19. Saving of right to compensation for damage by red deer.
20. Interpretation of Part I.

PART II

Close Seasons

21. Close seasons for red deer and power to make close seasons for other species.

PART III

Prevention of Illegal Taking and Killing of Deer

22. Prohibition of poaching.
23. Unlawful taking or killing of deer.
24. Unlawful taking or killing of deer by two or more persons acting together.
25. Unlawful possession of deer and firearms.

PART IV

Enforcement and Procedure

26. Attempts to commit offences.
27. Powers of search and seizure.
28. Apprehension of offenders.
29. Forfeitures.
30. Disposal of deer seized under the Act.
31. Offences by bodies corporate.

PART V

Supplementary

Section

32. Interpretation of Parts III and IV.
33. Exemptions for certain acts.
34. Application of Act to the Crown.
35. Orders, regulations, etc.
36. Enactments repealed.
37. Short title, extent and commencement.

SCHEDULES:

First Schedule—Provisions as to the Red Deer Commission.

Second Schedule—Provisions as to control schemes.

Third Schedule—Enactments repealed.

An Act to further the conservation and control of red deer in Scotland; to prevent the illegal taking and killing of all species of deer in Scotland; and for purposes connected with the matters aforesaid.

[14th May, 1959]

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

CONSERVATION AND CONTROL OF RED DEER

1.—(1) There shall be constituted a commission to be called “the Red Deer Commission” (hereinafter in this Act referred to as “the Commission”) which shall have the general functions of furthering the conservation and control of red deer and of keeping under review all matters relating to red deer, and such other functions as are conferred on them by or under this Act.

Constitution and general functions of Red Deer Commission.

(2) The Commission shall carry out their functions in accordance with such directions of a general character as may be given by the Secretary of State.

(3) The Commission shall consist of a chairman and twelve other members appointed by the Secretary of State, and the provisions of the next following subsection shall apply to the appointment of these members other than the chairman.

(4) The members of the Commission so appointed shall be appointed as follows—

(a) two from nominees of the Nature Conservancy ;

PART I
—cont.

- (b) three from nominees of such organisations as appear to the Secretary of State to represent the interests of owners of land used for agriculture or forestry ;
- (c) two from nominees of such organisations as appear to the Secretary of State to represent the sporting interest in deer ;
- (d) three from nominees of such organisations as appear to the Secretary of State to represent the interests of farmers and crofters (and of the persons so appointed at least one shall, in the opinion of the Secretary of State, represent the interests of farmers, and at least one shall represent the interests of crofters) ; and
- (e) two from nominees of such organisations as appear to the Secretary of State to represent the interests of hill sheep farmers.

(5) For the purpose of this section the expression “crofters” has the like meaning as in the Crofters (Scotland) Act, 1955.

(6) The provisions contained in the First Schedule to this Act shall have effect in relation to the Commission.

**Appointment
of panels.**

2.—(1) The Commission may, with the approval of the Secretary of State, set up in any locality a panel consisting of five persons, being a chairman and four other members, two of whom shall, in the opinion of the Commission, be representative of the interests mentioned in heads (b) and (c), and two of the interests in heads (d) and (e), of subsection (4) of the last foregoing section, and of any such panel as aforesaid three shall be a quorum.

(2) The Commission may refer to any such panel any matter relating to the functions of the Commission, and it shall be the duty of the panel to advise the Commission on the matter.

(3) The Commission may delegate to a panel appointed under subsection (1) of this section the functions of the Commission under section six of this Act so far as relating to the locality of that panel, and the panel in the exercise of the functions so delegated to them shall comply with any directions given by the Commission.

(4) In the exercise of any functions delegated to them as aforesaid, a panel shall have the like powers as the Commission in relation to that exercise.

**Duty of
Commission
to advise
Secretary of
State.**

3.—(1) It shall be the duty of the Commission to advise the Secretary of State on any such matter relating to the purposes of this Act as he may refer to them, and to bring to his attention any matter relating to red deer of which in the opinion of the Commission he ought to be apprised.

(2) The Commission shall make an annual report to the Secretary of State on the exercise of their functions under this Act,

and the Secretary of State shall lay a copy of the report before each House of Parliament, together with such comments as he may think fit to make.

PART I
—cont.

4. The Commission shall have power—

Particular powers of the Commission.

- (a) to advise in the interests of conservation any owner of land, on the application of such owner, on questions relating to the carrying of stocks of red deer on that land;
- (b) to collaborate with any person who is conducting any inquiry or investigation into questions of practical or scientific importance relating to red deer.

5.—(1) The Commission for the purpose of any of their functions may by notice in writing served on the owner or occupier of any land require him to make a return in such form as the Commission may require showing the number of red deer of each sex which to his knowledge have been killed on the land during such period (not exceeding five years) immediately preceding the service of the notice as may be specified therein.

Returns of numbers of deer killed.

(2) If any person on whom a notice under the foregoing subsection has been served—

- (a) fails without reasonable cause to make the required return within thirty-six days after the service of the notice, or
- (b) in making the return knowingly or recklessly furnishes any information which is false in a material particular,

he shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

6.—(1) Subject to the following provisions of this section, where the Commission are satisfied that red deer are coming on to any agricultural land or woodland or garden ground and are causing substantial damage to crops, pasture or animal or human foodstuffs, or trees on that land, and that the killing of the deer is necessary for the prevention of further damage as aforesaid, they shall authorise in writing, subject to such conditions as may be specified in the authorisation, any person who in their opinion is competent to do so to follow and kill on any land mentioned in the authorisation such red deer as appear to that person to be causing the damage.

Power of Commission to deal with marauding deer.

(2) Where the Commission are satisfied that the deer which appear to be causing damage as aforesaid come from particular land, and that any person having the right to kill deer thereon will forthwith undertake the killing of the deer first-mentioned,

PART I
—cont.

the Commission shall make a request to that effect in writing to that person.

(3) Where any such request as aforesaid has been made to a person, the Commission shall not issue an authorisation under this section unless it appears to them that he has become unable or unwilling to comply with the terms of the request.

(4) An authorisation under this section shall remain in force from the date thereof for such period, not exceeding fourteen days, as may be specified in the authorisation.

(5) Where the Commission intend to issue any such authorisation as aforesaid, it shall be their duty to give as soon as practicable to any person who in their opinion is likely to be on any land mentioned therein such warning of their intention as they consider necessary to prevent danger to that person.

(6) It shall be the duty of the Commission to give to the owner of any land which is to be mentioned in an authorisation under this section such notice of their intention to issue that authorisation as may be practicable.

(7) Without prejudice to the general provisions of section sixteen of this Act relating to the service of notices, any notice to be served under this section on an owner of land shall, where an agent or servant is responsible for the management or the farming of the land, be duly served if served on the said agent or servant.

(8) The Commission may make in respect of the services of any person authorised by them to follow and kill deer as aforesaid, not being one of their servants, such payment as may be agreed.

Control schemes.

7.—(1) Where the Commission are satisfied that red deer have caused damage to agriculture or forestry in any locality, and that for the prevention of further damage the red deer in the area in which the locality is situated should be reduced in number or exterminated, they shall determine, having due regard to the nature and character of the land in that area, what measures shall be taken for that reduction or extermination as the case may be.

(2) Thereafter it shall be the duty of the Commission to consult with such owners or occupiers of land, being land where red deer are established, as the Commission consider to be substantially interested, to secure agreement on the carrying out of the measures which they have determined as aforesaid.

(3) Where after such consultations the Commission are satisfied that it is not possible to secure agreement as aforesaid or that the measures agreed on are not being carried out, they shall make a scheme (hereinafter in this Act referred to as a "control scheme") for the carrying out of such measures, and

any such scheme before it comes into operation shall require confirmation by the Secretary of State.

PART I
—cont.

(4) In this Act the area to which a control scheme relates as aforesaid is, in relation to that scheme, referred to as the "control area".

(5) A control scheme shall be made and confirmed in accordance with the provisions of Parts I and III of the Second Schedule to this Act, may be varied or revoked in accordance with the provisions of Parts II and III of the said Schedule, and Part IV of that Schedule shall apply with respect to the validity of such a scheme or any variation or revocation thereof.

8.—(1) A control scheme shall—

Contents of
control
schemes.

- (a) describe the control area by reference to a map and specify the approximate extent of that area ;
- (b) specify whether the red deer in that area or any part thereof are to be reduced in number or exterminated ;
- (c) specify, where the red deer are to be reduced in number, the number, and if necessary in the opinion of the Commission, the sex and class, of the animals to be killed in the control area or any part thereof, and the limit on the number of red deer of each sex to be allowed to be established in the control area or any part thereof ;
- (d) specify the measures which are to be taken by the owners or occupiers for the time being of land in the control area or any of them for the purposes of the foregoing provisions of this subsection ;
- (e) prescribe time limits within which the owners or occupiers are to take any such measures as aforesaid ;
- (f) include any incidental, consequential or supplemental provisions that may be necessary.

(2) A control scheme may specify different measures to be taken by different owners or occupiers of land in the control area, and may provide for the extension of any time limit prescribed therein.

(3) Nothing in the foregoing provisions of this section shall empower the Commission to impose on any owner or occupier of land a requirement to construct a fence on his land or on any part thereof against the movement of red deer, and for the purposes of this section "fence" shall include any artificial obstruction.

9.—(1) Where any control scheme has been confirmed, it shall be the duty of every owner or occupier of land to take such measures as the scheme may require of him in accordance with the provisions thereof.

Liability of
owners or
occupiers
under control
schemes.

PART I
—*cont.*

(2) Any person who refuses or wilfully fails to comply with any requirement laid upon him by a scheme shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

**Enforcement
of control
schemes**

10. If the Commission are of the opinion that any owner or occupier of land upon whom a requirement is laid by a control scheme has failed to carry out that requirement, it shall be the duty of the Commission to carry out the requirement if they are satisfied that it is still necessary so to do.

**Recovery of
expenses
incurred under
section 10.**

11.—(1) Where any expenses incurred by the Commission in the exercise of their functions under the last foregoing section exceed the amount of the proceeds of the sale of the carcasses of any red deer killed in pursuance of that exercise, the excess shall be recoverable from the owner or occupier concerned by the Commission.

(2) The Commission shall furnish to any owner or occupier concerned a statement showing the expenses incurred in the exercise of their functions as aforesaid, the amount received in respect of the sale of carcasses and the amount recoverable from any owner or occupier under this section; and any owner or occupier who is aggrieved by such a statement may, within one month after such a statement has been furnished to him, appeal to the Scottish Land Court who may, if it appears to them equitable so to do, vary the amount recoverable from him.

(3) Nothing in the foregoing provisions of this section shall preclude the Commission, with the approval of the Secretary of State, from waiving the right to recover expenses incurred as aforesaid in any particular case.

(4) The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Scottish Land Court shall, with any necessary modifications, apply for the determination of any appeal under subsection (2) of this section in like manner as those provisions apply for the determination by the Court of matters referred to them under those Acts.

**Power of
Commission
to provide
services and
equipment.**

12.—(1) The Commission may by agreement with any owner or occupier of land assist in or undertake, whether in pursuance of a control scheme or otherwise, the taking or killing of red deer and the disposal of such deer or their carcasses; and the agreement may make provision for the providing of equipment by the Commission.

(2) Any agreement in pursuance of the last foregoing subsection shall, unless the Commission with the approval of the

Secretary of State otherwise decide, provide for the payment of any expenses incurred by the Commission under the agreement.

PART I
—cont.

13. Without prejudice to the operation of the provisions of section eleven of this Act relating to the disposal of the proceeds of the sale of carcases, and of section twelve of this Act, the Commission shall have power to dispose by sale or otherwise of the carcases of all deer killed under their authority.

Power of Commission to dispose of carcases.

14. Any person authorised or required by the Commission to kill any red deer under the provisions of this Part of this Act shall not be required to obtain for that purpose a licence to kill game.

Persons acting under this Part of this Act not required to obtain game licences.

15.—(1) Any person duly authorised in writing by the Commission shall have power at all reasonable times to enter upon any land—

Entry on land.

- (a) in pursuance of any of the functions of the Commission under sections six, seven or ten of this Act ;
- (b) for the purpose of determining whether any of their functions under the said sections should be exercised ;
- (c) for the purpose of determining how far and in what manner any requirement placed on any person by virtue of this Part of this Act has been complied with.

(2) Any person authorised as aforesaid by the Commission who proposes to exercise any power of entry conferred by this section shall, if so required, produce the written document authorising him so to do.

(3) Admission to any land under this section shall not be demanded as of right, unless notice has been given to the owner and the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding one month and beginning at least fourteen days after the giving of the notice, and entry is made on the land during the period specified in the notice :

Provided that this subsection shall not apply to any person acting in pursuance of any of the functions of the Commission under section six of this Act.

16.—(1) Subject to the provisions of this section, any notice for the purposes of this Act shall be in writing, and any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him or left at his proper address or sent to him by post.

Service of notices.

(2) Any such notice or other document required or authorised to be served on any person for the purposes of this Act shall

T*

PART I
—*cont.*

be duly served, if that person is an incorporated company or body, if it is served on the clerk or secretary of that company or body.

(3) For the purposes of this section and section twenty-six of the Interpretation Act, 1889, the proper address of any person on whom any such notice or document is to be served shall, in the case of the clerk or secretary of any incorporated company or body, be that of the registered or principal office of such company or body, and in any other case be the last known address of the person in question.

(4) Where any notice or other document is to be given to or served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

(5) Nothing in this section shall require the Commission to give written notice of their intention to issue an authorisation in pursuance of section six of this Act.

Offences in relation to execution of this Part of this Act.

17. A person who wilfully obstructs any person acting in the execution of this Part of this Act or of any authorisation issued thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Financial provisions.

18.—(1) The expenses of the Commission shall be defrayed by the Secretary of State, and any sums received by them shall be paid to the Secretary of State.

(2) All expenses incurred by the Secretary of State under the provisions of this Act shall be defrayed out of moneys provided by Parliament, and any sums received by him under the provisions of the last foregoing subsection shall be paid into the Exchequer.

Saving of right to compensation for damage by red deer.

19. Nothing in the foregoing provisions of this Act or anything done thereunder shall preclude any occupier of any land from recovering any compensation for damage caused by red deer which he would have been entitled to recover if this Act had not been passed.

Interpretation of Part I.

20. In this Part of this Act, unless the context otherwise requires—

“agriculture” and “agricultural land” have the like meanings as in the Agriculture (Scotland) Act, 1948;

- “ functions ” includes powers and duties ;
- “ occupier ” in relation to any land includes any tenant or sub-tenant, whether in actual occupation of the land or not ;
- “ owner ” in relation to any land includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking ;
- “ red deer ” means deer of the species *cervus elaphus*.

PART I
—cont.

PART II

Close Seasons

21.—(1) Subject to section thirty-three of this Act, no person shall take or wilfully kill any stag, being a red deer, during the period commencing on the twenty-first day of October and ending on the thirtieth day of June or any hind, being a red deer, during the period commencing on the sixteenth day of February and ending on the twentieth day of October. Close seasons for red deer and power to make close seasons for other species.

(2) The Secretary of State may by order fix a period in each year during which any species of deer named in the order other than red deer may not be taken or wilfully killed, and he may fix a different period for males and females of the species so named.

(3) Before making any such order as aforesaid the Secretary of State shall consult with any organisations that appear to him to represent persons likely to be affected by the order.

(4) For the purposes of this section “ red deer ” means deer of the species *cervus elaphus*.

(5) If any person contravenes the provisions of subsection (1) of this section or of any order made under subsection (2) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(6) This section shall come into operation on the twenty-first day of October, nineteen hundred and sixty-two.

PART III

Prevention of Illegal Taking and Killing of Deer

22. Subject to section thirty-three of this Act, if any person without legal right or without permission from a person having such right takes or wilfully kills deer on any land, he shall be Prohibition of poaching.

T* 2

PART III
—cont.

guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds, and to the forfeiture of any deer illegally killed by him or in his possession at the time of the offence :

Provided that the provisions of this subsection shall not apply to any person taking any deer lawfully killed by him.

Unlawful
taking or
killing of deer.

23.—(1) Subject to section thirty-three of this Act, any person who takes or wilfully kills deer between the expiration of the first hour after sunset and the commencement of the last hour before sunrise shall be guilty of an offence.

(2) Subject to section thirty-three of this Act, it shall be an offence to take or wilfully kill deer otherwise than by shooting, and shooting for the purposes of this section means discharging a firearm, as defined in the Firearms Act, 1937, other than a prohibited weapon.

(3) Any person guilty of an offence against subsections (1) or (2) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(4) A conviction of any offence against this Part of this Act may be treated as a previous conviction for the purposes of the last foregoing subsection.

(5) Nothing in the provisions of this section shall be construed as prohibiting a person having a legal right to take deer on any land, or a person with permission in writing from any such person as aforesaid, from taking a deer alive on that land in any manner which does not cause it unnecessary suffering.

Unlawful
taking or
killing of deer
by two or
more persons
acting together.

24. If two or more persons acting together do any act which would constitute an offence against either of the two last foregoing sections of this Act, every such person shall be liable—

(a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, and in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment ;

(b) on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

25.—(1) If any person is found in possession of any deer in circumstances which afford reasonable ground for suspecting that he has obtained possession of the deer as a result of his committing an offence against any of the provisions of Part II or of any order made thereunder or of sections twenty-two to twenty-four of this Act, that person may be charged with unlawful possession as aforesaid of such deer.

PART III
—cont.
Unlawful possession of deer and firearms.

(2) If any person is found in possession of any firearm or ammunition in circumstances which afford reasonable ground for suspecting that he has used the firearm or ammunition for the purpose of committing an offence against any of the provisions of sections twenty-two to twenty-four of this Act, that person may be charged with unlawful possession as aforesaid of such firearm or ammunition.

(3) Where the court is satisfied that a person charged under either or both of the two last foregoing subsections obtained possession of the deer as a result of his committing an offence against any of the provisions of Part II or of any order made thereunder or of sections twenty-two to twenty-four of this Act, or, as the case may be, that he has used any firearm or ammunition for the purpose of committing an offence against any of the provisions of the said sections twenty-two to twenty-four, that person may be convicted of unlawful possession as aforesaid and dealt with in like manner as if he had been convicted of the said offence.

(4) It shall be lawful to convict a person charged under this section on the evidence of one witness.

PART IV

Enforcement and Procedure

26. Without prejudice to the operation of section sixty-one of the Criminal Procedure (Scotland) Act, 1887, and section two of the Summary Jurisdiction (Scotland) Act, 1954, any person who attempts to commit, or does any act preparatory to the commission of, an offence against Part II or any order made thereunder or against Part III of this Act shall be guilty of an offence against this Act and shall be punishable in like manner as for the said offence.

Attempts to commit offences.

27.—(1) A constable may seize any deer, firearm or ammunition, vehicle or boat liable to be forfeited in pursuance of this Act.

Powers of search and seizure.

(2) A sheriff or any justice of the peace, if satisfied by information on oath that there is reasonable ground to suspect any

PART IV
—*cont.*

offence against section twenty-four of this Act to have been committed and that evidence of the commission of the offence is to be found on any premises or in any vehicle or boat, may grant a warrant authorising any constable at any time or times within one week from the date of such warrant to enter, if necessary by force, the said premises and every part thereof or the said vehicle or boat for the purpose of detecting the offence.

(3) A constable authorised by any such warrant as aforesaid to search any premises or any such vehicle or boat may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle or boat as the case may be, and may seize any article found on the premises, or in the vehicle or boat, or on any such person, which he has reasonable ground for believing to be evidence of the commission of any such offence as aforesaid.

(4) Where a constable has reasonable grounds for suspecting that an offence against section twenty-four of this Act has been committed and that evidence of the commission of the offence is to be found in any vehicle or boat, and that by reason of urgency or other good cause it is impracticable to apply for a warrant to search such vehicle or boat, the said constable may stop and search that vehicle or boat and may exercise the like power of search or seizure in relation to the vehicle or boat as might be conferred under subsection (2) of this section by the warrant of the sheriff or of a justice of the peace.

(5) No female shall in pursuance of any search authorised by this section be searched except by a female.

**Apprehension
of offenders.**

28. If any person shall be found committing any offence against the provisions of Part III or of this Part of this Act, any constable may arrest that person.

Forfeitures

29.—(1) Any person who is convicted of an offence against Part II of this Act or any order made thereunder or against Part III of this Act in respect of which no provision for any forfeiture is expressly made shall be liable to the forfeiture of any deer illegally taken by him or of any deer or any firearm or ammunition in his possession at the time of the offence.

(2) Without prejudice to the operation of the last foregoing subsection any person who is convicted on indictment of an offence against Part III of this Act shall be liable to the forfeiture of any vehicle or boat used by him to assist in the commission of the offence.

(3) Any deer forfeited under section twenty-two of this Act, or any deer, vehicle or boat forfeited under this section shall be disposed of as the court may direct.

PART IV
—cont.

30. Where any deer seized under this Part of this Act is liable to forfeiture the person by whom it is seized may sell it and the net proceeds of the sale shall be liable to forfeiture in the same manner as the deer sold : Disposal of deer seized under the Act.

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred on him by this section.

31.—(1) When an offence against this Act or any order made thereunder which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person purporting to act in such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Offences by bodies corporate.

(2) In this section the expression “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

PART V

Supplementary

32. For the purposes of Parts III and IV of this Act unless the context otherwise requires— Interpretation of Parts III and IV.

“ammunition” has the same meaning as in section thirty-two of the Firearms Act, 1937 ;

“deer” means deer of any species and includes the carcase of any deer or any part thereof ;

“firearm” has the same meaning as in section thirty-two of the Firearms Act, 1937 ;

“land” includes land covered by water, but does not include a dwelling-house or any yard, garden, out-houses and pertinents belonging thereto or usually enjoyed therewith ;

PART V
—*cont.*

“vehicle” includes any conveyance other than a vehicle used for the purposes of a passenger transport service within the meaning of the Transport Act, 1947.

**Exemptions for
certain acts.**

33.—(1) A person shall not be guilty of any offence against this Act or any order made thereunder in respect of any act done for the prevention of suffering by an injured or diseased deer.

(2) A person shall not be guilty of any offence against this Act, other than an offence against section twenty-three, in respect of any act done under the authority of or at the request of the Commission in pursuance of section six of this Act or in pursuance of a control scheme.

(3) Notwithstanding the provisions of section twenty-one of this Act, or of any order made thereunder, it shall not be an offence for an occupier of agricultural land or of enclosed woodlands, or for any person authorised by him in writing in that behalf, to take or kill during a close season any deer found on any arable land, garden grounds or land laid down in permanent grass (other than moorland and unenclosed land) forming part of that land, or on such woodlands, as the case may be.

(4) Notwithstanding the provisions of subsection (1) of section twenty-three of this Act, it shall not be an offence for an occupier of agricultural land or of enclosed woodlands to take or kill during the period specified in that subsection any deer found on any such arable land, garden grounds or land laid down in permanent grass as aforesaid, or on such woodlands, as the case may be.

(5) The provisions of the last two foregoing subsections shall be construed as one with the Agriculture (Scotland) Act, 1948.

**Application
of Act to the
Crown.**

34. This Act shall apply to land an interest in which belongs to Her Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department; but in its application to any land an interest in which belongs or is held as aforesaid this Act shall have effect subject to such modifications as may be prescribed by regulations made by the Secretary of State under this Act.

**Orders,
regulations,
etc.**

35.—(1) Any order or regulations made under this Act shall be embodied in a statutory instrument which shall be subject to annulment in pursuance of a resolution by either House of Parliament.

(2) Any order made under this Act may be varied or revoked by a subsequent order made in the like manner.

**Enactments
repealed.**

36. The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

37.—(1) This Act may be cited as the Deer (Scotland) Act, 1959.

PART V
—cont.

(2) This Act, except in so far as it relates to the amendment of the House of Commons Disqualification Act, 1957, shall extend to Scotland only.

Short title,
extent and
commence-
ment.

(3) This Act, except where otherwise expressly provided, shall come into force at the expiry of one month beginning with the date of its passing.

SCHEDULES

FIRST SCHEDULE

Section 1.

PROVISIONS AS TO THE RED DEER COMMISSION

Constitution of the Commission

1. The Commission shall be a body corporate and shall have a common seal.

2. Every member of the Commission shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, but notwithstanding anything in such an instrument any member of the Commission may resign his office by a notice given under his hand to the Secretary of State, and a member of the Commission who ceases to hold office shall be eligible for re-appointment to the Commission.

3. Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain commissions, tribunals and other bodies, all members of which are disqualified under that Act), shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if after the entry relating to the Pig Industry Development Authority there were inserted the following entry:—

“ The Red Deer Commission ”.

4. The Secretary of State shall pay—

(a) to the Chairman of the Commission such remuneration and such allowances, and

(b) to the other members of the Commission such allowances as he may with the approval of the Treasury determine.

5. The Commission may pay to the members of any panel appointed in pursuance of section two of this Act the like allowances as are payable by the Secretary of State to members of the Commission under the last foregoing paragraph.

Meetings and Proceedings of the Commission

6. The quorum of the Commission shall be five or such larger number as the Commission may from time to time determine.

7. The proceedings of the Commission shall not be invalidated by any vacancy in the membership of the Commission or by any defect in the appointment of any member thereof.

1st Sch.
—cont.

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

9. Subject to the foregoing provisions of this Schedule, the Commission shall have power to regulate their own procedure and that of any panel appointed by them.

Office, Officers and Servants

10. The Commission shall have an office at which communications and notices will be received.

11. The Secretary of State may provide the services of such officers and servants as the Commission may require.

Instruments executed or issued by the Commission

12. The application of the seal of the Commission to any document shall be attested by at least one member of the Commission and by the person for the time being acting as secretary of the Commission.

13. Every document purporting to be an instrument issued by the Commission and to be sealed and attested as aforesaid or to be duly signed on behalf of the Commission shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

Section 7.

SECOND SCHEDULE

PROVISIONS AS TO CONTROL SCHEMES

PART I

Procedure for making control schemes

1. Where the Commission decide to make a control scheme they shall—

(a) serve on every owner and every occupier of land on whom the scheme proposes to impose any requirement a copy of the said scheme, together with a notice stating that any such owner or occupier may, within twenty-eight days of the service of the notice, object to the Secretary of State in such manner as may be specified in the notice to the scheme or to any provision contained therein; and

(b) in two successive weeks publish in the *Edinburgh Gazette* and in one or more newspapers circulating in the district in which the control area is situated a notice stating that a control scheme has been prepared, describing the said area, naming a place within the district where a copy of the said scheme and of the map referred to therein may be inspected at all reasonable hours, and stating that any person may, within twenty-eight days of the first publication of such notice, object to the Secretary of State in such a manner as may be specified in the notice to the said scheme or to any provision contained therein.

2. If no objection is duly made under the last foregoing paragraph or if all objections so made are withdrawn, the Secretary of State may confirm the control scheme either in the form submitted to him or, subject to paragraph 4 of this Schedule, with modifications.

2ND SCH
—cont.

3. If any objection duly made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to confirm the control scheme, cause a public inquiry to be held, and after considering the objection and the report of the person who held the inquiry may confirm the scheme either in the form submitted to him or, subject to paragraph 4 of this Schedule, with modifications.

4. The control scheme shall not be confirmed with any modification unless either—

- (a) every person served with a copy of the scheme by virtue of paragraph 1 of this Schedule has been served with notice of the proposal to make the modification and any other person on whom the modification, if made, would impose a requirement, has been served with a notice of the proposal to make the modification along with a copy of the said scheme, and either has consented thereto or has not, before the expiry of fourteen days from the service of the notice, notified the Secretary of State in writing that he objects thereto ; or
- (b) the modification arises from representations made at an inquiry held under paragraph 3 of this Schedule or from the findings or recommendations of the person holding that inquiry, and every person in respect of whom the modification, if made, would vary or impose a requirement has been served with a copy of the scheme as aforesaid and been afforded an opportunity to appear and be heard at the inquiry.

PART II

Procedure for varying or revoking control schemes

5. On the application of the Commission, the Secretary of State may make a scheme varying a control scheme or may revoke a control scheme.

6. Before making any such variation or revocation the Secretary of State shall—

- (a) serve on every owner and every occupier of land on whom the control scheme has imposed any requirement or would, if varied as proposed, impose any requirement, a draft of the scheme varying the control scheme or, as the case may be, an intimation of the proposed revocation together with a notice stating that any such owner or occupier may, within twenty-eight days of the service of the draft scheme or the intimation, as the case may be, object to the Secretary of State in such a manner as may be specified in the notice to the variation or revocation of the control scheme ; and

2ND SCH.
—cont.

(b) in two successive weeks publish in the *Edinburgh Gazette* and in one or more newspapers circulating in the district in which the control area is situated a notice stating that the control scheme is to be varied or revoked and that any person may, within twenty-eight days of the first publication of such notice, object in such manner as may be specified in the notice to the making of the variation or revocation, and in the case of any such variation naming a place within the district where a copy of the scheme as proposed to be varied and any map referred to therein may be inspected at all reasonable hours.

7. If no objection is duly made under the foregoing paragraph or if all objections so made are withdrawn, the Secretary of State may vary or revoke the control scheme, as the case may be.

8. If any objection duly made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to make the variation or revocation as the case may be, cause a public inquiry to be held, and after considering the objection and the report of the person who held the inquiry may make the variation, either in the form of the draft or with modifications, or the revocation, as the case may be.

9. A variation of a control scheme shall not be made with any modification unless either—

(a) every person served with a copy of the draft scheme by virtue of paragraph 6 of this Schedule has been served with notice of the proposal to make the modification and any other person on whom the modification, if made, would impose a requirement has been served with a notice of the proposal to make the modification along with a copy of the said draft scheme, and either has consented thereto or has not, before the expiry of fourteen days from the service of the notice, notified the Secretary of State in writing that he objects thereto ; or

(b) the modification arises from representations made at an inquiry held under the last foregoing paragraph or from the findings or recommendations of the person holding that inquiry, and every person in respect of whom the modification, if made, would vary or impose a requirement has been served with a copy of the draft scheme as aforesaid and been afforded an opportunity to appear and be heard at the inquiry.

PART III

General Procedural Provisions

10. Notwithstanding anything in paragraphs 3 or 8 of this Schedule, the Secretary of State may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this Schedule if he is satisfied that the objection is frivolous.

11. The provisions of subsections (2) to (9) of section three hundred and fifty-five of the *Local Government (Scotland) Act, 1947* (which relate to the holding of local inquiries) shall apply in relation to a public local inquiry held under paragraph 3 or 8 of this Schedule as they apply in relation to local inquiries held under the said section three hundred and fifty-five.

PART IV

2ND SCH.
—cont.*Provisions as to the validity of control schemes and of variations or revocations of such schemes*

12. On confirming a control scheme or on varying or revoking such a scheme the Secretary of State shall forthwith—

- (a) serve on every person on whom a notice was required to be served under sub-paragraph (a) of paragraph 1 or under sub-paragraph (a) of paragraph 4 of this Schedule or, as the case may be, sub-paragraph (a) of paragraph 6 or under sub-paragraph (a) of paragraph 9 of this Schedule a notice stating that the scheme has been confirmed or, as the case may be, that a variation or revocation of such a scheme has been made;
- (b) publish in the Edinburgh Gazette and in one or more newspapers circulating in the district in which the control area is situated a notice stating that the scheme has been confirmed or varied or revoked, as the case may be, and naming a place within the district where a copy of the scheme or, as the case may be, the scheme as varied, and of any maps referred to therein, may be inspected at all reasonable hours.

13. If any person aggrieved by a control scheme or by any variation or revocation thereof desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks from the date of the first publication of the notice referred to in sub-paragraph (b) of the last foregoing paragraph, make an application for the purpose to the Court of Session, and if any such application is duly made the Court, if satisfied that the scheme or any variation or revocation thereof is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act, may quash the scheme or any variation or revocation thereof, either generally or in so far as it affects the applicant; but except as aforesaid the scheme or any variation or revocation thereof shall not at any time be questioned in any proceedings whatsoever.

THIRD SCHEDULE

Section 36

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Will. 4. c. 68.	The Game (Scotland) Act, 1832.	In section one, the words "deer, roe" in both places where these words occur; in section four the word "deer".
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	Sections thirty-nine, forty, forty-one, and forty-two so far as relating to red deer; in section forty-three, subsection (2); sections forty-four, forty-five, forty-six and forty-seven.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Criminal Procedure (Scotland) Act, 1887 ...	50 & 51 Vict. c. 35.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Firearms Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 12.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Summary Jurisdiction (Scotland) Act, 1954 ...	2 & 3 Eliz. 2. c. 48.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.

CHAPTER 41

An Act to amend the law relating to the formation of
additional courts of quarter sessions in boroughs.
[9th July, 1959]

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:—

Additional
courts of
quarter
sessions in
certain
boroughs.
4 & 5 Eliz. 2.
c. 34.
45 & 46 Vict.
c. 50.

1.—(1) In section fifteen of the Criminal Justice Administration Act, 1956 (which provides that the power of the recorder under section one hundred and sixty-eight of the Municipal Corporations Act, 1882, to order a second court to be formed shall extend to the formation of more than one additional court, up to such number as may be authorised by the resolution of the borough council enabling him to exercise his powers under that section), at the end there shall be added the following subsection, that is to say—

“(6) Where in the case of any borough—

- (a) the power of the recorder under the said section one hundred and sixty-eight to order a second court to be formed is exercisable by virtue of a local Act without the authority of a resolution of the borough council; and
- (b) it has been certified to the recorder in writing signed by the mayor or two aldermen or the town clerk that the council have resolved that it is expedient for the additional powers conferred by this section to be exercisable,

this section shall have effect in relation to that borough as if for the reference in subsection (1) of this section to the resolution therein mentioned there were substituted a reference to the resolution mentioned in paragraph (b) of this subsection; and such a resolution and certificate as are mentioned in the said paragraph (b) shall, if the resolution so provides, continue in force for the period of twelve months beginning with the date of the resolution, and if they so continue in force no fresh resolution or certificate shall be required during that period ”.

(2) In paragraph (a) of subsection (6) of the said section one hundred and sixty-eight (which provides that a recorder shall not exercise the powers given by that section unless it has been before each quarter sessions certified to him that the council of the borough have resolved that it will be expedient that those powers be exercised), the words “ before each quarter sessions ” are hereby repealed; and any reference in the said section one hundred and sixty-eight or in the said section fifteen as amended by the foregoing subsection to the council of a borough shall be construed as a reference to that council or the appropriate committee thereof.

(3) Without prejudice to subsection (3) of the said section fifteen (which relates to the remuneration of assistant recorders, assistant clerks of the peace and additional criers), in section sixty-one of the Birmingham Corporation Act, 1954, the words 2 & 3 Eliz. 2. from “ and as ” onwards (which make provision superseded by c. xliv. the said subsection (3)) are hereby repealed.

2. This Act may be cited as the Criminal Justice Administration Short title. (Amendment) Act, 1959.

CHAPTER 42

An Act to make provision for an increase in the membership of the disciplinary committee constituted under section forty-six of the Solicitors Act, 1957.

[9th July, 1959]

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. Subsection (1) of section forty-six of the Solicitors Act, 1957 (which provides for the appointment of a disciplinary committee by the Master of the Rolls), shall have effect with the substitution of the word “ twelve ” for the word “ nine ”.

Membership of disciplinary committee.
5 & 6 Eliz. 2.
c. 27.

Citation and extent.

2.—(1) This Act may be cited as the *Solicitors (Amendment) Act, 1959*.

(2) The *Solicitors Act, 1957*, and this Act may be cited together as the *Solicitors Acts, 1957 and 1959*.

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

CHAPTER 43

Post Office Works Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Vesting of works in the Postmaster General.
2. Compensation in respect of works.
3. Support of superjacent strata by underground works.
4. Provisions relating to British Transport Commission.
5. Saving for Prudential Assurance Company Limited.
6. Expenses.
7. Short title.

An Act to vest in the Postmaster General certain underground works constructed in London, Manchester and Birmingham in the exercise of emergency powers; and for purposes connected therewith. [9th July, 1959]

WHEREAS during the recent war there were constructed by the London Passenger Transport Board, on behalf of the Crown in the exercise of emergency powers, certain underground works situated partly in the metropolitan borough of Holborn and partly in the City of London and connected with the underground railway station at Chancery Lane:

And whereas the Postmaster General entered into occupation of those works and, in exercise of emergency powers, extended them, and the works as extended (in this Act referred to as "the London works") consist of a system of tunnels, together with shafts and other means of access thereto from the surface and ancillary works:

And whereas in the exercise of emergency powers the Postmaster General has constructed works in the City of Manchester and works in the City of Birmingham (in this Act referred to respectively as "the Manchester works" and "the Birmingham works") each consisting of a system of tunnels, together with shafts and other means of access thereto from the surface and ancillary works:

And whereas the Postmaster General has before the passing of this Act acquired an estate or interest in lands which include parts of the London works, the Manchester works and the

Birmingham works and, in particular, in each case the sites of all shafts from the surface and of so much of the works affording access and of the ancillary works as lies on the surface :

And whereas it is expedient that those parts of the London works, the Manchester works and the Birmingham works in which the Postmaster General has not already acquired an estate or interest should vest in him by the authority of Parliament :

And whereas in connection with the Bill for this Act plans showing the location of the subsoil which comprises those parts of the London works, the Manchester works and the Birmingham works in which the Postmaster General has not already acquired an estate or interest, together with a book of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers, of the subsoil aforesaid, have been deposited with the clerk of the London County Council, the town clerk of the City of Manchester and the town clerk of the City of Birmingham :

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

1. Those parts of the London works, the Manchester works and the Birmingham works in which an estate or interest was not vested in the Postmaster General immediately before the passing of this Act shall by virtue of this section and without further assurance vest in the Postmaster General for an estate in fee simple, freed and discharged from all other estates, interests, rights and charges which, immediately before the passing of this Act, subsisted in, over or on those works or any of them.

Vesting of works in the Postmaster General.

2.—(1) Where the value of any land has been diminished by the construction of the London works, the Manchester works or the Birmingham works compensation for the diminution shall be payable in the form of a lump sum of such amount as may be agreed between the Postmaster General and the persons interested in the land or in default of agreement as may be determined by the arbitration of a single arbitrator to be agreed between the parties or, in default of agreement, appointed by the President of the Royal Institution of Chartered Surveyors ; and compensation under this subsection shall be divisible amongst the said persons in such shares as they may agree or, in default of agreement, as may be determined as aforesaid.

Compensation in respect of works.

(2) The right to compensation conferred by the foregoing subsection shall be in substitution for any right to compensation under the Compensation (Defence) Act, 1939, by reason of the construction, maintenance or use of the said works.

2 & 3 Geo. 6, c. 75.

Support of
superjacent
strata by
underground
works.

3. If at any time land supported by any underground part of the London works, the Manchester works or the Birmingham works subsides by reason of—

- (a) the falling in of that part of those works or failure to keep it in a watertight condition ; or
- (b) any disturbance of subsoil resulting from, or occasioned by, the construction or use of that or any other underground part of those works ;

the Postmaster General shall be liable in damages to the like extent, and to the same persons, as if—

- (i) at the time when the subsidence occurs that part of those works had been subject to an easement of support for the benefit of that land, of any buildings thereon immediately before that time and of any sewers, cables, mains, pipes or other apparatus therein immediately before that time, and
- (ii) the subsidence had been due to the infringement of that easement by the Postmaster General by withdrawing support from that land at that time.

Provisions
relating
to British
Transport
Commission.

4.—(1) For the purposes of the application of the foregoing provisions of this Act in relation to points of junction between any part of the London works and any underground works of the British Transport Commission, the London works shall be taken not to include any part of any works which immediately before the passing of this Act was vested in the Commission.

(2) The foregoing provisions of this Act shall not prejudice the operation of the following agreements relating to the London works in so far as those agreements are still in force and capable of taking effect, that is to say :—

- (a) agreements dated respectively the eighteenth day of December, nineteen hundred and forty-two, and the twenty-fourth day of May, nineteen hundred and forty-three, between the London Passenger Transport Board and the Minister of Home Security on behalf of the Crown ;
- (b) an agreement dated the twenty-eighth day of June, nineteen hundred and forty-six, between the London Passenger Transport Board of the one part and the Secretary of State for the Home Department and the Minister of Works on behalf of the Crown of the other part ;
- (c) an agreement dated the fifteenth day of November, nineteen hundred and forty-nine, between the London Transport Executive on behalf of the British Transport Commission (as successors to the London Passenger Transport Board) and the Minister of Works on behalf of the Crown.

5. The foregoing provisions of this Act shall not prejudice the operation of the agreement relating to the London works dated the fourth day of April, nineteen hundred and fifty-one, between the Prudential Assurance Company Limited of the first part, Prudential Nominees Limited of the second part and the Postmaster General of the third part in so far as it is still in force and capable of taking effect.

Saving for Prudential Assurance Company Limited.

6. Any expenses incurred by virtue of this Act by the Postmaster General shall be defrayed out of moneys provided by Parliament and any expenses incurred in maintaining the London works, the Manchester works and the Birmingham works shall be defrayed out of moneys provided by Parliament for the services of the Post Office or the services of the Ministry of Works.

Expenses.

7. This Act may be cited as the Post Office Works Act, 1959. Short title.

CHAPTER 44

Fire Services Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Repeal of certain provisions as to exercise of functions by fire authorities.
2. Reinforcement schemes.
3. Joint committees.
4. Arrangements for discharge of functions of fire authority by provision of services by other authority or persons.
5. Conditions of service.
6. Appointments and promotions.
7. Establishment schemes.
8. Firemen's Pension Scheme.
9. Pensions of persons transferring to or from the fire service.
10. Employment as temporary instructor.
11. Public inquiries in Scotland.
12. Financial provisions.
13. Interpretation.
14. Short title, citation, commencement, extent and repeal.

SCHEDULE—Enactments repealed.

An Act to amend the Fire Services Act, 1947, and make further provision as to the pensions of persons transferring to or from the fire service and as to members of fire brigades becoming temporary instructors in training establishments.

[9th July, 1959]

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:—

Repeal of certain provisions as to exercise of functions by fire authorities.

1. The following provisions of the principal Act shall cease to have effect, that is to say,—

- (a) subsection (3) of section one (which enables the Secretary of State to prescribe standards of efficiency) ;
- (b) subsection (3) of section three (which restricts the employment of fire brigades and equipment for purposes other than fire fighting) ;
- (c) section twenty (which requires county councils to have fire brigade committees constituted in accordance with management schemes approved by the Secretary of State) ;
- (d) the First Schedule (which requires an opportunity to be given to councils of county districts of making representations concerning draft establishment or management schemes).

Reinforcement schemes.

2. For subsection (3) of section two of the principal Act (which enables the Secretary of State to make a reinforcement scheme for any fire authorities) there shall be substituted the following subsection:—

“(3) Where a fire authority cannot obtain the agreement of another fire authority or other fire authorities to the making, variation or revocation of a reinforcement scheme, the Secretary of State may, at the request of the authority and after giving both or all the authorities concerned an opportunity to make representations to him, direct that such scheme or variation as may be specified in the direction shall be made by the authorities or, as the case may be, that the scheme shall be revoked.”;

subsection (7) of that section (which relates to the variation of such a scheme) shall be omitted, and for subsections (2) and (5) of that section there shall be substituted respectively the following subsections:—

“(2) Any reinforcement scheme and the variation or revocation of any reinforcement scheme shall be notified to the Secretary of State.”

“ (5) A direction by the Secretary of State for the making or variation of a reinforcement scheme may provide for such uniformity of equipment as appears to him to be necessary for the purpose of ensuring that the fire brigades affected will be able to render efficient assistance in pursuance of the scheme.”

3. For subsection (1) of section seven of the principal Act (which requires the approval of the Secretary of State to the appointment of joint committees for the purposes of that Act) there shall be substituted the following subsection:—

Joint committees.

“ (1) Where a joint committee under section ninety-one of the Local Government Act, 1933, is appointed for the purposes of this Act by any fire authorities, they shall notify the Secretary of State.”

23 & 24 Geo. 5. c. 51.

4.—(1) For subsection (2) of section twelve of the principal Act (which provides that where a fire authority have requested another fire authority to enter into arrangements for the provision of services by the other authority but no such arrangements have been entered into, the first-mentioned authority may request the Secretary of State to determine what arrangements, if any, should be made) there shall be substituted the following subsection:—

Arrangements for discharge of functions of fire authority by provision of services by other authority or persons.

“ (2) Any fire authority who have requested, or have been requested by, another fire authority to enter into arrangements under the last foregoing subsection, or to vary or cancel any such arrangements, may, in the absence of agreement between them, request the Secretary of State to determine what arrangements, if any, should be entered into or, as the case may be, what variation, if any, should be made or whether the arrangements should be cancelled.”

(2) For subsection (3) of that section (which enables the Secretary of State, with a view to greater efficiency or economy, to initiate such arrangements) there shall be substituted the following subsection:—

“ (3) Where it appears to the Secretary of State expedient with a view to securing greater efficiency that it is for consideration whether arrangements under subsection (1) of this section should be entered into by two fire authorities or whether any such arrangements should be varied or cancelled, he may give notice to the authorities accordingly.”;

and in subsection (5) of that section (which enables the Secretary of State, after a request under subsection (2) or notice under subsection (3) thereof, to direct the fire authorities to enter into such arrangements) the words “or economy” shall be omitted, after the words “subsection (1) of this section” there shall be inserted the words “or that such arrangements should be

varied or cancelled” and at the end of the subsection there shall be added the words “or, as the case may be, shall make such variations in the arrangements as may be so specified or shall cancel the arrangements.”

(3) The approval of the Secretary of State shall not be required for the taking effect of any arrangements made under the said section twelve but shall be required for the variation or cancellation of any arrangements entered into or varied in pursuance of any direction under subsection (5) of that section; and the making, variation or cancellation of any arrangements under that section shall be notified to him.

Conditions of service.

5. In subsection (1) of section seventeen of the principal Act (which enables the Secretary of State to make regulations as to conditions of service, and in particular as to the matters specified in paragraphs (a) to (d) of that subsection) for the words “and in particular” there shall be substituted the words “as follows, that is to say”, and paragraphs (a) and (b) (which relate to ranks, pay and allowances, and to hours of duty and leave) and the words following paragraph (d) (which extend the meaning of the expression “conditions of service”) shall be omitted.

Appointments and promotions.

6. In subsection (1) of section eighteen of the principal Act (which enables the Secretary of State to make regulations as to the matters specified in paragraphs (a) to (d) thereof) paragraphs (b) and (d) (which relate to the procedure for the appointment of members, other than chief officers, of fire brigades and for promotion into any rank therein) shall be omitted; and in paragraph (c) (which relates to qualifications for appointment and promotion) there shall be added after the words “any such rank” the words “and the method of ascertaining any such qualifications”.

Establishment schemes.

7.—(1) For subsection (3) of section nineteen of the principal Act (which requires the approval of the Secretary of State for the coming into force of an establishment scheme) and subsection (4) of that section (which relates to the variation of an establishment scheme) there shall be substituted the following subsections:—

“(3) Every fire authority shall notify the Secretary of State not later than the end of January in any year of the establishment scheme in force in their area on the first day of January in that year.

(4) A fire authority shall not vary the establishment scheme for their area by closing a fire station or reducing the number of—

(a) whole-time members of any rank of the fire brigade to which the scheme relates, other than members whose duties do not normally include fire fighting,

- (b) part-time members of that brigade,
- (c) pumping appliances kept ready to attend fires, or
- (d) other appliances kept ready to attend fires,

except with the approval of the Secretary of State.”;

and the subsection substituted for the said subsection (3) shall be deemed to be included among the provisions applied by subsection (6) of that section to schemes made by the Secretary of State.

(2) The provisions of the said section nineteen shall apply in relation to a fire authority constituted by a combination scheme (or, in Scotland, an administration scheme) as they apply in relation to other fire authorities, and accordingly no provision shall be made in any combination or administration scheme for matters to which establishment schemes relate; but—

- (a) any combination or administration scheme, and any scheme revoking a combination scheme, shall require the authority constituted by the scheme, or each of the councils becoming fire authorities in consequence of the revocation, to submit (before the authority or council become a fire authority) an establishment scheme for their area to the Secretary of State, and the Secretary of State may approve it with or without modification, and the scheme shall come into force as approved by him when the authority or council become a fire authority; and
- (b) any provision relating to matters to which establishment schemes relate which is in force at the commencement of this Act as part of a combination or administration scheme or of a scheme revoking a combination scheme shall be deemed to be an establishment scheme made under the said section nineteen.

8.—(1) The Firemen’s Pension Scheme may include provision as to the times at which and the circumstances in which members of fire brigades maintained in pursuance of the principal Act are or may be required to retire otherwise than on the ground of misconduct. Firemen’s
Pension
Scheme.

(2) The power to make an order varying the Firemen’s Pension Scheme shall include power to vary the conditions subject to which or the time during which any pension, allowance or gratuity is payable under the Scheme to or in respect of persons ceasing before the coming into operation of the order to be employed as members of fire brigades or in employment which under the Scheme is treated as if it were employment as such a member.

(3) Any provision for the return or application of contributions under the Firemen’s Pension Scheme which is included in the Scheme by virtue of paragraph (c) of subsection (2) of section twenty-six of the principal Act may be so made as to extend to

sums in respect of contributions made otherwise than under the Scheme during employment which under the Scheme is reckoned as if it were employment as a member of a fire brigade.

(4) For the purposes of subsection (2) of section twenty-seven of the principal Act (which in certain circumstances provides for the Firemen's Pension Scheme to have effect subject to certain modifications in the case of a person remaining a member of the same fire brigade) the question whether a person remains a member of the same fire brigade shall be determined as if he continued to be employed as a member of that brigade during any temporary employment which is treated for the purposes of the Scheme as employment as a member of a fire brigade.

Pensions of persons transferring to or from the fire service.
11 & 12 Geo. 6.
c. 33.

9.—(1) The power to make rules under section two of the Superannuation (Miscellaneous Provisions) Act, 1948 (which enables provision to be made with respect to pensions payable to or in respect of persons ceasing to be employed in certain employments and becoming employed in certain other employments) shall extend to cases where the conditions of that section are not satisfied but where—

- (a) persons who were employed in the National Fire Service became employed in pensionable employment of one of the classes specified in subsection (2) of that section ; or
- (b) both employments are pensionable employments and one of them is employment in respect of which awards may be made under the Firemen's Pension Scheme ;

and the appropriate Minister, or, as the case may be, one of the appropriate Ministers, for the purposes of subsection (1) of that section shall be the Secretary of State in any case where the said power is exercisable by virtue of this section or where it is exercisable, apart from this section, in the circumstances mentioned in paragraph (a) or paragraph (b) of this subsection.

(2) Rules made by virtue of this section may provide for such of the payments mentioned in subsection (4) of the said section two as the case may require ; and any such rules made with respect to persons who were employed in the National Fire Service and whose employment therein was not pensionable employment shall provide for the payment by any person to whom the rules apply into the Exchequer, to a local authority or into any of the funds mentioned in the said subsection (4) of sums corresponding to the contributions he would have had to make in that employment had it been pensionable employment.

(3) Section twenty-eight of the principal Act (which enables the Secretary of State to make regulations with respect to pensions payable to persons who on ceasing to be employed in

the fire service entered or enter certain other employments) shall cease to have effect, but any regulations made under that section shall be treated as if they were rules made by virtue of this section.

10. Where a member of a fire brigade maintained by a fire authority becomes, with the consent of the authority, employed as a temporary instructor at the central training institution or at any training centre maintained by the Secretary of State or a fire authority, his employment as such an instructor shall be deemed to be employment as a member of that brigade—

Employment as temporary instructor.

- (a) for all purposes other than the purposes of the Firemen's Pension Scheme ; and
- (b) if his employment is at a training centre maintained by a fire authority, also for the purposes of that Scheme.

11. For subsection (19) of section thirty-six of the principal Act there shall be substituted the following subsection:—

Public inquiries in Scotland.

“(19) Any inquiry which the Secretary of State is under this Act required or authorised to hold shall be held in public, and the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall have effect in relation thereto.”

10 & 11 Geo. 6. c. 43.

12.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other enactment.

Financial provisions.

(2) There shall be paid into the Exchequer any increase attributable to the provisions of this Act in the sums so payable under any other enactment.

13.—(1) In this Act—

Interpretation.

“the principal Act” means the Fire Services Act, 1947 ;

10 & 11 Geo. 6. c. 41.

“the Firemen's Pension Scheme” means any scheme made under section twenty-six of the principal Act and for the time being in force ;

and any expression used in this Act and the principal Act has the same meaning in this Act as in that Act.

(2) References in this Act to any enactment are references thereto as amended by any other enactment, including, except where the context otherwise requires, this Act.

14.—(1) This Act may be cited as the Fire Services Act, 1959, and this Act and the Fire Services Acts, 1947 and 1951, may be cited together as the Fire Services Acts, 1947 to 1959.

Short title, citation, commencement, extent and repeal.

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(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions of this Act.

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

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

Section 14.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 41.	The Fire Services Act, 1947.	<p>In section one, subsection (3). In section two, subsection (7). In section three, subsection (3). In section twelve, the proviso to subsection (1); and, in subsection (5), the words "or economy". In section seventeen, in subsection (1), paragraphs (a) and (b) and the words from "References" to the end of the subsection; and subsection (5). In section eighteen, in subsection (1), paragraphs (b) and (d) and the word "and" preceding paragraph (d); and subsection (2). In section nineteen, in subsection (5), paragraph (a); in subsection (6), the words from "submitted" to the end of the subsection; and subsections (7), (9) and (10). Section twenty. Section twenty-eight. In section thirty-six, in subsection (22), paragraphs (c) and (e), and the word "and" preceding paragraph (e).</p>
5 & 6 Eliz. 2. c. 1.	The Police, Fire and Probation Officers Remuneration Act, 1956.	<p>The First and Second Schedules In section one, in subsection (1), paragraph (c).</p>

CHAPTER 45

Metropolitan Magistrates' Courts Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Increase in numbers of metropolitan stipendiary magistrates.
2. Provision for acting metropolitan stipendiary magistrates.
3. Power of Receiver to provide premises for probation purposes.
4. Borrowing powers of Receiver.
5. Interpretation, short title and citation.

SCHEDULE—Enactments Repealed.

An Act to increase the maximum number of the metropolitan stipendiary magistrates; to authorise the appointment of acting stipendiary magistrates for the metropolitan stipendiary court area; to enable the Receiver to provide premises required for the probation system within the said area; and to make further provision with respect to the power of the Receiver to borrow money. [9th July, 1959]

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

1. Section two of the Metropolitan Police Courts Act, 1839, and section two of the Metropolitan Police Courts Act, 1840 (which provide for regulating the numbers of the metropolitan magistrates' courts, the divisions to be assigned thereto and the number of stipendiary magistrates to be appointed therefor, subject in each case to the proviso that the total number of those magistrates shall not exceed twenty-seven) shall have effect as if for the word "twenty-seven" there were substituted the word "thirty-five".

Increase in numbers of metropolitan stipendiary magistrates. 2 & 3 Vict. c. 71. 3 & 4 Vict. c. 84.

2.—(1) If it appears to the Lord Chancellor that it is expedient so to do in order to avoid delays in the administration of justice in the metropolitan stipendiary court area, he may authorise any person, being a barrister of not less than seven years' standing or a solicitor of the Supreme Court of the like standing, to act as a metropolitan stipendiary magistrate during such period (not exceeding three months at one time) as the Lord Chancellor thinks fit.

Provision for acting metropolitan stipendiary magistrates.

(2) All things required or authorised by law to be done by, to or before a metropolitan stipendiary magistrate may be done by, to or before any person acting as such in pursuance of this section.

(3) The oaths required by law to be taken by a metropolitan stipendiary magistrate may, in the case of a person authorised to act as such under this section, be taken before any of the metropolitan stipendiary magistrates.

(4) The Lord Chancellor may, out of moneys provided by Parliament, pay to any person authorised to act under this section such remuneration as he may, with the approval of the Treasury, determine.

Power of Receiver to provide premises for probation purposes.

49 & 50 Vict. c. 22.

3.—(1) The Receiver shall have and shall be deemed always to have had the same powers with respect to land and buildings required for purposes of the probation system within the metropolitan stipendiary court area as he has with respect to land and buildings required for purposes of the metropolitan police force and the metropolitan magistrates' courts, and the provisions of the Metropolitan Police Act, 1886, as amended by subsequent enactments, shall have effect accordingly.

11 & 12 Geo. 6. c. 58.

(2) Any expenses of the Receiver under this section, to such amount as may be approved by the Secretary of State, shall be defrayed out of the metropolitan police fund, and subsection (3) of section seventy-seven of the Criminal Justice Act, 1948 (which provides for the payment out of moneys provided by Parliament of grant towards expenditure out of the metropolitan police fund under the Fifth Schedule to that Act), shall have effect as if the reference in paragraph (a) thereof to the said Fifth Schedule included a reference to this section.

Borrowing powers of Receiver.

11 & 12 Geo. 6. c. 26.

4.—(1) The Receiver may, with the approval of the Secretary of State given with the consent of the Treasury, borrow on the security described in this section any money required—

(a) for acquiring any land or erecting any buildings;

(b) for the execution of any works or the provision of any equipment the cost of which ought in the opinion of the Secretary of State to be spread over a term of years.

(2) The security referred to in the foregoing subsection, in respect of money borrowed thereunder for the purposes of the metropolitan magistrates' courts, of the probation system within the metropolitan stipendiary court area, or of the metropolitan police force, is the sums for the raising of which the Receiver is authorised by section one hundred and twenty-one of the Local Government Act, 1948, to issue a precept in relation to expenses incurred for those purposes respectively.

(3) The enactments described in the Schedule to this Act (being enactments relating to the borrowing powers of the Receiver) are hereby repealed to the extent specified in the third column of that Schedule; but without prejudice to section thirty-eight of the Interpretation Act, 1889, the repeal by this subsection of those enactments shall not affect their operation as respects money borrowed thereunder. 52 & 53 Vict. c. 63.

5.—(1) In this Act “the Receiver” means the Receiver for the Metropolitan Police District. Interpretation. short title, and citation.

(2) This Act may be cited as the Metropolitan Magistrates' Courts Act, 1959.

(3) The Metropolitan Police Acts, 1829 to 1946, the Metropolitan Police Act, 1933, and this Act may be cited together as the Metropolitan Police Acts, 1829 to 1959. 23 & 24 Geo. 5. c. 33.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
49 & 50 Vict. c. 22.	The Metropolitan Police Act, 1886.	Section three. In section six, the words “and the raising of any loan by the police receiver under this Act” and the words “and also, in the case of a loan, of the Treasury”.
50 & 51 Vict. c. 45.	The Metropolitan Police Act, 1887.	Section two.
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act, 1897.	In section four, the words from “and the limit” to the end of the section.
60 & 61 Vict. c. 42.	The Metropolitan Police (Borrowing Powers) Act, 1897.	The whole Act.
25 & 26 Geo. 5. c. 16.	The Metropolitan Police (Borrowing Powers) Act, 1935.	The whole Act.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 19.	The Metropolitan Police (Borrowing Powers) Act, 1952.	The whole Act.

CHAPTER 46*Nuclear Installations (Licensing and Insurance) Act, 1959***ARRANGEMENT OF SECTIONS****Section**

1. Licensing of sites for nuclear installations.
2. Revocation and surrender of licences.
3. Supplementary provisions as to licensing of sites.
4. Licensee's liability.
5. Provision of cover for licensee's liability.
6. Dangerous occurrences in connection with licensed sites.
7. Inspectors.
8. Offences—general.
9. Liability of government departments and Atomic Energy Authority in respect of nuclear installations.
10. Interpretation.
11. Expenses.
12. Northern Ireland.
13. Channel Islands and Isle of Man.
14. Short title and commencement.

SCHEDULE—Inquiries into occurrences in connection with licensed sites.

An Act to make provision for the regulation of certain installations capable of emitting ionising radiations and with respect to the incidence of, and the provision of cover for, liability in respect of any such radiations emitted from, or in connection with the use of, any such installation; and for purposes connected with the matters aforesaid. [9th July, 1959]

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:—

Licensing
of sites
for nuclear
installations.

1.—(1) Without prejudice to the requirements of any other Act, no person other than the Authority shall use any site for the purpose of installing or operating—

- (a) any plant designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons ; or
- (b) any other installation of such class or description as may be prescribed, being an installation designed or adapted for—
 - (i) the production or use of atomic energy ; or

(ii) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations ; or

(iii) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter, being matter which has been produced or irradiated in the course of the production or use of nuclear fuel,

unless a licence so to do (in this Act referred to as a " nuclear site licence ") has been granted in respect of that site by the Minister and is for the time being in force.

(2) Notwithstanding that a nuclear site licence is for the time being in force or is not for the time being required in respect thereof, no person other than the Authority shall use any site—

(a) for any treatment of irradiated matter which involves the extraction therefrom of plutonium or uranium ; or

(b) for any treatment of uranium such as to increase the proportion of the isotope 235 contained therein,

except under, and in accordance with the terms of, a permit in writing for such a use of the site for purposes of research or development granted by the Authority or a government department ; and any fissile material produced under such a permit shall be disposed of only in such manner as may be approved by the authority by whom the permit was granted.

(3) Two or more installations in the vicinity of one another may, if the Minister thinks fit, be treated for the purposes of the grant of a nuclear site licence as being on the same site.

(4) A nuclear site licence shall not be granted to any person other than a body corporate and shall not be transferable, and the Minister by instrument in writing—

(a) shall on granting the licence, and may from time to time thereafter, attach to the licence such conditions as may appear to the Minister to be necessary or desirable in the interests of safety, whether in normal circumstances or in the event of any accident or other emergency on the site, which conditions may in particular include provision—

(i) for securing the maintenance of an efficient system for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site ;

(ii) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site ;

(iii) with respect to preparations for dealing with, and measures to be taken on the happening of, any accident or other emergency on the site ;

(iv) subject to the next following subsection, with respect to the discharge of any substance on or from the site ;

(b) may at any time attach to the licence such conditions as the Minister may think fit with respect to the handling, treatment and disposal of any nuclear fuel which becomes irradiated in the course of its use at the site ; and the Minister may at any time by a further instrument in writing vary or revoke any condition for the time being attached to the licence.

(5) Subsection (4) of section five of the Atomic Energy Authority Act, 1954 (which makes temporary provision with respect to the discharge of waste on or from premises occupied by the Authority) shall apply to any licensed site as it applies to such premises as aforesaid ; and accordingly references in the penultimate paragraph of the said subsection (4) to the Authority and to their duty under subsection (3) of the said section five shall be construed as including respectively references to a licensee and to his duty under subsection (1) of section four of this Act.

(6) At all times while a nuclear site licence remains in force, the licensee shall cause copies of—

(a) any conditions for the time being in force under subsection (4) of this section ; and

(b) any conditions or requirements subject to compliance with which any authorisation has been given in respect of the site under the provision applied by subsection (5) of this section,

to be kept posted upon the site, and in particular on any part thereof which an inspector may direct, in such characters and in such positions as to be conveniently read by persons having duties upon the site which are or may be affected by those conditions or requirements.

(7) Any person who contravenes subsection (1), subsection (2) or subsection (6) of this section and, in the event of—

(a) any contravention of any condition attached to a nuclear site licence under subsection (4) of this section ; or

(b) any contravention in connection with a licensed site of the provision applied by subsection (5) of this section,

the licensee and any person having duties upon the site in question by whom that contravention was committed, shall be guilty of an offence and 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 not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both ;

and any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of subsection (6) of this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five pounds.

2.—(1) A nuclear site licence may at any time be revoked by the Minister or surrendered by the licensee. Revocation and surrender of licences.

(2) Where a nuclear site licence has been revoked or surrendered, the licensee shall, if so required by the Minister, deliver up or account for the licence to such person as the Minister may direct, and shall during the remainder of the period of his responsibility cause to be kept posted upon the site such notices indicating the limits thereof in such positions as may be directed by an inspector ; and the Minister may on the revocation or surrender and from time to time thereafter until the expiration of the said period give to the licensee such other directions as the Minister may think fit for preventing or giving warning of any risk of hurt to any person or damage to any property by ionising radiations from anything remaining on the site.

(3) In this Act the expression “ period of responsibility ” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part thereof, the period beginning with the grant of the licence and ending with whichever of the following dates is the earlier, that is to say—

- (a) the date when the Minister gives notice in writing to the licensee that in the opinion of the Minister there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, on that part thereof ;
- (b) the date when a nuclear site licence in respect of the site or, as the case may be, that part thereof is granted to some other person.

(4) If the licensee contravenes any direction for the time being in force under subsection (2) of this section, he shall be guilty of an offence and be liable—

(a) on summary conviction—

- (i) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds :

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(ii) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;

(b) on conviction on indictment, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding one year, or to both ;

and any person who without reasonable cause pulls down, injures or defaces any notice posted in pursuance of subsection (2) of this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five pounds.

Supplementary provisions as to licensing of sites.

3.—(1) Where in the case of an application for a nuclear site licence in respect of any site received by the Minister after the commencement of this Act it appears to the Minister appropriate so to do, he may direct the applicant to serve on such bodies of any of the following descriptions as may be specified in the direction, that is to say—

(a) any local authority ;

(b) any river board, any local fisheries committee and any statutory water undertakers within the meaning of the Water Acts, 1945 and 1948 ;

(c) any river purification board within the meaning of the Rivers (Prevention of Pollution) (Scotland) Act, 1951, any district board constituted under the Salmon Fisheries (Scotland) Acts, 1828 to 1868, the board of commissioners appointed under the Tweed Fisheries Act, 1857, and any local water authority within the meaning of the Water (Scotland) Acts, 1946 and 1949 ; and

(d) any other body which is a public or local authority,

notice that the application has been made, giving such particulars as may be so specified with respect to the use proposed to be made of the site under the licence, and stating that representations with respect thereto may be made to the Minister by the body upon whom the notice is served at any time within three months of the date of service ; and where such a direction has been given, the Minister shall not grant the licence unless he is satisfied that three months have elapsed since the service of the last of the notices required thereby nor until after he has considered any representations made in accordance with any of those notices :

Provided that this subsection shall not apply in relation to an application in respect of a site for a generating station made by an electricity board within the meaning of the Electricity Acts, 1947 and 1957, or of the Electricity (Scotland) Acts, 1943 to

1957, or by any authorised undertakers within the meaning of the Electricity (Supply) Acts (Northern Ireland), 1882 to 1959.

(2) While a nuclear site licence remains in force in respect of any site, the Minister shall consider any representations by any organisation representing persons having duties upon the site which may from time to time be made to him with a view to the exercise by him in relation to the site of any of his powers under subsection (4) of section one of this Act.

(3) The Minister shall maintain a list showing every site in respect of which a nuclear site licence has been granted by him and including a map or maps showing the position and limits of each such site, and make arrangements for that list or a copy thereof to be available for inspection by the public; and he shall cause notice of those arrangements to be made public in such manner as may appear to him appropriate:

Provided that the said list shall not be required to show any site or part of a site in the case of which no nuclear site licence is for the time being in force and thirty years have elapsed since the expiration of the last licensee's period of responsibility.

4.—(1) Where a nuclear site licence has been granted in *Licensee's* respect of any site, it shall be the duty of the licensee to secure *liability* that no ionising radiations—

- (a) emitted during the period of the licensee's responsibility from anything caused or suffered by the licensee to be on the site or from any waste discharged (in whatever form) on or from the site; or
- (b) subject to subsection (3) of this section, emitted from any irradiated nuclear fuel in the course of carriage on behalf of the licensee within, or between places within, the United Kingdom, being fuel which has become irradiated in the course of its use at the site under that licence,

cause any hurt to any person or any damage to any property, whether that person or property is on the site or elsewhere:

Provided that the licensee shall not incur any liability by virtue of this subsection in respect of any ionising radiations to the extent that their emission, or the causing of any hurt to any person or any damage to any property by their emission, is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom.

(2) Subject to the next following subsection, no person other than the licensee shall be under any liability in respect of any hurt to any person or any damage to any property caused by any ionising radiations to which subsection (1) of this section applies.

(3) At any time while any irradiated nuclear fuel in the course of carriage between places within the United Kingdom is in a ship or aircraft outside the limits of the territorial waters of the United Kingdom, paragraph (b) of subsection (1) of this section shall apply only if the ship or aircraft is registered in the United Kingdom, one of the Channel Islands, the Isle of Man or a colony; and, without prejudice to any agreement for indemnity by the licensee, nothing in the said paragraph (b) or in subsection (2) of this section shall affect the operation of the Carriage of Goods by Sea Act, 1924, or the Carriage by Air Act, 1932.

(4) Notwithstanding anything in any other enactment, an action to establish a claim by virtue of subsection (1) of this section may be commenced at any time before, but may not be commenced at any time after, the expiration of thirty years from the relevant date, that is to say, the date of the occurrence on, or in connection with the use of, the site in question which gave rise to the claim or, where that occurrence was a continuing one, or was one of a succession of occurrences all attributable to a particular happening on that site or to the carrying out from time to time on that site of a particular operation, the date of the last event in the course of that occurrence or succession of occurrences to which the claim relates:

Provided that, where any such claim is duly established but is not one for the full satisfaction of which funds are required to be available by subsection (1) of section five of this Act or is made more than ten years after the relevant date aforesaid, the licensee shall not be required to make any payment in satisfaction of the claim unless or until Parliament has made provision such as to secure that the amount required to satisfy the claim, or, if the claim is made within ten years of the relevant date aforesaid, so much of that amount as is not payable out of the said funds, will, if the licensee so requires, be reimbursed to the licensee by such means as Parliament may determine; and after the making of such provision no payment by way of settlement of the claim by agreement between the licensee and the claimant shall be made unless the Minister has approved the settlement.

(5) The liability of a licensee by virtue of subsection (1) of this section shall be in substitution for any liability of the licensee apart from that subsection in respect of any ionising radiations to which that subsection applies; and, in the case of a claim against a licensee by virtue of paragraph (b) of that subsection, the claim shall not give rise to any lien or other right in respect of any ship or aircraft and the following provisions of the Administration of Justice Act, 1956 (which relate to the bringing of actions in rem against ships or aircraft in England and

Wales, Scotland and Northern Ireland respectively), that is to say—

- (a) subsections (3) and (4) of section three ;
- (b) section forty-seven ; and
- (c) sub-paragraphs (3) and (4) of paragraph 3 of Part I of the First Schedule,

and section five hundred and three of the Merchant Shipping Act, 1894 (which relates to the limitation of the liability of shipowners), shall not apply to that claim ; and this subsection shall have effect notwithstanding that by reason of the proviso to subsection (4) of this section the licensee is not for the time being required to make any payment in satisfaction of the claim.

5.—(1) Subject to the next following subsection, where a nuclear site licence has been granted in respect of any site, the licensee shall make such provision, either by insurance or by some other means, as the Minister may with the consent of the Treasury approve for sufficient funds to be available at all times to ensure that any claims in connection with the use of the site which have been or may be duly established against the licensee in respect of any hurt to any person or any damage to any property caused by ionising radiations to which subsection (1) of section four of this Act applies, whether made by virtue of the said subsection (1) or otherwise, including any claim under an agreement for indemnity by the licensee, are satisfied up to an aggregate amount of five million pounds in respect of each severally of the following periods, that is to say—

Provision of
cover for
licensee's
liability.

- (a) the current cover period, if any ;
- (b) any cover period which ended less than ten years before the time in question ;
- (c) if a claim in respect of any earlier cover period made within ten years of the relevant date for the purposes of subsection (4) of the said section four remains to be disposed of, that earlier cover period ;

and for the purposes of this section the cover period in respect of which any claim is to be treated as being made shall be that in which the relevant date aforesaid fell.

In this section, the expression “cover period” means the period of the licensee’s responsibility or, if a direction has been given in respect of the site under subsection (6) of section six of this Act, any of the following periods, that is to say—

- (i) the period beginning with the grant of the nuclear site licence and ending with the date specified in the first such direction ;
- (ii) the period beginning with the date specified in any such direction and ending with the date specified in the next such direction, if any ;

- (iii) the period beginning with the date specified in the last such direction and ending with the ending of the period of the licensee's responsibility ;

and for the purposes of this definition the period of the licensee's responsibility shall be deemed to include any time after the expiration of that period during which there continues any carriage on behalf of the licensee within, or between places within, the United Kingdom of nuclear fuel irradiated in the course of its use at the site under his licence.

(2) Where in the case of any licensed site the provision required by subsection (1) of this section is to be made otherwise than by insurance and, apart from this subsection, provision would also fall to be so made by the same person in respect of two or more other sites, the requirements of that subsection shall be deemed to be satisfied in respect of each of those sites if funds are available to meet such claims as are mentioned in that subsection in respect of all the sites collectively, and those funds would for the time being be sufficient to satisfy the requirements of that subsection in respect of those two of the sites in respect of which those requirements are highest :

Provided that the Minister may in any particular case at any time direct either that this subsection shall not apply or that the funds available as aforesaid shall be of such amount higher than that provided for by the foregoing provisions of this subsection, but lower than that necessary to satisfy the requirements of the said subsection (1) in respect of all the sites severally, as may be required by the direction.

(3) In the case of each licensed site, the licensee—

(a) shall give notice in writing to the Minister forthwith—

(i) upon its appearing to the licensee that the aggregate amount of any claims such as are mentioned in subsection (1) of this section made in respect of any cover period falling within the period of the licensee's responsibility has reached three million pounds ; and

(ii) of the receipt by the licensee of any claim more than ten years after the relevant date for the purposes of subsection (4) of section four of this Act ; and

(b) if any cover period falling within the period of the licensee's responsibility has ended, shall not later than the thirty-first day of January in each year send to the Minister in writing a statement showing the date when that cover period ended and the following particulars of any claims in respect of that cover period as at the beginning and end respectively of the last preceding calendar year, that is to say—

(i) the aggregate number of claims received ;

(ii) the aggregate number of claims established ;
and

(iii) the aggregate number and aggregate amount
of claims satisfied ;

and the Minister shall as soon as may be lay before each House of Parliament a copy of any notice received by him under paragraph (a) of this subsection and a report (in such form as, having regard to the proviso to subsection (4) of section four of this Act, he may consider appropriate) with respect to any statements received by him under paragraph (b) of this subsection.

(4) Subject to subsection (2) of this section, if any person uses a licensed site for the operation of any plant or other installation such as is mentioned in subsection (1) of section one of this Act at a time when the provisions of subsection (1) of this section are not complied with, the licensee shall be guilty of an offence and be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

6.—(1) The provisions of this section shall have effect on the happening on, or in connection with the use of, any licensed site of an occurrence of any such class or description as may be prescribed.

Dangerous occurrences in connection with licensed sites.

(2) The licensee shall cause the occurrence to be reported forthwith in the prescribed manner to the Minister and to such other persons, if any, as may be prescribed in relation to occurrences of that class or description, and if the occurrence is not so reported the licensee shall be guilty of an offence and be liable on summary conviction—

- (a) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds ;
- (b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(3) The Minister may at any time direct an inspector to make a special report with respect to the occurrence, and the Minister may cause any such report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as he thinks fit.

(4) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held in accordance with the provisions of the Schedule to this Act into the occurrence and its causes, circumstances and effects; and any such inquiry shall be held in public except where or to the extent that it appears to the Minister expedient in the interests of national security to direct otherwise.

(5) Without prejudice to any right of any person to claim against the licensee by virtue of subsection (1) of section four of this Act, the Minister may by order make provision for enabling such particulars of any person shown to have been within such area during such period (being the period during which the occurrence took place) as may be specified in the order to be registered by or on behalf of that person in such manner as may be so specified, and any such registration in respect of any person shall be sufficient evidence of his presence within that area during that period unless the contrary is proved; and any such order shall be made by statutory instrument and be laid before Parliament after being made.

(6) Where, by reason of the gravity of the occurrence or having regard to any previous occurrences on, or in connection with the use of, the site which have resulted or may result in claims such as are mentioned in subsection (1) of section five of this Act, the Minister thinks it proper so to do, he shall by notice in writing to the licensee direct that a new cover period for the purposes of the said subsection (1) shall begin in respect of that site on such date not earlier than two months after the date of the service of the notice as may be specified therein.

(7) Where, in the case of an occurrence in Scotland which causes the death of any person, the Minister directs an inquiry to be held into the occurrence under subsection (4) of this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

Inspectors.

7.—(1) The Minister may appoint as inspectors to assist him in the execution of this Act such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments by way of remuneration, allowances or other payments as the Minister may with the approval of the Treasury determine.

(2) Any such inspector may, for the purposes of the execution of this Act, and subject to production, if so requested, of written evidence of his authority—

(a) at all reasonable times during the period of the licensee's responsibility enter upon any premises comprised in

any licensed site with such equipment, and carry out such tests and inspections, as he may consider necessary or expedient ;

- (b) require the licensee or any person with duties on or in connection with any licensed site to provide him with such information, or to permit him to inspect such documents, relating to the use of the site as the inspector may specify :

Provided that before carrying out any test in pursuance of his powers under paragraph (a) of this subsection the inspector shall consult with such persons having duties upon the site as may appear to him appropriate in order to secure that the carrying out of the test does not create any danger.

(3) Any person who obstructs an inspector in the exercise of his powers under paragraph (a) of the last foregoing subsection or who refuses or without reasonable excuse fails to provide any information or to permit any inspection reasonably required by the inspector under paragraph (b) of that subsection shall be guilty of an offence and 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.

(4) Any person who, without the authority of the Minister, discloses any information obtained in the exercise of powers under this Act shall be guilty of an offence and be liable—

- (a) on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (b) on conviction on indictment, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

8.—(1) Where a body corporate is guilty of an offence under any of the provisions of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly ; and where the body corporate was guilty of the offence in the capacity of licensee under a nuclear site licence, he shall be so liable as if he, as well as the body corporate, were the licensee. Offences—
general.

In this subsection, the expression “ 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.

(2) Where a body corporate is convicted on indictment of an offence under section one, two or five of this Act, so much of that section as limits the amount of the fine which may be imposed shall not apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

(3) Proceedings in respect of any offence under this Act shall not be instituted in England or Wales except by the Minister or by or with the consent of the Director of Public Prosecutions.

9.—(1) If a government department uses any site for the purpose of operating any plant or other installation such as is mentioned in subsection (1) of section one of this Act, then section four of this Act, except the proviso to subsection (1) and the proviso to subsection (4) thereof, shall apply in like manner as if the Minister in charge of that department were the licensee under a nuclear site licence in respect of that site and as if any reference to the period of the licensee's responsibility were a reference to any period during which the department occupies the site; but save as aforesaid nothing in the foregoing provisions of this Act shall apply to that site.

(2) Without prejudice to subsection (3) of section five of the Atomic Energy Authority Act, 1954, but subject to the next following subsection, it shall be the duty of the Authority to secure that no ionising radiations emitted from irradiated nuclear fuel in the course of carriage on behalf of the Authority within, or between places within, the United Kingdom cause any hurt to any person or any damage to any property.

(3) Subsections (2) to (5) of section four of this Act shall apply to the Authority with the following modifications, that is to say—

- (a) any reference to a licensee shall be construed as a reference to the Authority;
- (b) any reference to subsection (1) of the said section four shall be construed as a reference to subsection (3) of section five of the said Act of 1954 and subsection (2) of this section;
- (c) any reference to paragraph (b) of the said subsection (1) shall be construed as a reference to subsection (2) of this section;
- (d) in subsection (4) of the said section four, the proviso shall be omitted, and for the words "the occurrence on, or in connection with the use of, the site in question which gave rise to the claim" there shall be substituted the words "the occurrence which gave rise to the claim,

Liability of government departments and Atomic Energy Authority in respect of nuclear installations.

being an occurrence on, or in connection with the use of, premises occupied by the Authority or an occurrence (whether or not in connection with the use of such premises) in the course of any carriage of irradiated nuclear fuel on behalf of the Authority within, or between places within, the United Kingdom.”

10.—(1) In this Act, except where the context otherwise **Interpretation.** requires, the following expressions have the following meanings respectively, that is to say—

“ atomic energy ” has the meaning assigned by the Atomic Energy Act, 1946 ;

“ the Authority ” means the United Kingdom Atomic Energy Authority ;

“ contravention ”, in relation to any enactment or to any condition imposed or direction given thereunder, includes a failure to comply with that enactment, condition or direction, and cognate expressions shall be construed accordingly ;

“ inspector ” means an inspector appointed under section seven of this Act ;

“ licensed site ” means a site in respect of which a nuclear site licence has been granted, whether or not that licence remains in force ;

“ licensee ” means a person to whom a nuclear site licence has been granted, whether or not that licence remains in force ;

“ Minister ” means, except in section nine of this Act, and subject to subsection (2) of this section—

(a) in the application of this Act to England and Wales, the Minister of Power ;

(b) in the application of this Act to Scotland, the Secretary of State,

and in the said section nine includes the Admiralty, the Army Council and the Air Council ;

“ nuclear site licence ” has the meaning assigned by subsection (1) of section one of this Act ;

“ period of responsibility ” in relation to a licensee has the meaning assigned by subsection (3) of section two of this Act ;

“ plant ” includes any machinery, equipment or appliance, whether affixed to land or not, but does not include anything comprised or to be comprised in any means of transport, whether by land, water or air ;

“prescribed” means prescribed by regulations made by the Minister, which shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) In the application of this Act to Great Britain, the reference to the Minister in the definition of “prescribed” contained in the foregoing subsection shall be construed as a reference to the Minister of Power and the Secretary of State acting jointly.

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

Expenses.

11. Any expenses incurred by any government department which are attributable to the provisions of this Act shall be defrayed out of moneys provided by Parliament.

**Northern
Ireland.**

12.—(1) This Act shall extend to Northern Ireland subject to the provisions of this section.

(2) In its application to Northern Ireland, this Act shall have effect subject to the following modifications, that is to say—

- (a) except in section nine, any reference to the Minister shall be construed as a reference to the Minister of Commerce for Northern Ireland ;
- (b) any reference to the Treasury shall be construed as a reference to the Ministry of Finance for Northern Ireland ;
- (c) subject to the next following paragraph, and except in section eleven of this Act, any reference to Parliament shall be construed as a reference to the Parliament of Northern Ireland ;
- (d) any provision of this Act requiring regulations or orders to be made by statutory instrument shall be construed as a provision that those regulations or orders shall be statutory rules within the meaning of the Rules Publication Act (Northern Ireland), 1925, or any enactment of the Parliament of Northern Ireland replacing that Act, and so much of the definition of “prescribed” contained in subsection (1) of section ten of this Act as provides that a statutory instrument containing regulations shall be subject to annulment in pursuance of a resolution of either house of Parliament shall be construed as a provision that those regulations shall be subject to negative resolution within the meaning of subsection (6) of section forty-one of the Interpretation Act (Northern Ireland), 1954 ;

- (e) any reference to an enactment of the Parliament of the United Kingdom shall be construed as a reference to that enactment as it applies in Northern Ireland ;
- (f) except in section eleven of this Act, any reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland ;
- (g) for paragraphs (b) and (c) of subsection (1) of section three of this Act there shall be substituted the following, that is to say—

“ (b) any board of conservators for a fishery district constituted under the Fisheries Acts (Northern Ireland), 1842 to 1954, and any statutory water undertaking within the meaning of the Water Supplies and Sewerage Act (Northern Ireland), 1945 ”;

- (h) in the Schedule, any reference to a master of the Supreme Court or to the High Court shall be construed respectively as a reference to the taxing master of the Supreme Court of Northern Ireland or to a judge of the High Court of Justice in Northern Ireland.

(3) Proceedings in respect of any offence under this Act shall not be instituted in Northern Ireland except by the Minister or by or with the consent of the Attorney General for Northern Ireland.

(4) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

(5) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to have been passed before the appointed day within the meaning of that section.

13. Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands or to the Isle of Man.

14.—(1) This Act may be cited as the Nuclear Installations (Licensing and Insurance) Act, 1959.

Short title
and com-
mencement

(2) This Act shall come into force on such date as Her Majesty may by Order in Council appoint.

Section 6.

SCHEDULE

INQUIRIES INTO OCCURRENCES IN CONNECTION WITH LICENSED SITES

1. An inquiry in pursuance of a direction under subsection (4) of section six of this Act with respect to any occurrence shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the court") shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power—

- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes ;
- (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine ;
- (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person ;
- (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined ;
- (e) to adjourn the inquiry from time to time ; and
- (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

6. The court shall make a report to the Minister stating the causes, circumstances and effects of the occurrence, adding any observations which the court thinks it right to make, and the Minister shall cause copies of the report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be laid before Parliament.

7. If any person—

(a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court ; or

(b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Tweed Fisheries Act, 1857	20 & 21 Vict. c. cxlviii.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Fatal Accidents Inquiry (Scotland) Act, 1895... ..	58 & 59 Vict. c. 36.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Carriage of Goods by Sea Act, 1924	14 & 15 Geo. 5. c. 22.
Carriage by Air Act, 1932	22 & 23 Geo. 5. c. 36.
Atomic Energy Act, 1946	9 & 10 Geo. 6. c. 80.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
Atomic Energy Authority Act, 1954	2 & 3 Eliz. 2. c. 32.
Administration of Justice Act, 1956	4 & 5 Eliz. 2. c. 46.

CHAPTER 47

National Insurance Act, 1959

ARRANGEMENT OF SECTIONS

PART I

CONTRIBUTIONS AND RETIREMENT BENEFITS

Contributions

Section

1. Changes in contributions to the National Insurance Fund.
2. Further provisions as to graduated contributions.
3. Consequential changes in collection of contributions and other matters.

Benefit

4. General provisions as to graduated retirement benefit.
5. Special provisions as to graduated retirement benefit for widows.
6. Amendment as to increases in retirement pensions for contributions paid after pensionable age.

PART II

NON-PARTICIPATING EMPLOYMENTS

7. General provisions as to non-participating employments.
8. Further provisions as to treatment of employments as non-participating employments.
9. Further provisions as to payments in lieu of contributions.
10. Employer's rights against insured person in respect of payment in lieu of contributions.
11. Recovery of payments in lieu of contributions in event of bankruptcy, liquidation, etc.
12. Special provisions for certain statutory superannuation schemes.
13. Adjudication and administration.

PART III

MISCELLANEOUS AND GENERAL

14. Construction with principal Act, and adaptation of powers relating to special classes.
15. Modification of superannuation schemes.

16. Supplementary provisions as to orders and regulations.
17. Expenses.
18. Disclosure of information by revenue officers.
19. Citation, extent, &c.

SCHEDULES:

First Schedule—New rates of certain contributions.

Second Schedule—Statutory superannuation schemes for which special provision is made.

An Act to alter the contributions payable to the National Insurance Fund under the National Insurance Acts, 1946 to 1957, and the retirement benefits payable under those Acts, and in particular to provide for payment of a graduated retirement benefit in return for contributions related to the amount of a person's remuneration, and for purposes connected therewith. [9th July, 1959]

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

CONTRIBUTIONS AND RETIREMENT BENEFITS

Contributions

1.—(1) Subject to the provisions of this Act, and in particular to those in Part II about non-participating employments, the contributions for which employed persons and employers are liable under the National Insurance Act, 1946 (in this Act referred to as "the principal Act") shall be altered as follows:—

Changes in contributions to the National Insurance Fund.

(a) the rates of the contributions payable under subsection (2) of section two of the principal Act for any contribution week (beginning with such week as may be appointed by order of the Minister) shall—

(i) in the case of an employed person of any description referred to in Part I of the First Schedule to this Act; and

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—cont.

(ii) in the case of the employer of an employed person of any description referred to in Part II of that Schedule, or of a person of any such description who is to be treated by virtue of that Part of that Schedule as an employed person ;

be those respectively shown in that Schedule, and accordingly for those cases the said Parts I and II shall, in relation to any such week, be substituted for the corresponding Parts of the First Schedule to the principal Act ; and

(b) where in any income tax week (beginning with such week as may be appointed by order of the Minister) there is made to or for the benefit of a person over the age of eighteen a payment on account of his remuneration in any one employment of an amount exceeding nine pounds (or the equivalent amount for remuneration not paid weekly), then if the employment was an employed contributor's employment and he either is under pensionable age or has not retired from regular employment—

(i) he shall be liable to pay a graduated contribution based on that payment ; and

(ii) his employer in the employment shall be liable to pay such a contribution in respect of him ; and

(iii) the amount of the graduated contribution payable by either of them shall be four and a quarter per cent. of the amount, up to six pounds, by which the payment exceeds nine pounds (or of the equivalent amount for remuneration not paid weekly).

(2) In each of the four years nineteen sixty-five, seventy, seventy-five and eighty the rates of the contributions payable to the National Insurance Fund by insured persons and employers shall be increased (for that and subsequent years) as follows:—

(a) beginning with the sixth day of April, an addition of a quarter per cent. shall be made to the rate at which graduated contributions are calculated on the relevant amount of remuneration ; and

(b) beginning with the first Monday in April—

(i) an addition of fivepence per week shall be made to each of the rates under the First Schedule to this Act, to the rate of any contribution payable as an insured person by a boy or girl under the age of eighteen and to the rate of any employer's contribution payable in respect of a person under that age ; and

(ii) an addition of ninepence per week shall be made to the rate of any other contribution :

Provided that if the Minister with the consent of the Treasury by order so directs, this subsection shall have effect in relation to the increases to be made in any of the said four years with the substitution for the references to a quarter, to fivepence and to ninepence of references to any less amounts specified by the order.

(3) The following provisions shall have effect as regards the contributions payable to the National Insurance Fund out of moneys provided by Parliament, that is to say,—

(a) from the coming into force of the contribution rates fixed by paragraph (a) of subsection (1) of this section, Part V of the First Schedule to the principal Act (which, as set out in Part V of the Third Schedule to the National Insurance (No. 2) Act, 1957, fixes the amounts of the Exchequer supplements) shall be repealed and, subject to paragraph (b) below,—

(i) the Exchequer supplements for contributions as an employed person and for employer's contributions shall be of an amount equal to one quarter of the contributions, but so that no Exchequer supplements shall be payable for graduated contributions; and

(ii) the Exchequer supplements for contributions as a self-employed or non-employed person shall be of an amount equal to one third of the contributions;

(b) in every financial year ending in or after the year nineteen sixty-two, there shall, at such times and in such manner as the Treasury may determine, be paid for the Exchequer supplements in respect of contributions paid in that financial year sums amounting in the aggregate to not less than one hundred and seventy million pounds;

(c) in respect of the financial years ending in the years nineteen sixty-one and sixty-two, there may, at such times and in such manner as the Treasury may determine, be paid in addition to the Exchequer supplements such sums as may be so determined, not exceeding in the aggregate, with the sums paid in respect of the five preceding financial years under subsection (3) of section two of the National Insurance Act, 1954, the three hundred and twenty-five million pounds authorised to be paid under that subsection in respect of those five years.

2.—(1) In relation to graduated contributions references in this Act to remuneration shall be taken to include, and include only, any emoluments assessable to income tax under Schedule E (other than pensions), being emoluments from which tax under Further provisions as to graduated contributions.

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that Schedule is deductible, but shall apply to a payment of any such remuneration, whether or not tax in fact falls to be deducted from that payment.

(2) Except in so far as regulations otherwise provide, the graduated contributions payable in any income tax week in respect of a person's remuneration shall be determined—

(a) by aggregating, and treating as a single payment of remuneration in one employment, all payments made in that week on account of remuneration in the same employment, or in any two or more employments under the same employer, except any employment such that graduated contributions are not payable in respect of it;

(b) by apportioning between the employments any single payment of remuneration in two or more employments under different employers, and (subject to the foregoing paragraph) treating as separate payments the parts apportioned to each employment.

(3) Where a person in any income tax year is paid remuneration from two or more employments, and the graduated contributions paid by him in respect of that remuneration exceed such amount as may be prescribed, the excess—

(a) shall for the purposes of the powers conferred by section eight of the principal Act be treated as representing contributions of the wrong class paid in error; and

(b) shall for the purpose of any right under this Act to benefit be treated as not properly payable.

(4) For the purpose of graduated contributions any sums deducted (whether for contributions, for income tax or otherwise) from any payment of remuneration which is or would but for the deduction be made shall, except in so far as regulations otherwise provide, be treated as paid on account of the remuneration; and for the purpose aforesaid any payment of remuneration shall be disregarded in so far as it is directed by regulations to be treated as coming from sums comprised in a previous payment of remuneration or to be otherwise excluded from the computation of a person's remuneration.

(5) Provision shall be made by regulations for determining the graduated contributions payable where the whole or part of a person's remuneration in any employment is not paid weekly (and accordingly for determining the equivalent amounts mentioned in subsection (1) of section one of this Act), and may include provision for modifying subsection (2) of this section; and regulations may also, for the purpose of graduated contributions, make provision as to the intervals at which a person's remuneration or any part of it is to be treated as paid where it is not all paid at the same intervals of a week or longer and in the amounts due for those or for corresponding intervals.

(6) Regulations may also in relation to graduated contributions make provision—

PART I
—*cont.*

- (a) for calculating the amounts payable according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or otherwise facilitate computation; and
- (b) for requiring that the liability in respect of payments made in an income tax week, in so far as it depends on any condition as to a person's age or retirement, shall be determined as at the beginning of the week or as at the end of it; and
- (c) for securing that liability is not avoided or reduced by an employer following in the payment of persons employed any practice which is abnormal for their employments.

(7) Subject to the provisions of this Act, all the provisions of the principal Act or any other enactment relating to contributions as an employed person and to employer's contributions (other than provisions of the principal Act regulating the number and amount of any contributions, or the periods for which they are payable, or relating to the conditions for or rate of benefit) shall apply to the graduated contributions payable by insured persons and employers by virtue of this Act; and in relation to graduated contributions, references to the payment of remuneration in respect of which a contribution is payable shall be substituted for references to the week for which it is payable in subsection (1) of section six and subsection (3) of section fifty-eight of the principal Act (which relate to an employer's duty to pay the insured person's contribution on his behalf, and to the disposal of employer's contributions paid in respect of mariners not liable for contributions as insured persons).

(8) In this Act "income tax year" means the twelve months beginning with the sixth day of April in any year, and "income tax week" means one of the successive periods in an income tax year beginning with the first day of that year and every seventh day thereafter (the last day of an income tax year or, in the case of an income tax year ending in a leap year, the last two days being accordingly treated as a separate income tax week).

3.—(1) Regulations made under subsection (1) of section eight of the principal Act with the concurrence of the Commissioners of Inland Revenue may provide for graduated contributions to be paid, accounted for and recovered in like manner as and with income tax deducted from the emoluments of an office or employment by virtue of regulations under section one hundred and fifty-seven (pay as you earn) of the Income Tax Act, 1952.

Consequential changes in collection of contributions and other matters.

PART I
—cont.

(2) Any such regulations may—

- (a) make the like provision with respect to any other contributions under the principal Act, under the National Insurance (Industrial Injuries) Act, 1946, or under the National Health Service Contributions Act, 1957 ;
- (b) apply or extend with or without modifications in relation to any contributions any of the provisions of the Income Tax Acts or of regulations under section one hundred and fifty-seven of the Income Tax Act, 1952 ;
- (c) make provision for the appropriation of the payments made by any person between his liabilities in respect of income tax and contributions.

(3) Subsection (5) of section one hundred and fifty-seven of the Income Tax Act, 1952 (which penalises a person failing to comply with certain requirements of regulations under that section as to the furnishing of information, production of documents etc.), shall have effect also in relation to regulations made by virtue of this section ; and if a person fails to pay any sums which he is required by regulations so made to pay, he shall be liable to be proceeded against and punished under subsection (6) of section two of the principal Act as for a failure to pay a contribution under that Act, without proof of his failure to pay any particular contribution.

(4) The Commissioners of Inland Revenue shall at such times and in such manner as the Treasury may direct account to the Minister for, and pay to him, the sums estimated by the Commissioners, in such manner as may be so directed, to have been received by them as contributions in accordance with regulations made by virtue of this section.

(5) With a view to securing that contribution years begin in the case of all or any insured persons with the first Monday in April, regulations may, notwithstanding anything in the principal Act, provide for contribution years not so beginning to be on any occasion shorter than fifty-two or longer than fifty-three weeks so as to end immediately before that Monday, and may modify the contribution conditions for any benefit and any other provisions of the principal Act in such manner as appears to the Minister to be expedient to take account of the shorter or longer contribution year.

Benefit

General provisions as to graduated retirement benefit.

4.—(1) Benefit under the principal Act shall include a graduated retirement benefit based on the graduated contributions paid under this Act.

(2) Subject to the provisions of this Act, graduated retirement benefit shall be payable to any person who is over pensionable age and has retired from regular employment, and shall be an

increase in the weekly rate of his retirement pension equal to sixpence for each unit, ascertained in accordance with subsections (3) and (4) of this section, of the graduated contributions properly paid by him as an insured person.

PART I
—cont.

(3) For the purpose of graduated retirement benefit the units of graduated contributions shall be as follows:—

- (a) in the case of contributions calculated at the rate of four and a quarter per cent. specified in subsection (1) of section one of this Act, the units shall be seven pounds ten shillings for men and nine pounds for women; and
- (b) in the case of contributions calculated at any rate having effect under subsection (2) of that section, 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 the foregoing paragraph between the percentage used in calculating the contributions 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.

(4) Where a person's contributions calculated at any of the said rates do not make an exact number of units, then—

- (a) the incomplete fraction of a unit and any similar fraction resulting from his contributions calculated at any of the other rates shall be added together to produce (so far as they go) a further unit or units;
- (b) subject to the foregoing paragraph, any incomplete fraction of a unit (including a fraction resulting from the addition under the foregoing paragraph) shall, if it is one half or more, be treated as a complete unit.

(5) Where a person does not retire from regular employment on attaining pensionable age, then for the purpose of calculating the graduated retirement benefit payable to him from the date of his retirement there shall be added to the amount of the graduated contributions properly paid by him one half of the aggregate graduated retirement benefit which would have been payable to him for the period before that date if he had retired from regular employment on attaining pensionable age and had received that benefit for the whole of the period without any interruption or abatement; and the number of units paid by him shall be determined as if the addition made in respect of benefit for any week had been a contribution paid at the rate appropriate to a payment of remuneration made in that week.

(6) The foregoing subsections shall, as respects the amount of the increase in a retirement pension, have effect subject to the provisions of the principal Act reducing the weekly rate of a retirement pension in respect of the beneficiary's earnings;

PART I
—*cont.*

and the weekly rate of any unemployment or sickness benefit payable by virtue of section twenty-six of that Act (as amended by section two of the National Insurance Act, 1957) to a person over pensionable age shall be determined without regard to the provisions of this Act relating to graduated retirement benefit.

(7) A person who has attained pensionable age and retired from regular employment, but is not entitled to a retirement pension, shall be treated for the purpose of the foregoing subsections as receiving a retirement pension at a nominal weekly rate:

Provided that—

- (a) this subsection shall not confer any right to graduated retirement benefit on a person who would be entitled to a retirement pension but for some provision of the principal Act or of regulations disqualifying him for receipt of it; and
- (b) regulations may provide that any right by virtue of this subsection to benefit at less than a specified weekly rate shall be satisfied either altogether or for a specified period by the making of a single payment of the prescribed amount.

(8) Notwithstanding that the provisions of the principal Act reducing the weekly rate of benefit in respect of the beneficiary's earnings are applied by this Act to graduated retirement benefit, the power of the Minister under section two of the National Insurance Act, 1956, to make regulations amending those provisions shall include power to provide that they shall not reduce the amounts payable as graduated retirement benefit, but that those amounts shall be payable as if it were a separate benefit not subject to the said provisions.

Special provisions as to graduated retirement benefit for widows.

5.—(1) Subject to the provisions of this section, where a man, having paid graduated contributions as an insured person, dies leaving a widow, and she either has attained pensionable age at the time of his death, or remains his widow when she attains that age, then the last foregoing section shall apply as if the increase in the weekly rate of her retirement pension provided for by subsection (2) were the amount there specified by reference to her graduated contributions plus sixpence for every shilling or part of a shilling of the weekly rate of his graduated retirement benefit.

(2) For the purpose of subsection (1) of this section, the weekly rate of the husband's graduated retirement benefit shall (whether or not he was receiving or entitled to receive any such benefit) be taken to have been the weekly rate appropriate to the amount of graduated contributions paid by him together with any addition under subsection (5) of the last foregoing section; and where

at his death he had attained pensionable age but had not retired from regular employment, that addition shall be computed as if he had retired from regular employment immediately before his death.

PART I
—*cont.*

(3) A woman's right to graduated retirement benefit by virtue of this section shall be brought into account under subsection (5) of the last foregoing section in determining the graduated retirement benefit payable to her under that section:

Provided that, if the husband died after she attained pensionable age, she shall for the purpose of this subsection be treated as not having attained pensionable age until the date of his death.

(4) A woman's right to graduated retirement benefit by virtue of this section in respect of a husband she marries after she attains pensionable age shall be subject to such additional conditions as may be prescribed; and except as may be provided by regulations a woman more than once married shall not be entitled for the same period to any graduated retirement benefit by virtue of this section in respect of more than one of the husbands.

(5) Regulations may provide that where a woman is entitled to graduated retirement benefit and to a widowed mother's allowance the graduated retirement benefit shall be an increase in the weekly rate of that allowance; and where that benefit is such an increase, subsections (6) and (7) of the last foregoing section shall not apply, but the provisions of this Act shall, as respects the amount of the increase in the allowance, have effect subject to the provisions of the principal Act reducing the rate of a widowed mother's allowance in respect of the beneficiary's earnings.

6.—(1) The amount of the increase under subsection (4) of section twenty of the principal Act in the weekly rate of a retirement pension for contributions paid by the beneficiary in respect of the period after his attaining pensionable age shall be one shilling for twelve contributions (instead of one shilling and sixpence for twenty-five); and the increase under that subsection as applied by subsection (3) of section twenty-one of that Act in the rate of a retirement pension payable to a woman by virtue of her husband's insurance shall, subject to any regulations under the said subsection (3), be the same, except that as respects any period during which the husband is alive the increase shall be sixpence for twelve contributions (instead of one shilling for twenty-five).

Amendment as to increases in retirement pensions for contributions paid after pensionable age.

(2) Accordingly in the said subsections there shall be made the following amendments, in place of those made by section four of the National Insurance Act, 1951, that is to say,—

(a) in subsection (4) of section twenty of the principal Act for the words "twenty-five contributions" there shall be substituted the words "twelve contributions"; and

X

PART I
—cont.

(b) in subsection (3) of section twenty-one of the principal Act there shall be inserted at the end of paragraph (b) the words—

“ and

(c) the reference to one shilling shall, as respects any period during which her husband is alive but not as respects any period after his death, be construed as a reference to sixpence ”;

and subsections (3) to (5) of section four of the National Insurance Act, 1951, are hereby repealed.

(3) The foregoing subsections shall not affect the operation of any of the enactments there referred to as respects contributions paid for contribution weeks commencing before such day as the Minister may by order appoint; but regulations may make transitional provision for cases where the relevant contributions so paid do not make up twenty-five or a multiple of twenty-five contributions (including provision for making up the contributions so paid to a multiple of twenty-five with the aid of contributions paid for later weeks, or making up the contributions paid for later weeks to a multiple of twelve with the aid of the said contributions).

(4) Section seventy-seven of the principal Act (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made) shall not apply to any regulations under subsection (3) of this section.

PART II

NON-PARTICIPATING EMPLOYMENTS

General provisions as to non-participating employments.

7.—(1) Subsection (1) of section one of this Act shall not affect the rate of the contribution payable by or in respect of an employed person for any contribution week by virtue of any employment which is a non-participating employment, nor shall any graduated contribution be payable in respect of a payment of remuneration from an employment which, at the time of the payment, is a non-participating employment; but the Exchequer supplement payable in respect of any contribution shall be the same as if this subsection had not been passed.

(2) Subject to the provisions of this Act, an employed contributor's employment shall, in relation to any person employed in it who is over the age of eighteen and under pensionable age, be a non-participating employment for any period during which—

(a) his service in it is service qualifying him under a recognised superannuation scheme for retirement benefits by way of pension which are on the whole as favourable as the right to benefit to be derived from graduated

contributions (in this Act referred to as “equivalent pension benefits”); and

- (b) there is in force a certificate issued under this section to the employer that the employment is to be treated as a non-participating employment;

and an employment which is a non-participating employment in relation to a person employed in it immediately before he attains pensionable age shall, if the conditions of this Part of this Act other than paragraph (a) of this subsection are satisfied, continue to be a non-participating employment in relation to him so long as he continues to be employed in it and has not retired from regular employment.

(3) Where an insured person's period of service in a non-participating employment comes to an end otherwise than by his death, and at the end of it he is not assured of equivalent pension benefits in respect of it, then subject to the provisions of this Act there shall be due to the National Insurance Fund from his employer in that employment a payment in lieu of contributions equal to the difference between—

- (a) the aggregate amount of the contributions which would have been payable by or in respect of the insured person during that period if on the first day of each contribution week beginning in the period contributions (including graduated contributions) had been payable by and in respect of him at the rates provided for by section one of this Act and the graduated contribution in each week had been payable in respect of a weekly payment of remuneration of fifteen pounds made on that day; and
- (b) the aggregate amount of the contributions which would have been payable by or in respect of him for that period if for each such contribution week contributions had been payable at the rates applying to non-participating employments;

and on the making of any payment required by this subsection the insured person shall be treated for the purposes of this Act as having paid such graduated contributions payable by him as are referred to in paragraph (a) above (or, if the payment is of less than the full amount required, a proportionate part of such contributions).

(4) Where a person is in the same contribution week employed both in a non-participating employment and in another employed contributor's employment, then unless provision to the contrary is made by regulations, any contribution payable by or in respect of him for that week shall be payable at the rate appropriate to a non-participating employment.

PART II
—cont.

(5) Where a person is in any income tax year employed both in a non-participating employment and in another employed contributor's employment, then any question as to the amount (if any) by which the graduated contributions paid by him in respect of remuneration paid in that year exceed the amount prescribed under subsection (3) of section two of this Act shall be determined as if (in addition to those contributions) on the first day of any contribution week in which he was employed in a non-participating employment he had paid a graduated contribution in respect of a weekly payment of remuneration of fifteen pounds made on that day:

Provided that if he is treated under subsection (3) of this section as having on any such day paid a graduated contribution or part of one, this subsection shall treat him as paying on that day only such contribution (if any) as is necessary in order to make up the amount he is treated as having paid to that of such a graduated contribution as aforesaid.

(6) For the purpose of determining liability to graduated contributions, an employment shall be deemed to be a non-participating employment in relation to a person previously (but no longer) employed in it, if—

- (a) it was a non-participating employment in relation to him when he was last employed in it ; or
- (b) he ceased to be employed in it on or before attaining the age of eighteen, and on attaining that age was employed in a non-participating employment under the same employer in place of it.

(7) Regulations shall provide for the issue to employers of certificates specifying the employments which are to be treated either generally or in relation to any description of persons specified in the certificate as non-participating employments, and for the cancellation, variation or surrender of any certificate or issue of an amended certificate on any change of circumstances affecting the treatment of an employment as a non-participating employment, and (subject to the exclusion by subsection (2) of this section of persons under the age of eighteen or over pensionable age) any such certificate for the time being in force shall be conclusive that the employments included in it are non-participating employments:

Provided that—

- (a) no such certificate or cancellation, surrender or variation of such a certificate shall have effect from a date earlier than the beginning of the contribution week following that in which it is issued or made ; and
- (b) subject to the provisions of this Act, an employment otherwise satisfying the conditions for inclusion in such

a certificate shall be so included if and so long as the employer so elects, and not otherwise.

PART II
—cont.

(8) Provision may for the purposes of this Part of this Act be made by regulations—

- (a) for treating a person's employment, where it begins or ends in the course of a contribution week or of an income tax week, as doing so at the beginning or end of the week ;
- (b) for disregarding changes in a person's employment due to the death of an employer or other causes, and for treating employment under the new employer as a continuation of that under the former employer, and treating any certificate issued to or election made by the former employer as issued to or made by the new employer ;
- (c) for disregarding temporary interruptions in a person's employment, and for treating the employment as continuing during the interruption ;
- (d) generally as to the circumstances in which a person's employment is or is not to be treated as having come to an end.

8.—(1) For the purposes of this Part of this Act, equivalent pension benefits, in relation to any period of service in an employment, comprise, and comprise only, retirement benefits by way of pension as respects which the following conditions are satisfied, that is to say,—

Further provisions as to treatment of employments as non-participating employments.

- (a) the benefits consist of or include a pension which (subject to any condition as to retirement) commences not later than insured pensionable age, and there is no condition postponing beyond insured pensionable age the age at which retirement on pension is allowed ; and
- (b) there is no provision for the surrender, commutation or assignment of the pension or, if there is, some part of the pension is excluded from the operation of it ; and
- (c) the pension or the said part of it is payable for life, and is not capable of being terminated or suspended except for such causes, if any, as may be prescribed ; and
- (d) apart from any period before insured pensionable age, the pension or the said part of it is of an amount not less, when expressed as a weekly rate, than the graduated retirement benefit which would be payable to the person employed in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of service in respect of a weekly payment of remuneration of fifteen pounds.

PART II
—cont.

(2) Where service in an employment contingently qualifies a person employed in it for retirement benefits by way of pension, then, in determining whether the employment can be treated as a non-participating employment in relation to the persons from time to time so employed or any of them, a person's service shall be treated as qualifying him for such pension benefits as, in the existing circumstances, can reasonably be expected to accrue to him from a period of service of appropriate length, on the assumption that he remains in an employment qualifying him for those benefits until insured pensionable age (or as near to that age as the terms of the employment allow) but no longer.

(3) In determining whether an employment can be treated as a non-participating employment in a case where a limit on the maximum amount of the benefits payable or any description of them operates to prevent service beyond a given length from qualifying a person for further benefits, the qualification arising from any period of service shall be determined on the assumption that the total service does not exceed that length.

(4) Any scheme or arrangement having for its object or one of its objects to make provision in respect of persons serving in particular employments for providing them with retirement benefits by way of pension shall be a recognised superannuation scheme for the purposes of this Part of this Act—

(a) if it is established by Act of Parliament or of the Parliament of Northern Ireland, or other instrument having the force of law ; or

(b) if the benefits for which service in those employments qualifies a person, or such part of them as has to be taken into account to constitute them equivalent pension benefits, are secured by irrevocable trust, contract of assurance or annuity contract satisfying such conditions as may be prescribed, or in such other manner as may be prescribed, and the provision made to enable benefits to be paid (taking into account any additional resources which could and would be provided by the employer, or any person connected with the employer, to meet any deficiency) is adequate to ensure payment in full of the benefits or part aforesaid.

(5) In this section "insured pensionable age" means pensionable age for the purposes of the principal Act:

Provided that where the date for a person's retirement on pension under a superannuation scheme is fixed by reference to his attaining that age and so as to fall not later than six months after he does so, but does not depend solely on age, this section shall apply in relation to his benefits under that scheme as if he did not attain that age before that date.

9.—(1) Except as provided by this section, the provisions of this Part of this Act relating to the making of a payment in lieu of contributions at the end of a person's period of service in a non-participating employment shall apply whether the period comes to an end by reason of the termination of his service in that employment or by reason of the employment ceasing to be a non-participating employment, and, subject to any regulations under subsection (8) of section seven of this Act, where that period is brought to an end by an employer's death, shall apply as if it had come to an end immediately before the death.

PART II
—cont.
 Further provisions as to payments in lieu of contributions.

(2) For the purpose of the said provisions, if an employment becomes or ceases to be a non-participating employment in the course of a person's service in it, his service before and after the time when it does so shall be treated as service in different employments.

(3) For the purpose of the said provisions a person having at the end of his service in a non-participating employment equivalent pension benefits in respect of it shall be deemed to be assured of those benefits if, and shall be deemed not to be assured of them unless, either—

(a) he is absolutely and indefeasibly entitled to them, and the manner in which they are secured and the provision made for their payment are such as may be prescribed ;
 or

(b) such other conditions as may be prescribed are satisfied ;
 and regulations may provide for treating as having effect from the end of a person's service in a non-participating employment any option exercised or other thing done within the prescribed period thereafter in relation to his retirement benefits in respect of it.

(4) Where—

(a) a payment in lieu of contributions would, but for this subsection, fall to be made in respect of a person on the coming to an end of his service in a non-participating employment ; and

(b) on the coming to an end of that service, or within the prescribed period thereafter, he enters another non-participating employment ; and

(c) his service in the previous employment is service qualifying him for equivalent pension benefits under the recognised superannuation scheme relating to his new employment (on the like assumptions as are to be made under subsections (2) and (3) of section eight of this Act in relation to his service in the new employment) ; and

(d) if the scheme is a recognised superannuation scheme by virtue of paragraph (b) of subsection (4) of section

PART II
—cont.

eight of this Act, the conditions of that paragraph are satisfied in relation to the said benefits ;

then for the purpose of any liability to make a payment in lieu of contributions in respect of him the two employments shall be treated as a single continuous employment (any interval being disregarded):

Provided that—

- (i) this subsection shall not apply unless either both employments are under the same employer or such other conditions as may be prescribed are satisfied ; and
- (ii) regulations may direct that paragraph (c) of this subsection shall not apply in any prescribed cases in which provision is made by the recognised superannuation scheme relating to the new employment for taking into account in any manner the service in the previous employment.

(5) Provision may be made by regulations for excluding or restricting the liability to make payments in lieu of contributions in cases where a person serves at the same time in more than one employment, and for modifying the operation of any provision of this Act in relation to any such payment of which the amount is reduced by virtue of this subsection ; and regulations may also modify the operation of subsection (4) of this section in cases where a person serves as aforesaid or would, apart from the regulations, be treated by virtue of that subsection as so serving.

(6) Where an insured person's period of service in a non-participating employment comes to an end otherwise than by his death, and at the end of it he is over pensionable age, then for the purpose of any liability to make a payment in lieu of contributions in respect of that service he shall be deemed to be assured at the end of it (in lieu of any pension benefits he then has) of the same pension benefits, save as provided by regulations under subsection (3) of this section, as those of which he would have been assured on the coming to an end of the service on his attaining pensionable age by his then retiring from the employment ; and any question whether those benefits are equivalent pension benefits, and any question as to the amount of or as to the graduated contributions attributable to any payment in lieu of contributions, shall be determined as if the service had come to an end by his so retiring :

Provided that where the date for his retirement on pension under the recognised superannuation scheme relating to the employment is fixed by reference to his attaining that age and so as to fall not later than six months after he does so, but does not depend solely on age, this subsection shall apply as if he did not attain that age before that date.

(7) A payment in lieu of contributions shall become due at such time as may be prescribed after the end of the period of service to which it relates; and if any person fails to make any such payment for which he is liable, he shall be liable to be proceeded against and punished under subsection (6) of section two of the principal Act as for a failure to pay a contribution.

(8) Subsection (1) of section eight of the principal Act (which enables regulations to be made as to the payment and collection of contributions, etc.) shall apply to payments in lieu of contributions as it applies to contributions, and for the purposes of paragraph (b) of that subsection any such payment shall be deemed to be payable by an employer on behalf of the insured person in respect of whom it is payable.

(9) In paragraph (b) of subsection (6) of section forty-three of the principal Act (which relates to the decision in legal proceedings of questions as to the payment of contributions) the reference to contributions shall include payments in lieu of contributions.

10.—(1) Where on the coming to an end of an insured person's service in a non-participating employment—

(a) he (or, by virtue of a connection with him, any other person) is entitled to a refund of any payments made under the recognised superannuation scheme by or in respect of him towards the provision of benefits under the scheme; and

(b) a payment in lieu of contributions fails to be made in respect of him under this Act;

Employer's rights against insured person in respect of payment in lieu of contributions.

then, subject to the provisions of this section, the person liable for the payment in lieu of contributions shall be entitled on making that payment or any part of it to recover one half of the sum paid by him from the person liable for the refund:

Provided that the amount recoverable shall not exceed the amount of the refund, or so much of it as has not been made.

(2) Where the period taken into account in fixing the amount of a payment does not coincide with that in respect of which the refund is to be made, then (subject to subsection (3) of this section) the amount recoverable under this section shall be determined by reference to so much of the payment and of the refund as are referable to the same period.

(3) The amount which may be recovered under this section in respect of any payment in lieu of contributions shall be increased by such amount as may be prescribed where—

(a) under subsection (4) of the last foregoing section the insured person's service in any previous employment is treated in fixing the payment in lieu of contributions

x*

PART II
—cont.

as service in the employment in respect of which the refund is made ; and

- (b) the refund includes any amount in respect of a payment made by or in respect of the insured person towards the provision for him of benefits under the scheme in respect of service in the previous employment.

(4) Where the person liable for the payment in lieu of contributions is himself liable for the refund, he shall be entitled to retain out of the refund the amount which he could recover under this section from another person who was liable for the refund.

(5) The amount of the refund shall be reduced by any amount recovered or retained under this section ; and provision shall be made by regulations for requiring the making of refunds to be delayed for the purpose of enabling any right of recovery conferred by this section to be exercised, and shall have effect notwithstanding anything in any enactment relating to the making of the refund.

(6) Where on the coming to an end of an insured person's service in a non-participating employment—

- (a) he (or, by virtue of a connection with him, any other person) is entitled to a refund of any payments made by or in respect of him under the recognised superannuation scheme relating to a previous employment towards the provision of benefits under that scheme ; and
- (b) a payment in lieu of contributions falls to be made in respect of him, and under subsection (4) of the last foregoing section his service in the two employments is treated as service in one employment in fixing that payment ;

then in respect of that payment the person liable for it shall have the like right of recovery from that refund (so far as the payment is not recoverable out of a refund in respect of a later employment) as a person has under the foregoing subsections where a payment in lieu of contributions and a refund fall to be made on the coming to an end of service in the employment in respect of which the refund is to be made ; and subsection (5) of this section shall apply accordingly.

(7) Notwithstanding any contract to the contrary, a person shall not be entitled to recover any part of a payment in lieu of contributions made or to be made by him from the person in respect of whom it is payable or, except in accordance with this section, out of any moneys payable to or for the benefit of that person.

11.—(1) There shall be included among the debts which—

PART II
—cont.

- (a) under section thirty-three of the Bankruptcy Act, 1914, are to be paid in priority to all other debts in the distribution of the property of a bankrupt or a deceased debtor ; or
- (b) under section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, are to be paid in priority to all other debts in the division of a bankrupt's estate ; or
- (c) under section three hundred and nineteen of the Companies Act, 1948, are to be paid in priority to all other debts in the winding up of a company, or under section ninety-four 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 ;

Recovery of payments in lieu of contributions in event of bankruptcy, liquidation, etc.

any payment in lieu of contributions payable on the termination of a person's employment before or by the effect of the receiving order or death, the award of sequestration, the winding up order or resolution, or the appointment of the receiver or taking of possession, as the case may be :

Provided that, where any such payment is payable in respect of a period of service of more than a year, the amount to be so paid in priority shall be limited to the amount of the payment in lieu of contributions which would have been payable if the service had been confined to the last year taken into account in fixing the actual amount of the payment.

(2) Where—

- (a) by or by virtue of the foregoing subsection the whole or part of a payment in lieu of contributions is required to be paid in priority to other debts of the employer or his estate ; and
- (b) the person liable for that payment would be entitled to recover the whole or part of any sum paid by him on account of it from another person either under section ten of this Act or under any provision made by the relevant superannuation scheme ;

then that other person shall be liable for any part of the payment in lieu of contributions for the time being unpaid :

Provided that no person shall be liable by virtue of this subsection for an amount in excess of the sum which might be recovered from him as aforesaid if the payment in lieu of contributions had been paid in full by the employer, after deducting from that sum any amount which has been or may be recovered from him in respect of any part of that payment paid otherwise than under this subsection.

X* 2

PART II
—cont.

(3) The payment under subsection (2) of this section of any amount in respect of a payment in lieu of contributions shall have the same effect upon the rights and liabilities of the person making it (other than his liabilities under that subsection) as if it had been a payment of that amount on account of the sum recoverable from him in respect of that payment in lieu of contributions as mentioned in paragraph (b) of that subsection.

Special provisions for certain statutory superannuation schemes.

12.—(1) In relation to employments of any class to which this section applies, the appropriate Minister may by regulations direct that elections with a view to the issue, variation, cancellation or surrender of certificates under this Part of this Act shall be made and revoked by him instead of by the employer.

(2) Any such regulations may also make provision for other things which by or under this Part of this Act are required or authorised to be done by or to the employer to be done instead by or to the appropriate Minister, for treating employments of the class in question as employments under a single employer different from the employer in any other employment, and for the recovery from the employer of payments in lieu of contributions made by the appropriate Minister instead of by the employer.

(3) Before making any regulations under this section the appropriate Minister shall consult with such bodies concerned with employments of the class in question as appear to him fairly to represent the interests of employers and employed persons in those employments.

(4) Any expenses of a Minister of the Crown under this section, including (but without prejudice to any right of recovery or retainer under this Act) expenses in making payments in lieu of contributions, shall be defrayed out of moneys provided by Parliament; and any sums recovered or retained by a Minister of the Crown in respect of any such payments shall be paid into the Exchequer.

(5) Subject to the following subsections, the employments in which a person's service qualifies him for retirement benefits by way of pension under the enactments specified in any entry in the Second Schedule to this Act shall constitute a class to which this section applies, and in relation to that class the appropriate Minister shall be the Minister mentioned in the second column in that entry.

(6) Where service in any employment would qualify a person as aforesaid under the enactments specified in any such entry but for rules having effect under section two of the Superannuation (Miscellaneous Provisions) Act, 1948 (which relates to persons transferring to or from certain employments), the employment shall be treated as falling within the class to which that entry relates, and as not falling within any other class to which this section applies.

(7) Where a local Act contains a provision for the payment of retirement benefits by way of pension for service which, but for the provision, would qualify a person for such benefits under the enactments specified in any entry in the Second Schedule to this Act, that provision shall be deemed to be included among the enactments specified in that entry.

PART II
—cont.

13.—(1) Regulations under section forty-three of the principal Act shall provide—

Adjudication
and
administra-
tion.

- (a) for the determination by an officer appointed by the Minister (hereafter in this section referred to as “the registrar”) of any question whether an employment is to be treated as a non-participating employment, or as to the persons in relation to whom or the period for which it is to be so treated, and for the issue, variation and cancellation by the registrar of the certificates under this Part of this Act specifying the employments which are to be so treated ;
- (b) for enabling any such question, instead of being determined as aforesaid, to be referred to an adjudicator (being a barrister or advocate of not less than ten years’ standing) appointed for the purposes of this Part of this Act, and for enabling appeals to be brought to such an adjudicator from decisions of the registrar ;
- (c) for enabling the functions of the registrar to be exercised by officers appointed to act as his deputies by the Minister, and for enabling an adjudicator to have the assistance of one or more assessors in dealing with a case.

(2) Regulations may also make provision for any incidental matters connected with the operation of this Part of this Act, including the information which may be required from any person, and in particular shall provide—

- (a) for enabling the registrar to cancel or vary any such certificate as aforesaid where he has reason to suppose that any employments to which it relates ought not to be treated as non-participating employments in accordance with the certificate and the employer does not show that they ought ;
- (b) for regulating the manner in which employers are to make or revoke an election with a view to the issue, variation, cancellation or surrender of such a certificate, and requiring them to give notice for the purpose of informing employed persons and others of their intention to do so ;
- (c) for enabling the registrar to defer the issue or variation of such a certificate so as to enable the relevant election

PART II
—*cont.*

to be further considered in the light of any representations made by persons to whom notice of the election is required by regulations to be given or by organisations representing any such persons ;

(d) for requiring employers (except in such cases as may be prescribed) to give notice to the Minister when a person's period of service in a non-participating employment begins or comes to an end.

(3) Any appointment for the purposes of this Part of this Act of an adjudicator, as required by subsection (1) of this section, shall be made by the Lord Chancellor, after consultation, if the person appointed is an advocate, with the Lord President of the Court of Session.

(4) The House of Commons Disqualification Act, 1957, shall have effect, 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, as if there were added at the end of Part I of the First Schedule the entry " Adjudicator appointed for the purposes of Part II of the National Insurance Act, 1959, and any corresponding judicial office under any Act of the Parliament of Northern Ireland passed for purposes similar to that Act."

PART III

MISCELLANEOUS AND GENERAL

Construction with principal Act, and adaptation of powers relating to special classes.

14.—(1) This Act shall be construed as one with the principal Act.

(2) Accordingly (and without prejudice to the generality of the foregoing subsection) the provisions of this Act shall be subject to the powers conferred by the principal Act or any other enactment to prescribe modifications of, or exceptions or additions to, the provisions of that Act ; and—

(a) the reference to the foregoing provisions of that Act in subsection (2) of section sixty-five of it (which confers such a power in relation to existing contributors and existing beneficiaries) ; and

(b) the reference to the foregoing sections of that Act in subsection (2) of section seventy-one of it (which confers such a power in relation to certain entrants into insurance who were over school age at the coming into force of that Act) ;

shall include references to the provisions of this Act.

(3) The powers conferred by subsection (2) of section sixty-five of the principal Act (as extended by subsection (2) of this section) shall include power to prescribe such modifications,

additions and exceptions as appear to the Minister to be necessary or expedient in consequence of any provision of this Act.

(4) The foregoing provisions of this section shall not have effect so as to require regulations under section fifty-nine of the principal Act (by virtue of subsection (2) of that section) to make any provision for excepting married women from liability to pay graduated contributions.

15.—(1) Without prejudice to the construction of this Act as one with the principal Act, the powers conferred by subsection (4) of section sixty-nine of the principal Act to make provision by regulations for modifying or winding-up in connection with the passing of that Act certain schemes for the provision of pensions or other benefits shall include power—

Modification of superannuation schemes.

- (a) to make provision in connection with the passing of this Act or in connection with the subsequent operation of any provision of it (and in particular with the operation of the provisions under which employments become or cease to be non-participating employments); and
- (b) to make provision in relation to schemes which have come into existence after the passing of that Act or which come into existence after the passing of this Act.

(2) The said powers shall be exercisable so as to authorise schemes to be modified in any manner approved by an authority designated for the purpose by the regulations, or to be wound up on such terms as may be so approved.

(3) Notwithstanding anything in the said subsection (4), the said powers shall be exercisable in relation to any scheme by the Chief Registrar of Friendly Societies unless the Treasury have determined under that subsection that a Minister of the Crown or Government department is the appropriate Minister or department in relation to that scheme; and accordingly in that subsection for the words "if the Treasury determine that there is no appropriate Minister or department" there shall be substituted the words "in default of any such determination".

16.—(1) Any order made by the Minister under this Act may be revoked or varied by a subsequent order made by him.

Supplementary provisions as to orders and regulations.

(2) Any power of the Minister to make orders under this Act shall be exercisable by statutory instrument, and that instrument shall, in the case of an order under subsection (2) of section one or subsection (3) of section four, be subject to annulment in pursuance of a resolution of either House of Parliament and, in the case of an order under subsection (1) of section one or subsection (3) of section six, be laid before Parliament after being made.

PART III
—*cont.*

(3) For the purpose of any provision of the principal Act relating to regulations under that Act, and for the purposes of the Statutory Instruments Act, 1946, regulations under this Act shall be treated as regulations under the principal Act.

Expenses.

17. Save as otherwise provided by this Act, any expenses incurred by the Minister or any other Government department in carrying this Act into effect—

- (a) so far as they are estimated by the Minister to be attributable to the collection of contributions under the National Insurance (Industrial Injuries) Act, 1946, shall be deemed to be expenses incurred in carrying that Act into effect for the purposes of section sixty of that Act (which provides for the payment of such expenses out of moneys provided by Parliament, subject to reimbursement to the Treasury out of the Industrial Injuries Fund); and
- (b) so far as they are so estimated to be attributable to the collection of national health service contributions shall be paid out of moneys provided by Parliament; and
- (c) subject to the foregoing paragraphs shall be deemed to be expenses incurred in carrying the principal Act into effect for the purposes of section thirty-eight of that Act (which provides for the payment of such expenses out of moneys provided by Parliament, subject to reimbursement to the Treasury out of the National Insurance Fund).

Disclosure of information by revenue officers.

18. No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to Inland Revenue shall prevent information obtained in connection with the assessment or collection of income tax chargeable under Schedule E from being disclosed by or under the authority of the Commissioners of Inland Revenue in connection with the operation of any enactment or regulations relating to the calculation or collection of graduated contributions under this Act or under any corresponding legislation of the Parliament of Northern Ireland, or of other contributions collected in the same way as any such graduated contributions.

Citation, extent, &c.

19.—(1) This Act may be cited as the National Insurance Act, 1959, and shall be included among the Acts which may be cited together as the National Insurance Acts, 1946 to 1959.

(2) Except in so far as the context otherwise requires, any reference in this Act to any enactment is a reference to that enactment as amended by or under any Act.

(3) This Act, except in so far as it expressly refers to Northern Ireland, shall not extend to Northern Ireland; but this shall be without prejudice to the operation in relation to matters arising out of this Act of any provision relating to Northern Ireland contained in the principal Act, and the power of the Parliament of Northern Ireland by virtue of subsection (4) of section sixty-three of that Act to enact provisions corresponding to any provision of that Act shall extend to enacting provisions corresponding to any provision of this Act.

PART III
—cont.

SCHEDULES

FIRST SCHEDULE

Section 1.

NEW RATES OF CERTAIN CONTRIBUTIONS

PART I

EMPLOYED PERSONS

Description of employed person	Weekly rate of contribution	
	s.	d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)—		
Earning remuneration at a weekly rate exceeding 60s.	5	9½
Earning remuneration at a weekly rate of 60s. or less	3	0½
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)—		
Earning remuneration at a weekly rate exceeding 60s.	5	4½
Earning remuneration at a weekly rate of 60s. or less	2	10½

For the purposes of this Part and Part II of this Schedule a person shall be deemed to be earning remuneration at a weekly rate of sixty shillings or less if, but only if, his remuneration does not include the provision of board and lodging by the employer and the rate of the remuneration neither exceeds nor is deemed in accordance with regulations made under subsection (5) of section seventy-eight of the principal Act to exceed sixty shillings a week, and to be earning remuneration at a weekly rate exceeding sixty shillings in any other case.

1st SCH.
—cont.

PART II

EMPLOYERS

Description of employed person	Weekly rate of contribution
Men over the age of 18—	s. d.
Earning remuneration at a weekly rate exceeding 60s., or not being liable to pay a contribution as an employed person... ..	5 9½
Earning remuneration at a weekly rate of 60s. or less and being liable to pay a contribution as an employed person... ..	8 6½
Women over the age of 18—	
Earning remuneration at a weekly rate exceeding 60s., or not being liable to pay a contribution as an employed person... ..	5 4½
Earning remuneration at a weekly rate of 60s. or less and being liable to pay a contribution as an employed person... ..	7 10½

For the purpose of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

Section 12.

SECOND SCHEDULE

STATUTORY SUPERANNUATION SCHEMES FOR WHICH
SPECIAL PROVISION IS MADE

<i>Pension enactments</i>	<i>Appropriate Minister</i>
1. The Teachers Superannuation Acts, 1918 to 1956.	The Minister of Education.
2. Section one hundred and one of the Education (Scotland) Act, 1946 (as amended by section ten of the Education (Scotland) Act, 1956).	The Secretary of State for Scotland.
3. The Local Government Superannuation Acts, 1937 to 1953.	The Minister of Housing and Local Government.
4. The Local Government Superannuation (Scotland) Acts, 1937 to 1953.	The Secretary of State for Scotland.
5. Section sixty-seven of the National Health Service Act, 1946.	The Minister of Health.

*Pension enactments**Appropriate Minister*

- | | |
|--|---|
| 6. Section sixty-six of the National Health Service (Scotland) Act, 1947. | The Secretary of State for Scotland. |
| 7. Section twenty-six of the Fire Services Act, 1947, in its application to England and Wales. | The Secretary of State for the Home Department. |
| 8. Section twenty-six of the Fire Services Act, 1947, in its application to Scotland. | The Secretary of State for Scotland. |
| 9. The Police Pensions Act, 1948, in its application to England and Wales. | The Secretary of State for the Home Department. |
| 10. The Police Pensions Act, 1948, in its application to Scotland. | The Secretary of State for Scotland. |

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Bankruptcy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 20.
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
National Insurance Act, 1951	14 & 15 Geo. 6. c. 34.
Income Tax Act, 1952	15 & 16 Geo. 6 and 1 Eliz. 2. c. 10.
National Insurance Act, 1954	3 & 4 Eliz. 2. c. 1.
National Insurance Act, 1956	4 & 5 Eliz. 2. c. 47.
Education (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 75.
House of Commons Disqualification Act, 1957...	5 & 6 Eliz. 2. c. 20.
National Insurance Act, 1957	5 & 6 Eliz. 2. c. 26.
National Health Service Contributions Act, 1957	5 & 6 Eliz. 2. c. 34.
National Insurance (No. 2) Act, 1957	6 & 7 Eliz. 2. c. 1.

CHAPTER 48

An Act to enable schemes made with a view to eliminating excess capacity in the cotton industry to provide for paying compensation for any such elimination and for raising the sums required for that and other purposes by levies on the industry; to enable the Board of Trade to make contributions towards any such compensation and to make grants for the re-equipment of the industry; and for purposes connected therewith.

[9th July, 1959]

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:—

Schemes in connection with elimination of excess capacity.

1.—(1) The Cotton Board, with a view to promoting the efficiency of the industry by the elimination of excess capacity, may, in consultation with such bodies as appear to them to represent (so far as practicable) the interests of those carrying on business and of those employed in any section of the industry, prepare for that section a scheme providing for the payment by the Cotton Board, for the elimination of excess capacity, of compensation which, except in so far as the circumstances of the section make it desirable in the opinion of the Cotton Board to relate the compensation to other factors, shall be related to the number of machines of any specified description eliminated.

(2) Any scheme prepared by the Cotton Board under this section (in this Act referred to as a "reorganisation scheme") shall be submitted by them to the Board of Trade; and if the Board of Trade are satisfied—

- (a) that the reorganisation scheme makes adequate provision (in point of time as well as in point of quantity) to the end of eliminating excess capacity in that section of the industry; and
- (b) that arrangements have been made within the section for the payment of compensation in respect of loss of employment due to the elimination of the excess capacity; and
- (c) that bodies representing the interests of a majority of the persons employed in the section have agreed to those arrangements so far as they relate to persons whose interests are represented by those bodies;

then subject to subsection (9) of this section the Board of Trade may by order confirm the scheme and thereupon the scheme shall have effect.

(3) The Board of Trade may pay to the Cotton Board two-thirds of the amounts required by the Cotton Board for making the compensation payments provided for by a reorganisation scheme under subsection (1) of this section, but excluding payments of any description if the scheme provides for them to be wholly defrayed out of sums raised under the scheme.

(4) The amounts required by the Cotton Board to defray—

(a) any compensation payments provided for by a reorganisation scheme relating to any section of the industry, so far as not defrayed out of the sums paid by the Board of Trade under subsection (3) of this section; and

(b) any other expenses incurred by them under this Act in relation to any section of the industry for which a reorganisation scheme is brought into force;

shall be raised by means of charges to be imposed under the reorganisation scheme relating to that section on persons registered with the Cotton Board as carrying on business in the section, and that scheme may include provision for the disposal (including disposal for the purpose of advancing research in the cotton industry) of any sums raised under this subsection and not required for the purpose for which they were raised.

(5) Provision may also be made by the reorganisation scheme relating to any section of the industry—

(a) for raising by means of charges to be imposed as aforesaid the amounts required for compensating persons employed in the section under any arrangements made within the section with reference to the elimination of excess capacity or to the re-equipment of businesses in the section, being arrangements made in contemplation of or in connection with the passing or operation of this Act; and

(b) for the payment by the Cotton Board of the sums so raised to the persons responsible under the arrangements for the distribution of those sums.

(6) An order of the Board of Trade confirming a reorganisation scheme may provide for the recovery by the Cotton Board of any charges imposed under the scheme, and may for the purposes of the scheme include any such supplementary provisions as, by virtue of subsection (4) of section four of the Industrial Organisation and Development Act, 1947, may for the purposes of a c. 40.

development council order be included in that order; and sections five and six of that Act (which relate to the disclosure of information obtained under, and to the enforcement of, the powers of that Act) shall apply as if any order under this section containing any such supplementary provisions were a development council order, and as if those provisions were included by virtue of the said subsection (4).

(7) Any reorganisation scheme may be varied or revoked by a subsequent reorganisation scheme, and any provisions contained in an order of the Board of Trade by virtue of subsection (6) of this section may be varied or revoked by a subsequent order of the Board of Trade.

(8) The Board of Trade may (subject to subsection (9) of this section) by order revoke a reorganisation scheme if it appears to them, after consultation with such bodies as appear to them to represent (so far as practicable) the interests of those carrying on business and of those employed in the section of the industry and with the Cotton Board, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest; but the revocation may be made subject to any savings or other transitional or consequential provisions, and shall be without prejudice to anything previously done under the scheme or the making, submission or confirmation of a new scheme.

(9) Any power of the Board of Trade to make orders under this section shall be exercisable by statutory instrument, but the Board shall not make any such order unless a draft of it has been laid before Parliament and approved by resolution of each House.

(10) A reorganisation scheme may contain provisions relating to excess capacity eliminated before as well as after the coming into force of the scheme (but not before the twenty-fourth day of April, nineteen hundred and fifty-nine); and any question as to excess capacity, if the question arises in the preparation of a reorganisation scheme at a time more than a year after the commencement of this Act, shall be determined as at the end of that year.

(11) In this Act, the "Cotton Board" means the development council of that name established under the Industrial Organisation and Development Act, 1947, and "the industry" means the activities included in that term in the development council orders relating to the Cotton Board, as those orders have effect at the commencement of this Act; and any part of the industry may be treated as a section of it for any purpose of this Act, whether or not it constitutes a section for the purposes of any such order, and where a part not constituting a section for the purpose of

registration with the Cotton Board is treated as a section under this Act, any reference in this Act to a person registered as carrying on business in the section shall apply to persons registered with the Cotton Board in respect of any business comprising activities within that part of the industry.

2.—(1) Where a reorganisation scheme has been brought into force for any section of the industry and it appears expedient to the Board of Trade to make for that section such grants as are hereby authorised, then subject to the provisions of this section the Board of Trade may make to any person in respect of any qualifying expenditure incurred or to be incurred in re-equipping a business carried on by him in that section of the industry a re-equipment grant not exceeding one quarter of that expenditure. Re-equipment grants.

(2) The expenditure qualifying for a re-equipment grant shall be expenditure incurred in the purchase and installation of machinery or equipment, or in the modernisation of machinery or equipment, and satisfying such conditions as the Board of Trade may from time to time require.

(3) A re-equipment grant may be made in respect of expenditure incurred before the coming into force of the reorganisation scheme for the relevant section of the industry, but not in respect of expenditure incurred before the twenty-fourth day of April, nineteen hundred and fifty-nine, or of expenditure incurred for the replacement or modernisation of machinery or equipment which was not in use in the business before that day.

(4) No payment shall be made by way of re-equipment grant in respect of any machinery or equipment unless the following conditions are complied with:—

- (a) an applicant for a grant or for a payment under a grant must supply the Board of Trade with the information which they think necessary for the purpose of determining whether the grant or payment should be made, and (if so required by them) must verify or permit them to verify to their satisfaction any information supplied to them for that purpose; and
- (b) an application for a grant must be made, and the information required in connection with that application must be supplied, not later than three years from the commencement of this Act; and
- (c) the purchase and installation, or the modernisation, of the machinery or equipment must be completed not later than five years from the commencement of this Act or within such further period as the Board of Trade may for special reasons allow.

(5) It shall be the duty of the Cotton Board to act as agent for the Board of Trade for such purposes of this section as the Board of Trade may require.

11 & 12 Geo. 6. c. 31. (6) The following provisions of the Cotton Spinning (Re-equipment Subsidy) Act, 1948, that is to say,—

- (a) section two (which prohibits the sale of machinery or equipment subsidised under that Act); and
- (b) section four (which restricts the disclosure of information obtained under or by virtue of that Act); and
- (c) section five (which provides for the punishment of persons supplying false information for the purposes of that Act);

shall apply for the purposes of this section as they apply for the purposes of that Act (any reference to an application for a grant under that Act being construed as a reference to an application for a re-equipment grant or for a payment by way of re-equipment grant, and any other reference to that Act or to section one of it being construed as a reference to this section).

Discharge of
functions of
Cotton Board.

3.—(1) Subject to subsection (7) of this section, the functions under this Act of the Cotton Board shall be discharged by a committee of the Board consisting of the independent members; and an independent member or two independent members may be appointed to the Cotton Board to act solely on that committee, in addition to the number provided for by the development council orders for the time being in force.

(2) The committee may act notwithstanding any vacancy among the members of the committee, and the following provisions shall have effect with respect to its proceedings, that is to say,—

- (a) at any meeting of the committee two or such greater number as the committee shall determine shall be the quorum;
- (b) if at any meeting of the committee the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote;
- (c) minutes shall be kept of the proceedings of the committee and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted;
- (d) subject to the foregoing, the committee shall have power to regulate its own procedure.

(3) For the purpose of discharging the functions of the Cotton Board under this Act, the committee may, subject to the next following subsection, exercise any incidental powers of the Cotton Board, and in particular—

- (a) for the purposes of section one of this Act, may exercise any powers conferred on the Cotton Board by virtue of subsection (2) of section three of the Industrial Organisation and Development Act, 1947 (which relates to obtaining returns and information); and
- (b) for the purpose of meeting any expenses under this Act, may exercise any power of the Cotton Board to borrow money temporarily.

(4) The powers exercisable by the committee by virtue of subsection (3) of this section shall not include any power to impose charges; and the sums borrowed for the purpose of the functions of the Cotton Board under this Act—

- (a) shall be in addition to the total amount of the borrowings permitted for other purposes; and
- (b) so far as they are borrowed to meet expenses which fall to be defrayed out of charges to be imposed under a reorganisation scheme shall be charged on the moneys held by or payable to the Cotton Board for the purposes of that scheme, and shall be repayable (together with any interest thereon) out of those moneys and not otherwise.

(5) The Cotton Board shall keep separate accounts in such form as the Board of Trade may require with respect to their functions under this Act, and shall deal separately with those functions in their annual report and statement of accounts under section seven of the Industrial Organisation and Development Act, 1947; and the Board of Trade may require those accounts and the statement so far as it relates to them to be separately audited and certified by persons who shall be nominated by and shall report to the Board of Trade.

(6) Anything which before the passing of this Act has been done by or on behalf of the independent members of the Cotton Board or any of them in or with a view to the preparation of a reorganisation scheme, and in particular any consultation undertaken in that behalf with any such bodies as are referred to in subsection (1) of section one of this Act, shall be as effective for the purposes of this Act as if it had been done after the commencement of this Act and the members in question had been acting as members of the committee provided for by this section; and this subsection shall apply in relation to any person designated by the Board of Trade for appointment under subsection (1) of this section as an independent member of the Cotton Board as it applies in relation to such a member.

(7) When it appears to the Board of Trade that the committee provided for by this section has no remaining functions to discharge, or that its remaining functions can properly be discharged by the Cotton Board otherwise than through that committee, the Board of Trade may by order made by statutory instrument direct that subsection (1) of this section shall cease to apply:

Provided that no such order shall be made unless a draft of it has been laid before Parliament and approved by resolution of each House.

General provisions.

4.—(1) There shall be defrayed out of moneys provided by Parliament any expenses of the Board of Trade in making the payments provided for by sections one and two of this Act, and any administrative expenses incurred by them for the purposes of this Act.

(2) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

(3) Where an offence which has been committed by a body corporate, being either—

- (a) an offence under section two or section five of the Cotton Spinning (Re-equipment Subsidy) Act, 1948, as applied by section two of this Act; or
- (b) an offence under any development council order committed by making a false statement in connection with an application for such a compensation payment as is provided for by subsection (1) of section one of this Act;

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, 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.

Short title and extent.

5.—(1) This Act may be cited as the Cotton Industry Act, 1959.

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

CHAPTER 49

An Act to confirm and give effect to a vesting deed and trust instrument relating to the Chevening Estate and other property, and for purposes connected therewith.

[9th July, 1959]

WHEREAS by a vesting deed (in this Act referred to as “ the vesting deed ”) dated the twelfth day of May nineteen hundred and fifty-nine and made between The Right Honourable James Richard Earl Stanhope (in this Act referred to as “ the Settlor ”) of the one part and Coutts and Company of the other part the freehold property therein described (consisting of Chevening House in the County of Kent and certain lands held therewith) was declared to be vested in the Settlor in fee simple upon the trusts declared in a trust instrument of even date therewith:

And whereas by the trust instrument set out in the Schedule to this Act (in this Act referred to as “ the trust instrument ”), being the trust instrument referred to in the vesting deed, the said freehold property and the chattels, investments, moneys and other property therein mentioned were declared to be settled upon the trusts and subject to the powers and provisions set out in that instrument:

And whereas it is expedient that the vesting deed and the trust instrument (in so far as they would otherwise not have had effect) should have effect by the authority of Parliament:

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

1.—(1) The vesting deed and the trust instrument are hereby confirmed, and shall have effect, and be deemed to have had effect as from the execution thereof, notwithstanding any rule of law or equity which apart from this subsection would have affected their validity:

Confirmation
of vesting
deed and trust
instrument.

Provided that this subsection shall not affect any right or interest in respect of any of the property comprised in the vesting deed or the trust instrument, being a right or interest to which a person other than the Settlor was entitled immediately before the execution of the vesting deed.

15 & 16 Geo. 5.
c. 18. (2) The vesting deed shall be taken to comply with the requirements of section five of the Settled Land Act, 1925 (which relates to the contents of vesting deeds) notwithstanding that it does not contain all the statements and particulars mentioned in that section.

(3) Notwithstanding anything in subsection (1) of section one hundred and six or subsection (2) of section one hundred and eight of the Settled Land Act, 1925 (which relate respectively to provisions for limiting the exercise of powers conferred by that Act and to cases of conflict between the provisions of a settlement and the provisions of that Act), in so far as the trust instrument provides for the application of any provisions of, or powers conferred by, that Act, those provisions or powers shall apply subject to any modifications or restrictions specified in relation thereto in the trust instrument.

15 & 16 Geo. 5.
c. 23. (4) Section twenty-two of the Administration of Estates Act, 1925 (which relates to the appointment of special executors in respect of settled land) shall apply in relation to the trust instrument subject to the provisions of that instrument relating to that section.

(5) It is hereby declared that this Act is the Act referred to in the trust instrument as the intended Act of Parliament confirming that instrument.

Provisions as
to income tax,
estate duty
and stamp
duty.

2.—(1) Subject to the following provisions of this section, exemption shall be granted—

- (a) from income tax chargeable under Schedule A or Schedule B in respect of any land which is for the time being held upon the trusts of the trust instrument, being either land which a person is for the time being permitted to occupy, use or enjoy in accordance with the trusts of the trust instrument or land which is for the time being occupied by the Bank or the administrative trustees in their capacity as trustees under the trust instrument ;
- (b) from income tax chargeable under Schedule A, or, by virtue of section one hundred and seventy-seven or section one hundred and eighty-two of the Income Tax Act, 1952, under Schedule D, in respect of the rents and profits of any land which is for the time being held upon the trusts of the trust instrument ;
- (c) from income tax chargeable under Schedule C in respect of any interest, annuities, dividends or shares of annuities, or under Schedule D in respect of any yearly interest or other annual payment, which constitutes income arising from and subject to those trusts.

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

(2) None of the exemptions granted by the preceding subsection shall have effect in respect of any income tax which (apart from that subsection) would be chargeable for any year of assessment, in so far as that tax would be so chargeable—

- (a) in respect of a period during which the life interest of the Settlor under the trust instrument continues to subsist, whether that interest for the time being remains vested in the Settlor or not, or
- (b) in respect of any period after all the trusts declared by the trust instrument (except the trust contained therein in favour of the National Trust) have failed or determined.

(3) The exemption granted by paragraph (a) of subsection (1) of this section shall not extend to tax in respect of any rent payable or other annual payment to be made by the Bank or the administrative trustees in respect of any land for the time being held upon the trusts of the trust instrument.

(4) Notwithstanding anything in paragraph (b) of subsection (1) of this section, any assessment upon any property falling within that paragraph shall not be vacated or altered but shall be in force and levied notwithstanding the allowance of any such exemption as is mentioned in that paragraph.

(5) For the purposes of the enactments relating to estate duty, the property passing, or deemed to pass, on the death of the Settlor shall be taken not to include any property which, immediately before the death of the Settlor, is property held upon the trusts of the trust instrument:

Provided that this subsection shall not apply to any chattels which, immediately before the death of the Settlor, are held upon the trusts of the trust instrument but are given or bequeathed by him in pursuance of Clause 18 of that instrument.

(6) For the purposes of the said enactments, the property passing, or deemed to pass, on the death of the Settlor shall also be taken not to include any property which by his will is given or directed to be held upon the trusts of the trust instrument, except—

- (a) any property which is so given or directed to be held subject to one or more prior interests, other than annuities;
- (b) any property which is appropriated for the payment (whether by way of purchase or otherwise) of one or more annuities given by the will of the Settlor;
- (c) if by the will of the Settlor any property is charged with, or given conditionally upon, the payment of one or more annuities, and no property is so appropriated for the payment of those annuities, the property so charged or given.

(7) For the purposes of the said enactments—

- (a) any property which by the will of the Settlor is given or directed to be held as mentioned in paragraph (a) of the last preceding subsection shall not be taken to be or to form part of property passing, or deemed to pass, on the death of any person entitled to any such prior interest as is therein mentioned, if on the cesser of that prior interest the property is directed to be held in possession upon the trusts of the trust instrument ;
- (b) property which is appropriated for the payment of one or more annuities given by the will of the Settlor, but which (subject thereto) is directed to be held upon the trusts of the trust instrument, shall not be taken to be or to form part of property passing, or deemed to pass, on the death of any of the annuitants ;

and no property which is for the time being held upon the trusts of the trust instrument shall be taken to be or to form part of property passing, or deemed to pass, on the death of any person other than the Settlor, by reason only that it is property which, before that person's death, he was permitted to occupy, use or enjoy in accordance with those trusts.

(8) No stamp duty shall be payable, or be deemed to have been payable,—

- (a) on the vesting deed or the trust instrument, or
- (b) on any instrument executed by the Settlor for the purpose of vesting in the Bank any investments or other property to be held upon the trusts of the trust instrument, or
- (c) on any instrument which, after the death of the Settlor, is executed in favour of the Bank or the administrative trustees, being an instrument in respect of which stamp duty, if payable, would be payable out of moneys held upon the trusts of the trust instrument ;

and any stamp duty paid on any instrument, whether before or after the passing of this Act, if by virtue of this subsection no stamp duty should have been charged thereon, shall be repaid.

(9) In this section any reference to permission to occupy, use or enjoy any property in accordance with the trusts of the trust instrument is a reference to permission to occupy, use or enjoy that property as a person nominated in that behalf in accordance with those trusts, or as a person holding office as an ambassador, High Commissioner or other diplomatic representative as mentioned in the trust instrument.

(10) In this section "the Bank", the administrative trustees" and "the National Trust" have the same meanings respectively as in the trust instrument, and any reference to the will of the Settlor includes a reference to any codicil to that will.

3. This Act may be cited as the Chevening Estate Act, 1959. Short title.

SCHEDULE

THE TRUST INSTRUMENT

THIS TRUST INSTRUMENT is made the twelfth day of May One thousand nine hundred and fifty-nine BETWEEN THE RIGHT HONOURABLE JAMES RICHARD EARL STANHOPE K.G., P.C., D.S.O., M.C. of the one part and COUTTS & COMPANY of 440 Strand in the County of London of the other part

WHEREAS :—

(1) The said Earl Stanhope is desirous of settling the Chevening Estate together with the contents of Chevening House and other chattels upon the trusts hereinafter set forth and accordingly by a Vesting Deed bearing even date with but executed contemporaneously with this Trust Instrument and made between the same parties and in the same order as these presents the Chevening Estate was vested in the said Earl Stanhope upon the trusts declared concerning the same by a Trust Instrument of even date being this Trust Instrument

(2) The said Earl Stanhope is further desirous of creating a trust fund for maintaining the Chevening Estate

(3) It is apprehended that the trusts hereinafter declared in respect of the said Estate and of the said trust fund and the said contents and chattels will infringe certain rules of law and certain statutory provisions unless these presents are confirmed and made valid by an Act of Parliament and it is intended that a Bill shall be introduced into Parliament for the confirmation of these presents accordingly

NOW THIS DEED WITNESSETH as follows :—

1. INTERPRETATION.

1. In this Deed the following expressions shall have the following respective meanings that is to say :—

- (a) "The Settlor" shall mean the said Earl Stanhope
- (b) "The Bank" shall mean the said Coutts & Company or (if the said Coutts & Company shall ever be dissolved or shall desire to be discharged from its trusteeship hereof) such person being either a corporate body or the Public Trustee as may from time to time be nominated to be a trustee hereof in place of the said Coutts & Company (or of any trustee appointed in its place) by the Relevant Person who shall have full power to revoke any such nomination and make a fresh nomination
- (c) "The Administrative Trustees" shall mean a body of trustees consisting of the following persons namely :—
 - (i) The person who is for the time being the Lord Privy Seal

(ii) Two persons appointed by the Prime Minister one of whom shall always be a person experienced in estate management and forestry

(iii) A person appointed by the Minister of Works for the time being

(iv) The Director for the time being of the Victoria & Albert Museum in London

and such other person or persons as they may from time to time elect to act with them

- (d) "The Chevening Estate" shall mean all the lands tenements and hereditaments (including Chevening House) described in the First Schedule hereto
- (e) "Chevening House" shall mean the mansion house known as Chevening House in the County of Kent
- (f) "The Specified Land" shall mean all that part of the Chevening Estate which is described in the Second Schedule hereto
- (g) "The Chevening Trust Fund" shall mean and include (i) the investments to be transferred by the Settlor pursuant to the covenant contained in Clause 3 hereof (ii) all capital monies arising under any power hereby or by law conferred (including without prejudice to the generality of the foregoing powers conferred by the Settled Land Act 1925) (iii) any other investments cash or property which may from time to time be given bequeathed devised conveyed or transferred to the Bank by or at the direction of the Settlor or any other person to be held upon the trusts for the time being applicable to the Chevening Trust Fund and accepted by the Bank with the concurrence of the Administrative Trustees upon those trusts and (iv) the property for the time being representing all such investments capital monies cash or property as aforesaid
- (h) "The Contents" shall mean all the furniture pictures tapestry books manuscripts china relics objects of art silver linen motor cars carriages garden forestry and farm implements and machinery and all other chattels (not being money or securities for money or wines liquors consumable stores or clothing) which at the date of these presents are the property of the Settlor and are in or about or normally kept in or about Chevening House or on the Chevening Estate
- (i) "The Vesting Deed" shall mean the said Vesting Deed of even date herewith
- (j) "The Nominated Person" shall mean such person (including the Prime Minister) as may from time to time be nominated (in writing) by the Prime Minister to be the Nominated Person for the purposes of these presents Provided Always :—

(I) No person may be nominated as aforesaid unless such person is at the time when such person is so nominated either (i) the Prime Minister or (ii) a Minister who is a member of the Cabinet or (iii) the widow or a lineal

descendant of His late Majesty King George the Sixth or the spouse widow or widower of such a descendant

(II) The Prime Minister shall have full power from time to time to revoke any such nomination (whether made by him or any predecessor of his) and to make a new nomination

(III) If the Nominated Person (being a person who at the date when he became the Nominated Person was either the Prime Minister or such a Minister as aforesaid) subsequently ceases to be the Prime Minister or such a Minister as aforesaid as the case may be he shall (without prejudice to the generality of the power of revocation hereinbefore conferred upon the Prime Minister) cease to be the Nominated Person as from the date when he ceases to be the Prime Minister or such a Minister as aforesaid as the case may be and as if his nomination had been revoked by the Prime Minister on the last mentioned date

- (k) (i) "The Prime Minister" shall mean the Prime Minister for the time being of the United Kingdom
- (ii) "The Lord Privy Seal" "the Minister of Works" and "the Director of the Victoria and Albert Museum in London" respectively shall mean the respective officials in the United Kingdom now commonly known as "the Lord Privy Seal" "the Minister of Works" and "Director of the Victoria and Albert Museum, London" notwithstanding that their titles and functions may from time to time be changed
- (iii) "Minister" shall mean any Minister for the time being of Her Majesty's Government in the United Kingdom
- (iv) "The Leader of the Opposition" shall mean the Leader of Her Majesty's Opposition in the United Kingdom for the time being.
- (l) "The Canadian High Commissioner" shall mean the High Commissioner or Ambassador or other the chief diplomatic representative of Canada in London for the time being
- (m) "The United States Ambassador" shall mean the Ambassador or other the chief diplomatic representative of the United States of America in London for the time being
- (n) "The National Trust" shall mean The National Trust for Places of Historic Interest or Natural Beauty at present of 42 Queen Anne's Gate in the County of London
- (o) "The Act" shall mean the said intended Act of Parliament confirming these presents
- (p) "The Relevant Person" shall (so long as the trusts declared by Clause 4 (i) hereof are subsisting) mean the Settlor and shall (after the determination of the trusts declared by Clause 4 (i) hereof and so long as the Trusts declared by Clause 4 (ii) hereof are subsisting) mean the Administrative Trustees and shall (after the determination of the trusts declared by Clause 4 (i) and (ii) hereof and so long as any of the trusts declared by Clauses 5 and 6 hereof are subsisting) mean the Bank

II. ASSIGNMENT OF THE CONTENTS

2. The Settlor hereby declares that he will henceforth stand possessed of the Contents upon trust to deliver the same to the Bank to be held by the Bank upon the Trusts hereinafter declared concerning the same.

III. COVENANT BY THE SETTLOR TO TRANSFER INVESTMENTS

3. The Settlor for himself and his personal representatives hereby covenants with the Bank that he will within six calendar months from the date hereof transfer to the Bank investments which at the date of these presents are of the value of not less than Two hundred and fifty thousand pounds For the purposes of this Clause a written Statement by Messrs. R. Raphael and Sons of 10 Throgmorton Avenue in the City of London as to the value of any investment at the date hereof may be accepted by the Bank as conclusive evidence of such value at the date hereof.

IV. TRUSTS OF THE CHEVENING ESTATE AND OF THE CONTENTS

4. The Settlor shall stand possessed of the Chevening Estate and (until the same are delivered to the Bank) of the Contents and the Bank shall stand possessed of the Contents (as and when the same are delivered to the Bank) upon the trusts in this and the next three following Clauses set forth that is to say:—

- (i) Upon trust to permit the Settlor to occupy use and enjoy the same during his lifetime and subject thereto
- (ii) Upon trust to permit the Nominated Person to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as the Nominated Person may in his absolute discretion think fit

5. If at any time after the determination of the trusts declared by Clause 4 (i) hereof either (a) there shall have been no Nominated Person during a continuous period of six years (such period beginning at a date after the determination of the said trusts declared by Clause 4 (i) hereof) or (b) during any continuous period of six years (such period beginning as aforesaid) no Nominated Person shall have occupied Chevening House or (c) the Prime Minister and the Leader of the Opposition notify the Administrative Trustees in writing that they desire to determine the trusts declared by Clause 4 (ii) hereof then and in any such event the trusts and provisions of Clause 4 (ii) hereof shall absolutely determine and the Chevening Estate and the Contents shall be held upon trust to permit the Canadian High Commissioner to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as he may think fit.

6. If at any time after the Canadian High Commissioner has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 5 hereof either (a) during any continuous period of twelve calendar months (such period beginning at a date after the Canadian High Commissioner has become entitled as aforesaid) no Canadian High Commissioner shall have occupied Chevening House or (b) the Canadian High Commissioner notifies the

Bank in writing that the Government of Canada desires to determine the trusts herein declared in favour of the Canadian High Commissioner then and in any such event the trusts declared by Clause 5 hereof in favour of the Canadian High Commissioner shall absolutely determine and the Chevening Estate and the Contents shall be held upon trust to permit the United States Ambassador to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as the United States Ambassador may think fit

7. If at any time after the United States Ambassador has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 6 hereof either (a) during a continuous period of twelve calendar months (such period beginning at a date after the United States Ambassador has become entitled as aforesaid) no United States Ambassador has occupied Chevening House or (b) the United States Ambassador notifies the Bank in writing that the Government of the United States of America desires to determine the trusts herein declared in favour of the United States Ambassador then and in any such event the trusts declared by Clause 6 hereof in favour of the United States Ambassador shall absolutely determine and the Chevening Estate and the Contents and the Chevening Trust Fund shall be held upon trust for the National Trust absolutely

8. The net rents and profits of the Chevening Estate shall (notwithstanding anything hereinbefore contained) be deemed to form part of the income of the Chevening Trust Fund and shall be held upon trust accordingly

V. ADMINISTRATIVE PROVISIONS RELATING TO THE CHEVENING ESTATE AND THE CONTENTS

9. For the purposes of Section 29 of the Settled Land Act 1925 the trusts declared by Clause 4 (ii) and Clauses 5 and 6 hereof shall be deemed to be public trusts and the powers referred to in sub-section (1) of that section shall (after the determination of the trusts declared by Clause 4 (i) hereof) be exercisable in relation to the Chevening Estate by the Administrative Trustees so long as the trusts declared by Clause 4 (ii) hereof are subsisting and thereafter by the Bank.

10. Notwithstanding anything in these presents or in the Settled Land Act 1925 contained any land for the time being subject to any of the trusts of Clauses 4 5 or 6 hereof shall after the determination of the trusts declared by Clause 4 (i) hereof be vested at all times in the Bank but so that the Bank shall deal with and dispose of such land in accordance with the directions from time to time of the trustees for the time being hereof for the purposes of the Settled Land Act 1925

11. Any statement in writing by the Bank to the effect that any contract deed act or thing signed executed or done by the Bank is signed executed or done in pursuance of the trusts powers and provisions contained in these presents shall in favour of any purchaser mortgagee lessee or other person dealing with the Bank be conclusive evidence of that fact.

12. Notwithstanding anything herein or in the Settled Land Act 1925 contained the powers to sell lease or exchange land and the power to raise money on the security of land

- (a) shall not apply to the Specified Land or to Chevening House and
- (b) shall not (after the determination of the trusts declared by Clause 4 (i) hereof and so long as the trusts declared by Clause 4 (ii) are subsisting) be exercised in respect of any other part of the Chevening Estate unless the transaction has previously been approved by the person who (on the date of the contract of sale or other contract in question) is the Prime Minister.

13. The Relevant Person shall have full power (without prejudice to any other power hereby or by law conferred) to cut and sell any timber on the Chevening Estate but so that the whole of the net proceeds of sale of such timber shall be treated as part of the capital of the Chevening Trust Fund.

14. The Relevant Person may (in addition to all other powers hereby or by law conferred upon the Relevant Person) manage and superintend the management of the Chevening Estate in all respects and with all the powers in that behalf of an absolute owner

15. The purposes for which money may be raised by mortgage of the Chevening Estate or any part thereof shall (in addition to the purposes authorised by section seventy-one of the Settled Land Act 1925) include :—

- (i) the payment of any compensation from time to time payable in respect of any part of the Chevening Estate under the Agricultural Holdings Act 1948 and
- (ii) any improvements or works to any part of the Chevening Estate which in the opinion of the Relevant Person are for the benefit of the Chevening Estate.

16. The Bank shall at the direction of the Relevant Person or if the Relevant Person is the Bank then the Bank at its discretion may sell any of the Contents and where any of the Contents are sold the net proceeds of sale may be dealt with either as part of the capital or income of the Chevening Trust Fund or may be invested in the purchase of other chattels of the same or any other nature which when purchased shall be held by the Bank upon and subject to the same trusts and powers as the chattels sold.

17. An inventory of the Contents shall be taken by the Bank as soon as practicable after the passing of the Act and shall from time to time be revised and shall be signed on behalf of the Bank and by the Settlor (during his lifetime) and the cost of making and revising the inventory and of the preservation and insurance of the Contents shall be paid out of the capital or income of Chevening Trust Fund as the Relevant Person thinks fit. The Bank shall arrange for such insurances and valuations of the Contents as the Relevant Person may from time to time direct (or if the Relevant Person is the Bank such insurance and valuations of the Contents as the Bank may from time to time think fit) but neither the Bank nor the Administrative Trustees shall be bound to see to the custody or preservation thereof or to interfere in any way in relation thereto (other than to have such inventory made and signed as aforesaid) and shall not be responsible for any omission neglect or default of the person entitled to the use or enjoyment thereof but shall nevertheless be at liberty

at any time to interfere for the protection of the Contents or any of the Contents.

18. Notwithstanding anything in this Deed contained the Settlor may during his lifetime or by Will or Codicil give or bequeath to any person any one or more of the chattels forming part of the Contents provided that no such chattel is at the date of such disposition of the value of more than Two hundred pounds.

19. The Relevant Person may employ such persons for such purposes and on such terms as to remuneration or otherwise as the Relevant Person shall from time to time think fit.

VI. TRUSTS OF THE CHEVENING TRUST FUND

20. The Bank shall pay the income of the Chevening Trust Fund to the Settlor during his life.

21. Subject as aforesaid the Bank shall pay and apply the income of the Chevening Trust Fund for such one or more of the following purposes and in such manner as the Relevant Person may from time to time direct (or if the Bank is the Relevant Person as the Bank may think fit) that is to say :—

- (i) In payment of the acceptance annual and other fees payable to the Bank under Clause 35 hereof and of rates and other necessary outgoings and expenses
- (ii) In payment of the board and remuneration of any persons employed in any capacity pursuant to the powers conferred by Clause 19 hereof
- (iii) In the upkeep repair maintenance and insurance of Chevening House and other buildings and the gardens pleasure grounds and other lands comprised in the Chevening Estate
- (iv) In the maintenance insurance valuation renovation and repair of the Contents or any part thereof and the purchase where deemed necessary of new or additional furnishings for Chevening House
- (v) In payment of any expenses of the Administrative Trustees
- (vi) In payment to the Nominated Person of such sums in respect of expenses incurred by him in connection with his occupation of Chevening House (not being more than One hundred pounds for any one month) as the Relevant Person shall from time to time think fit
- (vii) In any other manner authorised by law for the application of the income of trust property
- (viii) If from time to time there is any income of the Chevening Trust Fund which in the opinion of the Relevant Person is not required to meet the payments hereinbefore in this paragraph mentioned or to be set aside for making future payments thereunder the Relevant Person shall direct that income to be added to the capital of the Chevening Trust Fund and it shall be paid to the Bank and held as part of that fund accordingly.

VII. ADMINISTRATIVE PROVISIONS RELATING TO THE
CHEVENING TRUST FUND

22. All money and other property which constitutes or represents capital money arising under the powers hereby conferred (including powers conferred by the Settled Land Act 1925 in so far as they apply for the purposes hereof) shall be paid or transferred to the Bank and shall be held by the Bank as part of the Chevening Trust Fund.

23. The provisions of the Settled Land Act 1925 relating to capital money arising under that Act shall apply to all money and other property comprised in the Chevening Trust Fund subject to the last preceding Clause and to the following modifications namely :—

- (a) Subsection (1) of section seventy-three of that Act shall apply as if the following paragraph were substituted for paragraph (i) of that subsection and so that in the following paragraph the expression “the Relevant Person” shall have the same meaning as elsewhere in these presents :—

“(i) In the purchase of or at interest upon such stocks funds shares securities or other investments of whatsoever nature and wheresoever situate and whether involving liability or not as the Relevant Person shall in his absolute discretion think fit and so that the Relevant Person shall have the same full and unrestricted powers of investing and transposing investments of trust monies in all respects as if the Relevant Person were absolutely entitled to the Fund beneficially”.

- (b) Any such money or property may (in addition to any other authorised mode of investment or application) be applied (i) in or towards the payment of the costs of any improvements or works to any part of the Chevening Estate which in the opinion of the Relevant Person are for the benefit of the Chevening Estate or (ii) in or towards the payment of any compensation from time to time payable in respect of any part of the Chevening Estate under the Agricultural Holdings Act 1948
- (c) Any power to apply any such money or property in payment for improvements authorised by the Settled Land Act 1925 or in the making of any payment as for an improvement so authorised shall be exercisable as the Relevant Person thinks fit and section eighty-four of the Settled Land Act 1925 shall not apply for the purposes hereof.
- (d) The application of any such money or property shall be at the direction of the Relevant Person (or if the Bank is the Relevant Person at the discretion of the Bank) and the Bank shall out of the Chevening Trust Fund pay to the Relevant Person or to such person as the Relevant Person may direct any sum which the Relevant Person may direct to be so paid for any purpose for which money or property comprised in the Fund is applicable hereunder
- (e) Subject to the preceding paragraphs the Chevening Trust Fund shall be under the control of the Bank.

VIII. PROVISIONS AS TO APPOINTMENT OF THE ADMINISTRATIVE TRUSTEES

24. (i) Any person appointed an Administrative Trustee hereof by a person holding office as Prime Minister or Minister of Works shall continue to hold that appointment (whether the person who appointed him continues to hold the relevant office or not) until he resigns or dies or his appointment is terminated by the person for the time being holding the relevant office (whichever first occurs).
- (ii) The appointment or the termination of the appointment of any person under the foregoing provisions hereof by a person holding office as Prime Minister or as Minister of Works shall be made by an instrument in writing signed by the Prime Minister or the Minister of Works as the case may be and the resignation of any person appointed under the foregoing provisions hereof shall be effected by an instrument in writing signed by that person.

IX. PROCEEDINGS OF THE ADMINISTRATIVE TRUSTEES

25. The Administrative Trustees may act notwithstanding a vacancy among their members.
26. The person who is for the time being the Lord Privy Seal shall be the chairman of the Administrative Trustees but if he is absent from any meeting of the Administrative Trustees such of the Trustees as are present at the meeting may choose one of their number to be their Chairman for the purposes of that meeting.
27. (a) Any of the powers of the Administrative Trustees may be exercised at a duly convened meeting of the trustees at which three or more of the trustees are present notwithstanding that one or more of the trustees are not present at the meeting or that the decision to exercise the power is taken by those present and voting or a majority of them and that one or more of the Administrative Trustees do not concur therein
- (b) The Administrative Trustees may reach decisions by correspondence provided that all the Administrative Trustees for the time being give their written consent to any such decision.
28. Subject to the provisions of these presents the Administrative Trustees may regulate their own procedure.
29. The Administrative Trustees may from time to time employ any agent and in particular may from time to time appoint and dismiss a secretary whose duty it shall be to keep records of all meetings to issue notices by the direction of the Chairman or acting Chairman and generally to superintend the details of administration and to act as agent of the Administrative Trustees

X. TRUSTEES FOR THE PURPOSE OF THE SETTLED LAND ACT 1925

30. (a) During the subsistence of the trusts declared by Clause 4 (i) hereof the trustee hereof for the purposes of the Settled Land Act 1925 shall be the Bank

(b) After the determination of the trusts declared by Clause 4 (i) hereof the trustees hereof for the purposes of the Settled Land Act 1925 shall (so long as the trusts declared by Clause 4 (ii) hereof are subsisting) be the Administrative Trustees

(c) After the determination of the trusts declared by Clause 4 (i) and (ii) hereof the trustee hereof for the purposes of the Settled Land Act 1925 shall (so long as any of the trusts declared by Clauses 5 and 6 hereof are subsisting) be the Bank

(d) For the purposes of section 22 of the Administration of Estates Act 1925 the Bank shall (notwithstanding anything herein contained) be deemed to be the trustee hereof at the death of the Settlor

XI. GENERAL PROVISIONS

31. The name of Chevening House shall not be altered.

32. In the exercise of any power of sale leasing exchange and raising money in relation to land comprised in the Chevening Estate (other than Chevening House and the Specified Land) and of any powers under Clauses 13 and 16 hereof and generally in the exercise of powers of management (including powers of felling timber) the Relevant Person shall have regard to the need for preserving the enjoyment of Chevening House and its gardens and park as a suitable country residence for the persons mentioned in Clauses 4 5 and 6 hereof and in particular shall refrain from making any avoidable change in the distinctive features and character of Chevening House and its gardens

33. For the purposes of the application of any provisions of the Settled Land Act 1925 in accordance with any of the preceding Clauses hereof (including the application of any such provisions by virtue of Section 29 of that Act in accordance with Clause 9 hereof) any reference in those provisions to the settlement shall be construed as a reference to these presents and any reference to the settled land shall be construed as a reference to the Chevening Estate

34. Every discretion vested in any persons hereunder shall be absolute and uncontrolled and every power vested in them shall be exercisable at their absolute and uncontrolled discretion and they shall have the like discretion in deciding whether or not to exercise any such power

35. The Bank shall be entitled to charge and be paid out of the Chevening Trust Fund such remuneration for its services as a trustee hereof as is hereinafter specified that is to say:—

(i) During the subsistence of the trusts declared by Clause 4 (i) hereof such remuneration as may from time to time be agreed between the Settlor and the Bank

(ii) After the determination of the trusts declared by Clause 4 (i) hereof and so long as any of the trusts declared by Clauses 4 5 and 6 hereof are subsisting such remuneration as may from time to time be agreed between the Bank and the Lords Commissioners for the time being of H.M. Treasury.

36. Any Trustee for the time being hereunder being a Solicitor or other individual engaged in any profession or business shall be entitled to charge and be paid all usual professional or other charges for business done and time spent and services rendered by him or his firm in the execution of the trusts and powers hereof whether

in the ordinary course of his profession or business or not and although not of a nature requiring the employment of a Solicitor or other professional person

37. In the construction of these presents any reference to any enactment shall (except so far as the context otherwise requires) be construed as a reference to that enactment as amended by or under any other enactment

38. Any reference herein to the Chevening Estate shall (notwithstanding the definition of the expression in Clause 1 hereof) be construed as a reference to such lands tenements and hereditaments as are for the time being subject to any of the trusts of Clauses 4 5 6 and 7 hereof or any of such Clauses

39. Notwithstanding anything herein contained the Settlor shall have the right of burial in the Stanhope Family Burial Ground in the Churchyard of Chevening aforesaid

40. These presents are conditional upon the Act being passed and receiving Her Majesty's assent within one year of the date hereof and if the Act shall not have been passed and received such assent within such period or within such further period as the Settlor or his personal representatives shall in writing consent to these presents and everything herein contained shall be void and of no effect.

IN WITNESS whereof the Settlor has hereunto set his hand and seal and the Bank has caused its Common Seal to be hereunto affixed the day and year first above written

THE FIRST SCHEDULE

The lands tenements and hereditaments situate at Chevening and elsewhere in the county of Kent and delineated on the plans marked "A", "B" and "C" annexed hereto and thereon coloured red

THE SECOND SCHEDULE

The lands tenements and hereditaments situate at Chevening aforesaid and delineated on the plan marked "D" annexed hereto and thereon coloured blue

SIGNED SEALED AND DELIVERED by the above named THE RIGHT HONOURABLE JAMES RICHARD EARL STANHOPE K.G., P.C., D.S.O., M.C., in the presence of:—	}	Stanhope	L.S.
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Nigel Warrington Smyth,
 3/5, Wardrobe Place,
 Doctors' Commons, E.C.4
 Solicitor

THE COMMON SEAL of COUTTS & COM- PANY was hereunto affixed in the presence of:—	}	SEAL.
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D. B. Money-Coutts
 Director

R. A. Robertson

A Principal Officer

CHAPTER 50

Pensions (Increase) Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Increase of pensions specified in Schedule.
2. Increase of certain pensions affected by further service.
3. Powers with respect to increase of other pensions and modification of Act in certain cases.
4. Additional provisions as to certain police and fire service pensions.
5. Supplementary provisions.
6. Financial provisions.
7. Interpretation.
8. Short title and extent.

SCHEDULE—Pensions which may be increased under section one.

An Act to provide for increases of certain pensions.
[9th July, 1959]

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

Increase of pensions specified in Schedule.

1.—(1) Subject to the provisions of this Act, the annual rate of any pension specified in the Schedule to this Act which began not later than the first day of April, nineteen hundred and fifty-seven, may, in respect of any period beginning on or after the appointed day, be increased by the pension authority by an amount equal to the following percentage of the adjusted rate of that pension, that is to say—

- (a) if the pension began not later than the first day of April, nineteen hundred and fifty-two, twelve per cent. ;
- (b) if the pension began after the last-mentioned date but not later than the first day of April, nineteen hundred and fifty-three, ten per cent. ;
- (c) if the pension began after the last-mentioned date but not later than the first day of April, nineteen hundred and fifty-four, eight per cent. ;
- (d) if the pension began after the last-mentioned date but not later than the first day of April, nineteen hundred and fifty-five, six per cent. ;
- (e) if the pension began after the last-mentioned date but not later than the first day of April, nineteen hundred and fifty-six, four per cent. ;
- (f) if the pension began after the last-mentioned date, two per cent.

In this subsection, the expression "adjusted rate", in relation to any pension, means the aggregate annual rate of that pension after any relevant increase thereof apart from this subsection, any fraction of a pound in that aggregate being treated as a whole pound.

(2) A pension payable in respect of the pensioner's own services shall not be increased under this section unless the pensioner—

- (a) has attained the age of sixty years ; or
- (b) has retired on account of physical or mental infirmity from the office or employment in respect of which, or on retirement from which, the pension is payable ; or
- (c) is a woman who has at least one dependant,

or the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.

(3) A pension payable in respect of the services of any person other than the pensioner, not being the deceased husband of the pensioner, shall not be increased under this section unless the pensioner—

- (a) has attained the age of sixty years ; or
- (b) has not attained the age of sixteen years ; or
- (c) is receiving full-time instruction at an educational establishment ; or
- (d) is undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years ; or
- (e) is a woman who has at least one dependant,

or the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.

(4) A pension payable in respect of the services of the deceased husband of the pensioner shall not be increased under this section unless the pensioner—

- (a) has attained the age of forty years ; or
- (b) has at least one dependant,

or the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.

(5) In the three last foregoing subsections, the expression "dependant", in relation to a pensioner, means a person who the pension authority are satisfied is wholly or mainly supported by the pensioner and who either has not attained the age of sixteen years or is receiving such instruction as is mentioned in paragraph (c), or undergoing training as mentioned in paragraph (d), of subsection (3) of this section :

Provided that where in the case of any pension a relevant increase thereof is for the time being payable by reason of some person being deemed to be a dependant of the pensioner by virtue of subsection (3) of section one of the Pensions (Increase) Act, 1956, that person shall also be deemed to be a dependant of the pensioner for the purposes of this section.

(6) For the purposes of this section, a pensioner shall be deemed to be disabled by physical or mental infirmity if he is permanently incapacitated by such infirmity from engaging in any regular full-time employment.

Increase of certain pensions affected by further service.

2.—(1) Where a person has, after being in receipt of a pension specified in the Schedule to this Act, rendered further service by virtue of which the basic rate of that pension has fallen (or if that service had been terminated by retirement would have fallen) to be reassessed, then, if in the case of—

(a) that pension ; or

(b) any other pension the basic rate of which was computed by reference to (or to what, if the said service had been terminated by retirement, would have been) the basic rate of the first-mentioned pension, not being such an other pension granted in consideration of the surrender of part of the first-mentioned pension,

the aggregate of the basic rate of the pension in question and any relevant increases thereof falls short of what that aggregate would have been if the said service had not been rendered, the pension in question may be further increased by the pension authority by the amount of the difference.

(2) The foregoing subsection shall have effect in relation to any period beginning on or after the appointed day, and in relation to any such period section six of the Pensions (Increase) Act, 1956, is hereby repealed.

Powers with respect to increase of other pensions and modification of Act in certain cases.

3.—(1) Her Majesty may by Order in Council direct that, in relation to any pension specified in the Order, being a pension which is payable under any enactment by a local authority, whether out of superannuation funds or otherwise, but which is not specified in Part II of the Schedule to this Act, this Act shall have effect as if that pension were specified in the said Part II ; and any such Order—

(a) may include such incidental, consequential and supplemental provisions as appear to Her Majesty to be expedient ;

(b) may in particular make provision for securing that the cost of increasing any pension to which the Order relates is borne by the appropriate local authority; and

(c) may be varied or revoked by a further Order in Council under this subsection.

(2) Where, in the case of any pension which is specified in the Schedule to this Act or with respect to which an Order in Council under the foregoing subsection is for the time being in force, an appropriate authority is satisfied that it is proper so

to do, that authority, or, where that authority is not the Treasury, that authority with the consent of the Treasury, may by regulations direct that subsection (1) of section one of this Act shall apply in relation to that pension subject to such modifications, adaptations and exceptions as may be specified in the regulations.

In this subsection the expression “appropriate authority” means the Treasury, the Lord Chancellor, a Secretary of State, the Minister of Housing and Local Government, the Minister of Education, the Minister of Pensions and National Insurance or the Minister of Health.

(3) The Treasury may make regulations—

- (a) for conferring on persons employed in the civil service of the State who are subject to a superannuation scheme operated under the Federated Superannuation System for Universities or to any other scheme approved by the Treasury for the purposes of this paragraph, or on any class of such persons, benefits appearing to the Treasury to correspond as nearly as may be with the benefits conferred by sections one and two of this Act on persons whose superannuation benefits are regulated under the Superannuation Acts;
- (b) empowering any person specified in the regulations to pay increases of pensions payable by that person, or in respect of pensions payable by some other person wholly or partly by reference to service with the first-mentioned person, not exceeding the increases which would be payable if those pensions were specified in the Schedule to this Act;
- (c) directing that, subject to such modifications, adaptations and exceptions as may be specified in the regulations—
 - (i) this Act shall apply in relation to any pension specified in Part I or Part II of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955, as if it were specified in Part I of the Schedule to this Act;
 - (ii) the Pensions (Increase) Acts, 1920 and 1924, shall apply in relation to any pension specified in Part I of the said Second Schedule as if it had been granted under one of the enactments specified in subsection (2) of section one of the Pensions (Increase) Act, 1920;
 - (iii) the Pensions (Increase) Acts, 1944 and 1947, shall apply in relation to any pension specified in Part II of the said Second Schedule as if it were specified in Part I of the First Schedule to the Pensions (Increase) Act, 1944.

(4) Any Order in Council or regulations under this section may provide for any increases authorised thereby to take effect as from such date, whether before or after the making of the Order or regulations, as may be specified therein, not being earlier than the appointed day.

(5) No recommendation to make an Order under subsection (1) of this section shall be made to Her Majesty in Council unless a draft of the Order has been laid before, and approved by a resolution of, each House of Parliament; and any power to make regulations conferred by this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Additional provisions as to certain police and fire service pensions.

4.—(1) Any regulations made within one year after the passing of this Act—

- (a) under section one of the Police Pensions Act, 1948, or section eleven of the Police (Scotland) Act, 1956, or by Order in Council under the Special Constables Act, 1914, with respect to pensions payable to widows or children of the persons in respect of whom those pensions are granted, being pensions granted otherwise than in consideration of the surrender of part of another pension; or
- (b) by order under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied or extended by any subsequent enactment,

for granting increases of any pensions to which those regulations apply may be made so as to take effect from such date, whether before or after the making of the regulations, as may be specified therein, not being earlier than the appointed day.

(2) Where a pension—

- (a) under any scheme brought into operation before the passing of this Act under section twenty-six of the Fire Services Act, 1947; or
- (b) specified in paragraph 4 of Part II of the Schedule to this Act, other than a pension under a scheme under the said section twenty-six; or
- (c) specified in paragraph 5 of the said Part II,

has been granted at the higher of two different rates, the pensioner shall be entitled in respect of any period beginning on or after the appointed day to a pension at the higher of those rates after taking into account any relevant increase, and any increase under section two of this Act, of each respectively of those rates.

5.—(1) For the purposes of this Act, a pension shall be deemed to begin on the day hereinafter specified, whether or not the pension accrues from that day, that is to say— Supplementary provisions.

- (a) where the amount of the pension (not being a pension computed under paragraph (b) of subsection (2) of section thirty-six of the Superannuation Act, 1949) is computed by reference to emoluments received during any period of service, or would be so computed apart from any provision specifying a fixed sum as the minimum rate of the pension, on the day following the last day of that service ;
- (b) where the pension is granted under any enactment in consideration of the surrender of part of another pension, on the day from which the surrender takes effect or the day on which that other pension began, whichever is the earlier ;
- (c) in any other case, on the day following the last day of the service in respect of which the pension is payable.

(2) Where any pension specified in Part II of the Schedule to this Act may be increased under the provisions of section one or section two of this Act, it shall be the duty of the pension authority to increase the pension in accordance with those provisions :

Provided that nothing in this subsection shall prevent a pension authority making such reduction in the amount of any increase payable under the said provisions to a pensioner as may be necessary to secure, where the pensioner is in receipt of a non-contributory pension under the Old Age Pensions Act, 1936, that he shall receive the greatest possible amount in respect of the increase and the non-contributory pension taken together.

(3) In calculating the amount of any pension for the purposes of a relevant increase thereof under any other Act, any increase of that pension under section one or section two of this Act shall be disregarded ; and, in ascertaining the rate of any pension granted to any person by reference to the rate of some other person's pension, no account shall be taken of any increase of that other person's pension under the said section one or section two.

(4) The Treasury may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, provide that, in relation to any class of pensions specified in the regulations, all or any of the functions of the pension authority under this Act shall be performed on behalf of the pension authority by such other authority as may be so specified.

(5) Subject to the provisions of this Act and of any Order in Council under section three thereof, any provision made by or under any enactment shall, in so far as it relates to the

apportionment of the cost of a pension between two or more authorities, or to the manner in which a pension is to be paid, or to the proof of title to sums payable on account of a pension, or in so far as it prohibits or restricts the assignment or charging of a pension or its application towards the payment of debts, have effect in relation to any increase of the pension under this Act as it has effect in relation to the pension; but save as aforesaid any such increase shall not be treated as part of the pension for the purposes of any such provision as aforesaid.

(6) In the case of a pension specified in paragraph 7 of Part II of the Schedule to this Act, any provisions of the relevant Order in Council under section four of the Pensions (Increase) Act, 1944, as to the manner in which the cost of any relevant increase to which the Order relates is to be borne shall apply in relation to any increase of the pension under this Act, and the provisions of this Act shall have effect subject to any such provisions of the Order.

Financial provisions.

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

- (a) any expenditure incurred by a government department under or by virtue of this Act;
- (b) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Where any pension specified in paragraph 1, 2 or 4 or, subject to subsection (6) of section five of this Act, in paragraph 7 of Part II of the Schedule to this Act is increased under this Act, the cost of the increase shall be defrayed by the pension authority, but, where the pension authority are not the last employing authority, the last employing authority shall reimburse the cost of the increase to the pension authority.

For the purposes of this subsection, the expression “the last employing authority” means, in relation to any pension, the local authority to whom the latest services in respect of which the pension is payable were rendered, so, however, that where the functions in connection with which those latest services were rendered have been transferred to some other local authority, the said expression shall mean the local authority by whom those functions are for the time being exercisable; and any question as to who are the last employing authority for the said purposes shall, in default of agreement, be determined by the Minister of Housing and Local Government or, in Scotland, by the Secretary of State.

(3) Nothing in this section shall affect the operation, in relation to any increase under or by virtue of this Act, of the provisions of section fourteen of the Police Act, 1890, and section ten of the Police Pensions Act, 1921, as to the payment of pensions partly out of the Police Fund and partly out of moneys provided by Parliament.

7.—(1) In this Act, the expression “pension” means any **Interpretation.** pension payable by way of periodical payments, and includes—

- (a) any allowance or other benefit payable (either in respect of the services of the recipient or in respect of the services of any other person) by virtue of any superannuation scheme, whether contained in any enactment or otherwise, including any superannuation scheme providing benefits in the case of injury or death; and
- (b) any compensation payable in respect of retirement from any office or employment in pursuance of the provisions of any enactment, any compensation payable in respect of the loss, abolition or relinquishment of any office or employment occasioned by any alteration in the organisation of any department or service or by any transfer or other re-organisation of the functions of local authorities, and any compensation payable in respect of any diminution in the emoluments of any office or employment which has been occasioned as aforesaid,

but does not include any gratuity and does not include any sum payable otherwise than by way of periodical payments; and accordingly the provisions of this Act shall not have effect with respect to any pension which has been commuted or, where part but not the whole of a pension has been commuted, with respect to that part thereof.

(2) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

- “the appointed day” means the earliest day after the passing of this Act which is the first day of a calendar month;
- “basic rate”, in relation to any pension, means the annual rate of that pension apart from any increase thereof, being a relevant increase or an increase under section two of this Act;
- “enactment” includes any enactment in a local Act and any provisional order confirmed by Parliament;
- “local authority” has the meaning assigned by section forty of the Local Government Superannuation Act, 1937, or, in Scotland, by section thirty-four of the Local Government Superannuation (Scotland) Act, 1937;

“pension authority” means, in relation to any pension, the authority by whom the pension is payable ;

“relevant increase” means an increase by virtue of, or by reference to increases under, any of the following enactments, that is to say, the Pensions (Increase) Acts, 1920 and 1924, the Pensions (Increase) Acts, 1944 and 1947, the Pensions (Increase) Act, 1952, the Pensions (Increase) Act, 1954, section one of the Pensions (Increase) Act, 1956, and section one of this Act ;

“Superannuation Acts” means the Superannuation Acts, 1834 to 1950, and the Superannuation Act, 1957.

(3) Unless the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

Short title
and extent

8.—(1) This Act may be cited as the Pensions (Increase) Act, 1959.

(2) Except for the purpose of the increase of pensions payable under the Eighth Schedule to the Government of Ireland Act, 1920, or payable under or by virtue of any other Act extending to Northern Ireland out of the Consolidated Fund of the United Kingdom or out of moneys provided by the Parliament of the United Kingdom, this Act shall not extend to Northern Ireland.

SCHEDULE

Sections 1, 2, 3,
4, 5, 6.

PENSIONS WHICH MAY BE INCREASED UNDER SECTION ONE

PART I

Pensions payable by government departments

1. A pension payable under the Superannuation Acts.
2. A pension payable under the Eighth Schedule to the Government of Ireland Act, 1920.
3. A pension payable under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912.
4. A pension not specified in paragraph 2 of Part II of this Schedule which is payable under the Teachers (Superannuation) Acts, 1918 to 1956, excluding so much, if any, thereof as would not have been payable apart from an election under subsection (1) of section ten of the Teachers (Superannuation) Act, 1956.
5. A pension payable under the Education (Scotland) Acts, 1939 to 1956, other than an additional pension granted under Regulation 45 of the Teachers (Superannuation) (Scotland) Regulations, 1957.
6. A pension payable under the enactments relating to the pensions of the Royal Irish Constabulary, other than a pension payable under regulations made under section one of the Royal Irish Constabulary (Widows' Pensions) Act, 1954.

SCH.
—cont.

7. A pension payable by a Secretary of State under the Police (Overseas Service) Act, 1945, or the Police Pensions Act, 1948, to a person who at the time of his retirement was engaged as mentioned in subsection (1) of section one of the said Act of 1945, or granted in consideration of the surrender of part of such a pension.

8. A pension payable by a Secretary of State in accordance with any scheme in force under section twenty-six of the Fire Services Act, 1947.

9. A pension payable under section twenty-nine of the Finance Act, 1932, section sixty of the Finance (No. 2) Act, 1945, or section sixty-two of the Finance Act, 1946.

10. A pension payable by the Minister of Health under section six of the National Health Service Act, 1946, or in pursuance of regulations made under section sixty-seven or section sixty-eight of that Act.

11. A pension payable by the Secretary of State under section six of the National Health Service (Scotland) Act, 1947, or in pursuance of regulations made under section sixty-six or section sixty-seven of that Act.

12. A pension not specified in paragraph 1 of this Part of this Schedule which is payable by the Minister of Pensions and National Insurance in pursuance of regulations made under section sixty-seven of the National Insurance Act, 1946, or of rules made under section three of the Superannuation (Miscellaneous Provisions) Act, 1948.

13. A pension payable under rule 7 or rule 10 of the National Insurance and Civil Service (Superannuation) Rules, 1948.

14. A pension payable under the Governors' Pensions Act, 1957.

15. A pension payable under Part I of the Administration of Justice (Pensions) Act, 1950, out of the Consolidated Fund of the United Kingdom or out of moneys provided by Parliament.

16. A pension payable under section nine of the County Courts Act, 1934.

17. A pension payable under section twenty of the Sheriff Courts (Scotland) Act, 1907.

18. A pension payable under the Police Magistrates (Superannuation) Acts, 1915 and 1929.

19. A pension payable under the Judges Pensions (India and Burma) Act, 1948.

20. A pension payable under subsection (3) of section one of the Scottish Land Court Act, 1938.

21. A pension payable under the Diplomatic Salaries, &c. Act, 1869.

22. A pension payable by the Postmaster-General in accordance with a scheme made under the Injuries in War (Compensation) Act, 1915.

23. A pension payable by the Minister of Housing and Local Government in pursuance of regulations made under section one hundred and forty of the Local Government Act, 1948.

24. A pension payable under subsection (1) of section thirty-four of the Courts-Martial (Appeals) Act, 1951.

SCH.
—cont.

PART II

Pensions payable by local authorities, etc.

1. A pension not specified in paragraph 4 of this Part of this Schedule which is payable by any local authority solely in respect of local government service, that is to say, service under any local authority, any service which, by virtue of section two or section three of the Local Government (Emergency Provisions) Act, 1916, subsection (3) of section twelve of the Local Government Superannuation Act, 1937, subsection (3) of section twelve of the Local Government Superannuation (Scotland) Act, 1937, or the Local Government Staffs (War Service) Act, 1939, is, for superannuation purposes, treated as service under a local authority, and any service which, by virtue of subsection (1) or subsection (2) of section one of the Local Government Superannuation Act, 1939, is to be treated as service for the purposes of either of the said Acts of 1937, any such service as aforesaid being included notwithstanding that the local authority concerned have ceased to exist.
2. A pension payable by any local authority under paragraph (b) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925.
3. A pension payable under the Police Pensions Act, 1948, under the Special Constables Act, 1914, or under any enactment repealed by the said Act of 1948, by the Police Pensions Act, 1921, or by the Police (Scotland) Act, 1956, not being a pension specified in paragraph 7 of Part I of this Schedule or a pension (other than a pension granted in consideration of the surrender of part of another pension) payable to the widow or a child of the person in respect of whom it is granted.
4. A pension payable by any local authority in respect of service as a whole-time member of a fire brigade in accordance with any scheme in force under section twenty-six of the Fire Services Act, 1947, or otherwise payable by a local authority in respect of service as a professional fireman as defined by the Fire Brigade Pensions Act, 1925, or in respect of any service which, by or under any enactment, is treated as approved service in a fire brigade.
5. A pension payable under the Police Pensions Act, 1921, to the widow or a child of a person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941, applied at the time of that person's death or retirement.
6. Any pension payable by a local authority by way of such compensation as is mentioned in paragraph (b) of subsection (1) of section seven of this Act.
7. Any pension specified in any Order in Council in force at the passing of this Act under section four of the Pensions (Increase) Act, 1944.
8. A pension payable under section six of the Coroners (Amendment) Act, 1926.
9. A pension payable under section thirty-three of the Justices of the Peace Act, 1949.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Diplomatic Salaries &c. Act, 1869	32 & 33 Vict. c. 43.
Police Act, 1890	53 & 54 Vict. c. 45.
Sheriff Courts (Scotland) Act, 1907	7 Edw. 7. c. 51.
Special Constables Act, 1914	4 & 5 Geo. 5. c. 61.
Injuries in War (Compensation) Act, 1915	5 & 6 Geo. 5. c. 24.
Police Magistrates (Superannuation) Act, 1915	5 & 6 Geo. 5. c. 74.
Local Government (Emergency Provisions) Act, 1916	6 & 7 Geo. 5. c. 12.
Pensions (Increase) Act, 1920	10 & 11 Geo. 5. c. 36.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Police Pensions Act, 1921	11 & 12 Geo. 5. c. 31.
Fire Brigade Pensions Act, 1925	15 & 16 Geo. 5. c. 47.
Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
Coroners (Amendment) Act, 1926	16 & 17 Geo. 5. c. 59.
Police Magistrates (Superannuation) Act, 1929	19 & 20 Geo. 5. c. 37.
Finance Act, 1932	22 & 23 Geo. 5. c. 25.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Old Age Pensions Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 31.
Local Government Superannuation Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 68.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 69.
Scottish Land Court Act, 1938... ..	1 & 2 Geo. 6. c. 31.
Local Government Superannuation Act, 1939	2 & 3 Geo. 6. c. 18.
Local Government Staffs (War Service) Act, 1939	2 & 3 Geo. 6. c. 94.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Finance (No. 2) Act, 1945	9 & 10 Geo. 6. c. 13.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Judges Pensions (India and Burma) Act, 1948	12, 13 & 14 Geo. 6. c. 4.
Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.
Justices of the Peace Act, 1949... ..	12, 13 & 14 Geo. 6. c. 101.
Administration of Justice (Pensions) Act, 1950	14 & 15 Geo. 6. c. 11.
Courts-Martial (Appeals) Act, 1951	14 & 15 Geo. 6. c. 46.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
Royal Irish Constabulary (Widows' Pensions) Act, 1954	2 & 3 Eliz. 2. c. 17.
Pensions (Increase) Act, 1954	2 & 3 Eliz. 2. c. 25.
Pensions (India, Pakistan and Burma) Act, 1955	3 & 4 Eliz. 2. c. 22.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2. c. 39.
Teachers (Superannuation) Act, 1956	4 & 5 Eliz. 2. c. 53.
Superannuation Act, 1957	5 & 6 Eliz. 2. c. 37.
Governors' Pensions Act, 1957... ..	5 & 6 Eliz. 2. c. 62.

CHAPTER 51*Licensing (Scotland) Act, 1959*

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An Act to consolidate certain enactments which relate to licensing in Scotland and to matters connected therewith, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [9th July, 1959]

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

LICENSING COURTS AND COURTS OF APPEAL

Constitution of licensing courts and courts of appeal

Burgh licensing courts. 1.—(1) There shall be a separate licensing court (hereafter in this Act referred to as a “burgh licensing court”) for—

- (a) each burgh being a county of a city ;
- (b) each burgh having a population of or exceeding seven thousand ; and
- (c) each burgh having a population of or exceeding four thousand but under seven thousand the magistrates of which had power, immediately before the commencement of the Licensing (Scotland) Act, 1903, to grant certificates for the sale by retail of exciseable liquor under the Licensing (Scotland) Acts, 1828 to 1897.

(2) A burgh licensing court shall consist of the magistrates of the burgh.

County licensing courts. 2.—(1) There shall be a separate licensing court (hereafter in this Act referred to as a “county licensing court”) for—

- (a) each county which is not divided into licensing districts under the next following subsection, and
- (b) each licensing district.

(2) The county council of any county may from time to time determine whether the county shall be divided into districts (in this Act referred to as “licensing districts”) for the purposes of this Act, and such a council shall, on making a determination under this subsection, forthwith notify the Secretary of State of such determination and cause notice thereof to be published in two successive weeks in one or more newspapers circulating in the county.

(3) A county licensing court shall, subject to the provisions of the next following subsection, consist of such number of members as is determined in accordance with the scale set out in

Part I of the First Schedule to this Act, of whom one half shall be justices of the peace for the county and one half county councillors for the county.

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—cont.

(4) Where any burgh, the magistrates of which had power immediately before the commencement of the Licensing (Scotland) Act, 1903, to grant certificates for the sale by retail of exciseable liquor under the Licensing (Scotland) Acts, 1828 to 1897, forms part of a county or of a licensing district for the purposes of this Part of this Act, the licensing court for such county or licensing district shall consist, in addition to the members required by the last foregoing subsection, of such number of members in respect of the said burgh, being magistrates of that burgh, as the Secretary of State may by order determine:

Provided that—

- (a) the number of members in respect of such a burgh shall as nearly as may be bear the same proportion to the number of members required by the last foregoing subsection as the population of that burgh bears to the population of the county or licensing district concerned, excluding every such burgh;
- (b) the number of members in respect of any such burgh shall not exceed the number of magistrates of that burgh;
- (c) there shall be at least one member in respect of each such burgh.

3.—(1) For the purpose of hearing appeals from licensing Courts of courts and applications for the confirmation of new certificates **appeal.** under this Act there shall be courts (in this Act referred to as “courts of appeal”) constituted as hereafter in this section provided.

(2) The court of appeal from the licensing court for a burgh being a county of a city shall be a separate court consisting of the members of the burgh licensing court and an equal number of justices of the peace for the county of a city.

(3) The court of appeal from the licensing court for a burgh having a population of or exceeding twenty thousand, not being a county of a city, shall be a separate court consisting of the members of the burgh licensing court and an equal number of justices of the peace for the county within which the burgh is situated.

(4) There shall be a separate court in each county which shall be the court of appeal from the licensing courts for all burghs situated within the county which have a population of or exceeding seven thousand but under twenty thousand, and such court of appeal shall consist as to one half of magistrates

PART I
—cont.

of the said burghs and as to one half of justices of the peace for the county, and shall be constituted in accordance with the provisions of Part II of the First Schedule to this Act.

(5) There shall be a separate court in each county which shall be the court of appeal from—

- (a) the licensing court for the county or, where the county is divided into licensing districts, the licensing courts for all such districts, and
- (b) the licensing courts for all burghs situated within the county which have a separate licensing court, other than such burghs as are referred to in any of the last three foregoing subsections ;

and such court of appeal shall consist as to one half of justices of the peace for the county and as to one half of county councillors for the county, and shall be so constituted that it contains three more justices and three more county councillors than the licensing court for the county or for the most populous licensing district within the county, as the case may be.

Election and term of office of members of licensing courts and courts of appeal

Election and term of office of members of county licensing courts and courts of appeal who are justices of the peace or county councillors.

4.—(1) The members of a county licensing court or of a court of appeal, being justices of the peace or county councillors, holding office at the commencement of this Act shall hold office until the day of the first meeting of the county council held after the election of county councillors in the year nineteen hundred and sixty-one, when they shall retire and their successors be elected, and thereafter the term of office of members of a county licensing court or of a court of appeal, being justices of the peace or county councillors, shall be from the day of their election as hereinafter provided until the day of the first meeting of the county council held after the election of county councillors in the third year thereafter.

(2) The members of such a court being justices of the peace shall be elected at a meeting of the justices of the peace to be held on the same day and at the same place as the first meeting of the county council or, in the case of a county of a city, the town council, held after the election of county councillors or, as the case may be, town councillors, in the year nineteen hundred and sixty-one and in every third year thereafter.

(3) The members of such a court being county councillors shall be elected at the first meeting of the county council held after the election of county councillors in the year nineteen hundred and sixty-one and in every third year thereafter.

(4) Notwithstanding any enactment providing that a member of a court appointed by a local authority shall cease to be a

member of the court on ceasing to be a member of the local authority, a member of a county licensing court or of a court of appeal who is a county councillor until the day of the election of county councillors shall continue to be a member of the court until his successor is appointed at the first meeting of the county council held after the election.

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—cont.

(5) A justice of the peace for any county who is not entered in the valuation roll for such county as a proprietor, tenant or occupier of lands and heritages shall not be entitled to vote or submit a motion or, except with leave of the meeting, to take part in a discussion in connection with an election by the justices for the county of representatives from their own number to—

- (a) the licensing court for the county or, where the county is divided into licensing districts, the licensing court for any such district, or
- (b) the court of appeal from the county licensing court or courts, or
- (c) a court of appeal from a burgh licensing court.

5.—(1) A member of a county licensing court or of a court of appeal from a burgh licensing court who holds office as such member in his capacity as magistrate of a burgh shall hold office as aforesaid so long as he remains a magistrate of the burgh.

Election and term of office of members of county licensing courts and courts of appeal who are magistrates.

(2) The members of a county licensing court being magistrates of a burgh and the members of a court of appeal from a burgh licensing court being magistrates of a burgh having a population under twenty thousand shall, where necessary, be elected by the magistrates of the burgh in each case at a meeting to be summoned by the town clerk and to be held on any day within fourteen days after the annual election of town councillors in any year in which a vacancy occurs. The provost or, in his absence, the senior bailie present shall be chairman of such meeting.

6. Any casual vacancy arising in a licensing court or a court of appeal from death, resignation, disqualification or other cause may be filled by the election of a duly qualified person at the first meeting of quarter sessions, statutory or adjourned, or of the county council following upon such vacancy, or at a special meeting of the magistrates, as the case may be, and members so elected shall in each case respectively hold office until the date of the next ordinary meeting for elections by this Act provided.

Casual vacancies in licensing courts and courts of appeal.

7. If in any case not otherwise provided for a licensing court or court of appeal is not elected at the time at which it ought to be elected, or an insufficient number of members is elected for such court, the Secretary of State shall by order provide

Procedure where licensing court or court of appeal not duly elected.

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—*cont.*

for the holding of a fresh election or fresh elections for supplying any such default or insufficiency in election at such times and in such manner as he may think expedient.

Provision regarding defective elections.

8. No election held in pursuance of this Act shall be deemed to be vitiated in consequence of any technical defect in the proceedings which has not been prejudicial to the interests of any party concerned in such election.

Disposal of unfinished business by original licensing court or court of appeal.

9. For the purposes of—

- (a) any proceeding at the general half-yearly meeting in March in any year of a licensing court ; or
- (b) any appeal from any such proceeding ; or
- (c) any application for confirmation of a new certificate granted at any such meeting,

which is not finally disposed of before the expiry in that year of the term of office of any of the members of the licensing court or court of appeal, as the case may be, the members of the licensing court or court of appeal in office at the date of the said meeting shall, notwithstanding such expiry, be deemed to constitute the licensing court or court of appeal therefrom, as the case may be.

Provisions relating to disqualification of members of licensing courts and courts of appeal

Disqualification of interested persons.

10.—(1) A person who is, or who is in partnership with any person as, a brewer, maltster, distiller, or dealer in or retailer of exciseable liquor, shall not act as a member of a licensing court or court of appeal for any purpose under this Act.

(2) A member of a licensing court or court of appeal shall not act in the granting of a certificate in respect of premises of which he is the proprietor or tenant.

(3) If any person knowingly and wilfully contravenes this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding fifty pounds.

(4) Anything done by any person in contravention of this section shall be void :

Provided that the grant of a new certificate confirmed under this Act shall not be liable to objection on the ground that the members of the licensing court or court of appeal which granted or confirmed such certificate, or any of them, were not qualified to make such grant or confirmation.

11. A justice of the peace for any county who is not entered in the valuation roll for such county as a proprietor, tenant or occupier of lands and heritages shall not be eligible as a member of—

- (a) the licensing court for the county or, where the county is divided into licensing districts, the licensing court for any such district, or
- (b) the court of appeal from the county licensing court or courts, or
- (c) a court of appeal from the licensing court of a burgh situated within the county.

12. Retiring members of a licensing court or court of appeal shall be eligible for re-election, if otherwise qualified.

13. A person shall not be disqualified for acting as a member of a licensing court in relation to any matter by reason only that, as a member of a committee constituted under section seventy-four of this Act or (before the thirtieth day of October, nineteen hundred and fifty-two) as a member of a local advisory committee constituted under section one of the Licensing Act, 1949, he was concerned with the matter in question.

14. A magistrate or a county councillor shall not be disqualified for election to or membership of a licensing court or court of appeal in that capacity because he is or becomes a justice of the peace, and a justice of the peace shall not be disqualified for such election or membership in that capacity because he is or becomes a magistrate or a county councillor.

15. Where in a burgh any magistrate is disqualified for acting as a member of a licensing court or court of appeal, and no other magistrate is available, the town council may elect a councillor of the burgh so to act in place of such magistrate while he remains a magistrate of the burgh and his disqualification continues.

16. If in any burgh having a separate licensing court there is not a sufficient number of members of such court present who are qualified to grant certificates under this Act at any time when such certificates are appointed by this Act to be granted, the county licensing court for the county or licensing district within which such burgh is situated may grant certificates for the burgh at the same time and in the same manner as they are empowered by this Act to grant certificates for the county or licensing district, as the case may be, and in such case any members of the burgh licensing court who are so qualified may act along with the county licensing court in granting such certificates.

PART I
—cont.
Disqualification of justices not entered in valuation roll.

Members of licensing courts and courts of appeal eligible for re-election.

Membership of new town committee not to disqualify member of licensing court.

Magistrate or county councillor not disqualified by reason of being justice, and vice versa.

Election of town councillor to act for disqualified magistrate.

County licensing court may grant certificates where members of burgh licensing court disqualified.

PART I
—*cont.*

Expenses of members of licensing courts and courts of appeal.

Expenses of members of licensing courts and courts of appeal

17.—(1) Part VI (except section one hundred and fourteen) of the Local Government Act, 1948 (which provides for the payment of certain allowances to members of local authorities and other bodies), shall apply with any necessary modifications to members of licensing courts and courts of appeal as if such courts were among the bodies included in subsection (1) of section one hundred and eleven as read with subsection (3) of section one hundred and eighteen of that Act.

(2) Any amounts by way of allowances payable under the foregoing subsection shall be payable by the council of the county or burgh which is liable under subsection (1) or (2) or (3) of section twenty-one of this Act to defray any necessary expenses in respect of the proceedings of any such court, and subsection (4) of that section shall apply accordingly.

Meetings of licensing courts and courts of appeal

General half-yearly meetings of licensing courts.

18.—(1) For the purpose of granting certificates under this Act, every licensing court shall in each year hold two general half-yearly meetings.

(2) A burgh licensing court shall hold their general half-yearly meetings on the second Tuesday in March and the third Tuesday in October in each year, and a county licensing court shall hold their general half-yearly meetings on the third Tuesday in March and the last Tuesday in October in each year.

(3) A licensing court may adjourn any general half-yearly meeting from time to time during the period of one month next following the first day of such meeting, but no longer.

Meetings of courts of appeal.

19.—(1) A court of appeal shall, if any appeals or applications for the confirmation of new certificates are duly lodged with such court, meet for the purpose of hearing such appeals or applications on a date not later than one month after the last day of the general half-yearly meeting of the licensing court concerned.

(2) Subject to the provisions of the foregoing subsection a court of appeal may make regulations with respect to their meetings.

Place of meeting of licensing courts and courts of appeal.

20.—(1) The meetings of a burgh licensing court shall be held in the burgh.

(2) The meetings of a county licensing court shall be held at such place as the county council may determine, and the county council shall publish by advertisement notice of the place of any such meeting.

(3) The meetings of a court of appeal from the licensing court for a burgh being a county of a city or from the licensing court for a burgh having a population of or exceeding twenty thousand, not being a county of a city, shall be held in such burgh.

(4) The meetings of every court of appeal other than those specified in the last foregoing subsection shall be held at such place or places as the county council may determine, and the county council shall publish by advertisement notice of the place of any such meeting.

21.—(1) The town council of every royal or parliamentary burgh having a separate licensing court shall provide accommodation for the meetings, and otherwise defray any necessary expenses in respect of the proceedings, of the licensing court for that burgh.

Expenses, etc., of meetings of licensing courts and courts of appeal.

(2) The county council of every county shall provide accommodation for the meetings, and otherwise defray any necessary expenses in respect of the proceedings, of—

- (a) the county licensing court or, where the county is divided into licensing districts, the county licensing court for each such district ; and
- (b) the burgh licensing court for each police burgh situated within the county and having a separate licensing court.

(3) Accommodation for the meetings of a court of appeal shall be provided, and any necessary expenses in respect of the proceedings of such a court shall be defrayed—

- (a) in the case of the court of appeal from the licensing court of a royal or parliamentary burgh having a population of or exceeding twenty thousand, by the town council of that burgh ;
- (b) in the case of the court of appeal from the licensing court of any other burgh, by the county council of the county within which that burgh is situated ;
- (c) in the case of the court of appeal from a county licensing court, by the county council of the county within which the said licensing court has jurisdiction.

(4) Every royal or parliamentary burgh which, for the purposes of this Part of this Act, forms part of a county or licensing district shall contribute to the county fund in aid of expenditure paid out of that fund in respect of the meetings and proceedings of the county licensing court for the licensing area within which such burgh is situated and the court of appeal therefrom, and every royal or parliamentary burgh having a population of or exceeding four thousand but under twenty thousand shall contribute to the county fund in aid of expenditure paid out of that fund in respect of the meetings and proceedings of the court of appeal from the burgh licensing court, but save as aforesaid no royal or parliamentary burgh shall be liable to contribute to the county fund in aid of any expenditure paid out of that fund in respect of the meetings or proceedings of a licensing court or court of appeal.

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—cont.

General half-yearly meetings of licensing courts to be held in public.

22. Every general half-yearly meeting of a licensing court shall be held in public.

Procedure of licensing courts and courts of appeal

Chairman.

23.—(1) Every licensing court and court of appeal shall elect annually one of their number to be chairman of the court, and until a chairman is elected, or if the chairman is absent from any meeting, the court shall elect one of their number present at the meeting to be chairman of that meeting.

(2) Where on the election of a chairman an equal number of votes is given for two or more persons, the meeting shall determine by lot which of those persons shall be the chairman.

Quorum.

24.—(1) One half of the members of a licensing court or court of appeal (and in no case less than two members) shall be a quorum.

(2) The chairman of a licensing court or court of appeal or, in his absence, the clerk to such court, may, if a quorum is not present for any meeting of the court, call a further meeting in place of the meeting not held.

Licensing courts and courts of appeal may act notwithstanding vacancy.

25. A licensing court or court of appeal may act notwithstanding any vacancy, if a quorum is present.

Voting.

26. Subject to the provisions of subsection (2) of section twenty-three of this Act, at any meeting of a licensing court or court of appeal the chairman shall, in a case of equality in voting, have a second or casting vote:

Provided that at a meeting of a licensing court the chairman shall not have a second or casting vote on an application for a new certificate, and such an application shall be granted by such court only by a majority of the members thereof present and voting.

Witnesses.

27.—(1) Any member of a licensing court or court of appeal may, in any proceedings under this Act, grant warrant to cite witnesses on behalf of any party interested, and any such court or any member thereof may, in any such proceedings, examine such witnesses on oath, and may do anything necessary for the proper hearing and determination of the matter.

(2) Where a witness after being duly cited to appear before a licensing court or court of appeal fails without reasonable excuse to appear at the meeting of such court fixed for his attendance, the court may, upon proof that he has been duly

cited at least twenty-four hours before such meeting, grant warrant for his apprehension and committal to prison until he appears and gives evidence before the court or until he finds security to appear and give evidence. Such a warrant shall be signed by the chairman of the meeting and counter-signed by the clerk to the court.

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—cont.

(3) If any witness after being duly cited to appear before a licensing court or court of appeal fails without reasonable excuse so to appear, or on appearing refuses to be examined on oath, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds.

(4) If any witness while under examination on oath before a licensing court or court of appeal prevaricates or wilfully conceals the truth, such court may, without any formal complaint and in a summary manner, order the person so offending to be imprisoned for a period not exceeding sixty days, or to pay a fine not exceeding five pounds, and the sentence awarding such penalty shall set out shortly the nature of the evidence and shall be signed by the chairman of the meeting and counter-signed by the clerk to the court.

(5) In this section references to a witness shall include references to a haver.

Clerk to licensing courts and courts of appeal

28.—(1) The town clerk of a burgh having a separate licensing court shall be clerk to that court.

Clerk to
licensing
courts and
courts of
appeal.

(2) The clerk of the peace for any county shall be clerk to the county licensing court or, where the county is divided into licensing districts, to the county licensing court for each such district.

(3) The clerk of the peace for any county or county of a city shall be clerk to every court of appeal having jurisdiction within the county or, as the case may be, to the court of appeal from the licensing court of the county of a city.

29.—(1) The Court of Session may, on the application of the Lord Advocate, by act of sederunt prescribe the fees payable to a sheriff clerk or town clerk for anything done under this Act, or to a clerk of the peace for anything done under this Act or otherwise; and any such act of sederunt shall have effect notwithstanding any provision of this Act or of any Act in force on the first day of January, nineteen hundred and four; and where a fee has been prescribed under this section for anything done by any such clerk, such clerk shall not demand or receive any greater or additional fee or any other reward for doing that thing.

Fees payable
to clerk.

(2) If any such clerk demands or receives any greater or additional fee or any other reward for anything done under this Act than is authorised by or under this Act, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds.

PART I
—cont.

(3) The power of the Court of Session to make acts of sederunt under this section shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt so made by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.

Clerk to licensing court, etc., not to act professionally in licensing matters.

30.—(1) The clerk to a licensing court shall not, himself or by his partner or clerk, act as solicitor to, or agent for, any person in any proceedings under this Act before the said licensing court or before the court of appeal from that licensing court.

(2) The clerk to a court of appeal shall not, himself or by his partner or clerk, act as solicitor to, or agent for, any person in any proceedings under this Act before the said court of appeal or before any licensing court from which an appeal may be taken under this Act to that court of appeal.

(3) A procurator fiscal, a prosecutor ordinarily acting in a justice of the peace court or a burgh court, or a person appointed under subsection (1) of section one hundred and ninety of this Act for the purpose of prosecuting offences under this Act, shall not, himself or by his partner or clerk, act as solicitor to, or agent for, any person in any proceedings under this Act before a licensing court or court of appeal having jurisdiction in the district for which he acts or any part thereof.

(4) If any person contravenes the provisions of this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding one hundred pounds.

Supplementary

Supplementary and local provisions.

31.—(1) For the purposes of this Part of this Act—

(a) the burgh of Banff and the burgh of Macduff shall be deemed to form one burgh of Banff and Macduff, and the magistrates of the said burghs shall be deemed to be the magistrates of the burgh so formed, and the meetings of the licensing court for such burgh shall be held in the burgh of Banff, and the town clerk of the burgh of Banff shall be clerk to such licensing court ;

(b) the burgh of Pittenweem and the burgh of Kilrenny, Anstruther Easter and Anstruther Wester shall be deemed to form one royal burgh, and the magistrates of the said burghs shall be deemed to be the magistrates

of the burgh so formed, and the meetings of the licensing court for such burgh shall, except as otherwise appointed by that court, be held in the burgh of Kilrenny, Anstruther Easter and Anstruther Wester, and the town clerk of the burgh of Kilrenny, Anstruther Easter and Anstruther Wester shall be clerk to such licensing court ;

- (c) every burgh other than those referred to in subsection (1) of section one of this Act shall be deemed to form part of the county and licensing district (if any) within which it is situated ;
- (d) the boundaries of burghs shall be held to be the boundaries thereof at the date of the census for the time being last taken.

(2) In this Part of this Act the expression “ population ” means population according to the census for the time being last taken, and—

- (a) as soon as may be after each census the Secretary of State shall make an order or orders declaring the population of each county, burgh and licensing district according to such census, and may prescribe therein the date or dates on which alterations in the licensing courts and courts of appeal consequential on any increase or decrease of population shall take effect ; and
- (b) where according to the census for the time being last taken the population of a burgh in any county has so increased or decreased as to necessitate an alteration in Part II of the First Schedule to this Act, the Secretary of State shall by order alter the said Part II so that every burgh in the county containing a population of or exceeding seven thousand and under twenty thousand, and no other burgh, shall be included therein, and so as to provide for due representation on the court of appeal of every burgh so included.

(3) Any order made under this section shall be laid before Parliament.

(4) Any question as to the county or licensing district within which a burgh is situated or of which for the purposes of this Part of this Act it is to be deemed to form part shall be determined by the Secretary of State whose decision shall be final.

PART II

THE GENERAL LICENSING SYSTEM

Grant of certificates by licensing courts

Grant of certificates by licensing courts.

32.—(1) Subject to the provisions of this Act, a licensing court may, at any general half-yearly meeting of the court, grant certificates for the sale by retail of exciseable liquor to such and so many persons as the court shall think fit.

(2) A certificate so granted by a licensing court shall be in respect of premises specified therein, being premises situated within the jurisdiction of the court, and shall be either—

- (a) a hotel certificate, that is to say, a certificate authorising the holder thereof to keep a hotel at the said premises in which exciseable liquor may, under the appropriate excise licence, be sold by retail for consumption either on or off the premises ; or
- (b) a public house certificate, that is to say, a certificate authorising the holder thereof to keep a public house at the said premises in which exciseable liquor may, under the appropriate excise licence, be sold by retail for consumption either on or off the premises ; or
- (c) an off-sale certificate, that is to say, a certificate authorising the holder thereof to keep the said premises as premises in which exciseable liquor may, under the appropriate excise licence, be sold by retail for consumption off the premises only.

(3) Subject to the provisions of this Act, a certificate so granted by a licensing court shall be in the appropriate form set out in the Second Schedule to this Act.

(4) A certificate granted otherwise than at a general half-yearly meeting of a licensing court, or otherwise than in accordance with the provisions of this Act, shall be void.

Persons to whom certificate may be granted

Persons to whom certificate may be granted.

33. A certificate shall be granted only to an individual person not under twenty-one.

Procedure in applications for certificates

Application for certificate.

34.—(1) An application for the grant of a certificate in respect of any premises shall be in the form set out in the Third Schedule to this Act, shall be completed and signed by the applicant or his agent, and shall be lodged with the clerk to the

licensing court within whose jurisdiction the said premises are situated not later than fourteen days before the first day of the general half-yearly meeting of the court.

PART II
—cont.

(2) Printed forms of application for the grant of a certificate shall be supplied to an applicant by the clerk to the licensing court on payment to him of the fee of one shilling and sixpence for each copy thereof.

35.—(1) The clerk to a licensing court shall, not later than ten days before the first day of the general half-yearly meeting of the court, cause to be published at least twice in one or more newspapers printed or circulating in the licensing area a list in, or as nearly as may be in, the form set out in the Fourth Schedule to this Act of all applications made to the court

Publication
of list of
applications.

- (a) for the grant of a new certificate ;
- (b) by a new tenant or occupant of licensed premises ;
- (c) for the renewal of a certificate transferred during the currency of the previous half-year.

(2) Such clerk shall also, within the said time, send by post to the registrar of every registration district within the meaning of the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, situated wholly or partly in the licensing area a copy of such part of the list made up under the foregoing subsection as is applicable to that district and—

- (a) such copy shall at all reasonable times be open to inspection by any person on payment of a fee of one shilling ; and
- (b) an officer of Customs and Excise shall be entitled to inspect such copy at all reasonable times without payment.

36.—(1) It shall be competent for any of the following persons to object to the grant or transfer of a certificate in respect of any premises by a licensing court, namely,—

Objections to
grant or
transfer of
certificate.

- (a) any person owning or occupying property situated in the neighbourhood of such premises ;
- (b) any member of the licensing court to which the application for such grant or transfer has been made ;
- (c) the procurator fiscal ;
- (d) the chief constable.

(2) Where such a person as is mentioned in paragraph (a) of the foregoing subsection desires to object to the grant or transfer of a certificate he shall, not later than five days before the first day of the general half-yearly meeting of the licensing court

PART II
—cont.

at which the application for such grant or transfer is to be heard,—

- (a) lodge with the clerk to that court a written notice of objection which shall be signed by such person or his agent and shall specify the grounds of objection, and
- (b) intimate his objection to the applicant for such grant or transfer in the manner provided by the next following subsection,

and an objection by such a person shall not be entertained by the licensing court unless it is proved or admitted that such objection was intimated to the applicant as aforesaid.

(3) An objection shall, for the purposes of paragraph (b) of the last foregoing subsection, be intimated to an applicant either—

- (a) by delivering to him a copy of the notice of objection lodged with the licensing court under paragraph (a) of that subsection; or
- (b) by sending a copy of the said notice by post in a letter addressed to him at his proper address; or
- (c) by leaving a copy of the said notice for him at his proper address;

and for the purposes of paragraphs (b) and (c) of this subsection the proper address of an applicant shall be his place of abode as specified in his application, or, in the case of an applicant for the renewal of a certificate, the premises in respect of which the application is made.

(4) Such a person as is mentioned in paragraph (b) or (c) or (d) of subsection (1) of this section may object to the grant or transfer of a certificate either orally or in writing at the general half-yearly meeting of the licensing court at which the application for such grant or transfer is before the court.

(5) The licensing court shall at their general half-yearly meeting hear any objection to the grant or transfer of a certificate duly made under this section and shall, if such objection is proved to their satisfaction and is considered by them to be of sufficient importance, refuse to grant or, as the case may be, transfer the said certificate.

(6) The licensing court, if in their opinion any objection to the renewal of a certificate is frivolous or vexatious, may find the objector liable in the expenses caused by such objection to such extent as they may think fit, or if in their opinion any such objection is unauthorised, may find the agent of the objector liable in the expenses as aforesaid; and the amount of any expenses so found due may be recovered in the sheriff or justices of the peace small debt court having jurisdiction, and a certified copy of the finding of the licensing court shall be sufficient evidence and authority for decerning for the said amount with expenses.

37.—(1) A licensing court shall not, at their general half-yearly meeting, hear the cases of new applicants until all the other cases have been disposed of :

Provided that where more than one application for a certificate has been made in respect of any premises, the licensing court may hear and consider such applications together.

PART II
—*cont.*
Consideration of applications at general half-yearly meeting of licensing court.

(2) A licensing court shall not at any adjournment of a general half-yearly meeting alter anything which was done on any previous day of that meeting in granting or refusing to grant a certificate.

(3) Where an applicant for the grant of a certificate—

- (a) has through inadvertence or misadventure failed to comply with any of the preliminary requirements of this Act ; or
- (b) having duly lodged his application, has died before the meeting of the licensing court at which such application was to have been heard ;

the court may, if they think fit, and upon such terms as they think proper, postpone the consideration of the application to an adjourned meeting, and at such adjourned meeting they may, if they are satisfied that those terms have been complied with, proceed to grant the certificate to the applicant or, as the case may be, to his executors, representatives or disponees (being possessed of the premises in respect of which the application has been made), as if the preliminary requirements of this Act had been complied with.

38. The clerk to each licensing court shall keep a register of applications for certificates in the form set out in the Fourth Schedule to this Act and shall, at the end of each day's meeting of the licensing court, enter in such register a deliverance in the form set out in the said Schedule specifying how the applications considered at that meeting were disposed of, and such deliverance shall thereupon be signed by the chairman of the meeting.

39.—(1) The clerk to a licensing court shall make out and deliver a certificate in the appropriate form to every person to whom a certificate is granted by such court.

(2) If the clerk to any licensing court knowingly and wilfully—

- (a) issues or delivers a certificate contrary to a deliverance entered in the register kept by him under the last foregoing section ; or

PART II
—*cont.*

- (b) issues or delivers a certificate to any person not authorised to receive the same by the licensing court ; or
- (c) inserts any untrue date in a certificate issued by him ;
or
- (d) refuses to deliver a certificate to any person authorised by the licensing court to receive the same ;

he shall be guilty of an offence and if convicted thereof during the period for which the certificate in question appears to have been granted or ought to have been granted, or within six months after the expiry of such period, shall be liable to a fine not exceeding twenty pounds.

(3) The clerk to a licensing court shall, when lawfully required, make out a duplicate of any certificate issued by him under this section and shall certify such duplicate to be a true copy of the original certificate, and any such duplicate, duly certified as aforesaid, shall be sufficient evidence of the facts therein contained and of the terms of the original certificate.

(4) On making out a duplicate certificate under the last foregoing subsection the clerk to a burgh licensing court shall be entitled to a fee of three shillings and threepence and the clerk to a county licensing court shall be entitled to a fee of three shillings.

List of
certificate
holders to be
sent to
Customs and
Excise.

40.—(1) The clerk to each licensing court shall, within eight days after the expiry of the period during which the general half-yearly meeting of the court may be adjourned by virtue of subsection (3) of section eighteen of this Act, send to the Collector of Customs and Excise for any collection which, or any part of which, is situated in the licensing area a list of the persons who have obtained certificates at the said meeting, being certificates in respect of premises situated in the said collection, and such list shall be in the same form as the register kept by the clerk under section thirty-eight of this Act, shall be completed in accordance with all deliverances entered in such register in pursuance of the said section thirty-eight, and shall be signed by the said clerk.

(2) Such clerk shall, on delivery of the said list, be entitled to receive from the Collector of Customs and Excise a fee of eight shillings or, if the list contains more than twenty-five names, of eight shillings plus threepence additional for each name beyond twenty-five.

(3) If any such clerk contravenes this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds.

Proceedings under this subsection shall be taken only with the authority of the Commissioners of Customs and Excise.

PART II
—cont.

41. A licensing court may, at any general half-yearly meeting of the court held in March, cause to be compiled a list of the persons to whom, and the premises in respect of which, certificates have been granted at that meeting, and the said list shall be in such form as the court may direct and shall be printed for the use of the court and of others concerned in the execution of this Act, and the expense of compiling and printing the list shall, in the case of a royal or parliamentary burgh having a separate licensing court, be paid out of the burgh fund and in any other case be paid out of the county fund.

List of certificate holders may be compiled for licensing court, etc.

Special provisions relating to grant of new certificates

42. An applicant for a new certificate, being a hotel certificate or a public house certificate, shall, along with his application, lodge with the clerk to the licensing court a plan of the premises in respect of which the application is made.

Applicant for new hotel or public house certificate to lodge plan of premises.

43. An application for a new certificate shall not be entertained by a licensing court unless there is produced to such court—

Applicant for new certificate to produce report on premises and certificate of character.

(a) a report signed by a duly qualified member of the court stating that the premises in respect of which the application is made are of suitable construction and accommodation for the purpose for which the certificate is sought; and

(b) a certificate as to the applicant's character and qualification signed by a duly qualified member of the court; and such report and certificate shall be in, or as nearly as may be in, the appropriate form set out in the Third Schedule to this Act.

44. Except as provided in subsection (2) of section seventy-seven of this Act, the grant of a new certificate by a licensing court shall not be valid unless it is confirmed by the court of appeal from that licensing court.

Confirmation of new certificate required.

Special provisions relating to renewal of certificates

45.—(1) An application for the renewal of a certificate made by a new applicant or by an applicant to whom such certificate has been transferred during the currency of the previous half-year shall not be entertained by a licensing court unless there is produced to such court a certificate as to the applicant's character and qualification in, or as nearly as may be in, the appropriate form set out in the Third Schedule to this Act, and signed by a duly qualified member of the court.

Certificate of character to be produced by certain applicants for renewal of certificate.

PART II
—*cont.*

(2) Save as provided in the foregoing subsection, and subject to the powers of a licensing court under this Act in dealing with an application for the renewal of a certificate, an applicant for such a renewal shall not be required to produce to the licensing court any certificate of character and qualification.

Attendance at
licensing court
of applicant
for renewal of
certificate.

46.—(1) It shall not be necessary for an applicant for the renewal of a certificate to attend the meeting of the licensing court at which his application is to be considered unless he is cited by the court to attend such meeting.

(2) A licensing court shall not refuse an application for the renewal of a certificate without hearing the applicant in open court:

Provided that the court may refuse such an application without so hearing the applicant if the applicant, having been cited by the court to attend the meeting at which his application is to be considered, fails to attend such meeting.

Transfer of certificates

Transfer of
certificates.

47.—(1) A licensing court may, on an application being made to them in that behalf at the general half-yearly meeting of the court held in October, transfer to a new tenant or occupant of any licensed premises the certificate then subsisting in respect of those premises.

(2) Any two or more members of a licensing court may, on an application being made to them in that behalf by—

- (a) the executors, representatives or donees of any person who held a certificate in respect of premises situated within the jurisdiction of the court and who has died before the expiry of such certificate ; or
- (b) the trustee, judicial factor or curator bonis of any person holding such a certificate who has become bankrupt, insolvent or incapable before the expiry of the certificate ;

if they are satisfied that the applicant is a fit person to hold a certificate and if the applicant is in possession of the said premises, transfer such certificate to the applicant.

(3) A certificate transferred under the last foregoing subsection shall require to be renewed by the licensing court at their general half-yearly meeting next following such transfer, and if not so renewed shall cease to have effect on the expiry of the twenty-seventh day of May or, as the case may be, the twenty-seventh day of November next following such transfer.

(4) Where a certificate is transferred under this section to any person, the clerk to the licensing court shall, on payment to him of a fee of ten shillings, endorse on such certificate a notice of transfer in the form set out in the Fourth Schedule to this Act.

(5) A certificate transferred under this section to any person shall, within such period as may be specified in the notice of transfer endorsed thereon in pursuance of the last foregoing subsection, be presented by that person for entry at such office of Customs and Excise as may be so specified, and if not so presented shall cease to have effect on the expiry of the said period.

(6) Any certificate transferred under this section shall be held subject to the conditions on which it was originally granted.

48. An application for the transfer of a certificate under subsection (1) of the last foregoing section shall not be entertained by a licensing court unless there is produced to such court a certificate as to the applicant's character and qualification in, or as nearly as may be in, the appropriate form set out in the Third Schedule to this Act and signed by a duly qualified member of the court.

Certificate of character to be produced by certain applicants for transfer of certificate.

Appeals and confirmation of new certificates

49.—(1) It shall be competent for any of the following persons, if he is dissatisfied with anything done by a licensing court in disposing of an application for the grant or transfer of a certificate in respect of any premises, to appeal to the court of appeal from such licensing court, that is to say,—

Appeals from licensing court to court of appeal.

- (a) the owner or occupier of the said premises ;
- (b) the owner or occupier of property situated in the neighbourhood of those premises, if such owner or occupier appeared before the licensing court and objected to the grant or transfer of such certificate ;
- (c) any member of the licensing court :

Provided that notwithstanding anything contained in this or any other enactment it shall not be competent to appeal against any proceeding of a licensing court in refusing an application for a new certificate, but any such proceeding and refusal shall be final.

(2) Any person who desires to appeal under this section against anything done by a licensing court shall—

- (a) lodge his appeal with the clerk to the court of appeal within ten days after the proceeding appealed against ;
- (b) if he is such an owner or occupier as is mentioned in paragraph (a) or (b) of the foregoing subsection, find caution to abide the appeal and the expenses thereof ; and

PART II
—*cont.*

(c) if he is such an owner or occupier as is mentioned in the said paragraph (a), intimate the appeal to every person who objected before the licensing court to the grant or transfer of the said certificate, or, if he is such an owner or occupier as is mentioned in the said paragraph (b), intimate the appeal to the owner and to the occupier of the premises in respect of which the application was made, and in either case intimate the appeal to the licensing court against whose proceeding he is appealing.

(3) A court of appeal may, in any appeal under this section, make such award of expenses as they think proper, or may make no award of expenses.

Procedure in application for confirmation of new certificate.

50.—(1) An application for confirmation of the grant of a new certificate shall be in, or as nearly as may be in, the form set out in the Fifth Schedule to this Act and shall be lodged, together with such certificate, with the clerk to the court of appeal within ten days after the grant of the certificate.

(2) It shall be competent for any of the following persons to appear before a court of appeal and oppose the confirmation by such court of the grant of a new certificate, namely,—

- (a) any person who appeared before the licensing court and objected to the grant of the said certificate; and
- (b) the procurator fiscal for the public interest.

(3) A court of appeal may award expenses to or against any party to proceedings for confirmation of the grant of a new certificate, other than the procurator fiscal for the public interest, as they think just.

(4) Where the grant of a new certificate has been confirmed by a court of appeal, the clerk to that court shall endorse on such certificate a notice of confirmation in, or as nearly as may be in, the form set out in the Fifth Schedule to this Act.

Court of appeal may inspect premises.

51. On any appeal under section forty-nine of this Act, or on any application for confirmation of the grant of a new certificate under the last foregoing section, a court of appeal may, by themselves or any one or more of their number, inspect the premises to which such appeal or application relates and review the report on those premises made to the licensing court under paragraph (a) of section forty-three of this Act.

Consideration of business by court of appeal.

52.—(1) A court of appeal may make regulations with respect to the transaction of business at meetings of such court.

(2) If at any meeting of a court of appeal more than one application for a certificate in respect of any premises is before the court by way of appeal or otherwise the court may hear and consider those applications together.

PART II
—cont.

53. All appeals and applications for confirmation of the grant of a new certificate lodged with a court of appeal, and all deliverances of such a court, shall be entered in the register kept under section thirty-eight of this Act by the clerk to the licensing court concerned, and where the clerk to the court of appeal is not clerk to such licensing court he shall, for the purpose of such entry, forthwith intimate all such appeals, applications and deliverances to the clerk to the said licensing court.

Deliverances of court of appeal to be entered in register.

Miscellaneous provisions relating to certificates

54.—(1) A licensing court may, on an application in that behalf made to them by any person interested in premises about to be constructed or in course of construction for use as a hotel or a public house, make a provisional grant of a hotel or a public house certificate in respect of those premises if they are satisfied—

Provisional grant of certificate.

- (a) that the premises will be of suitable construction and accommodation for use as a hotel or, as the case may be, a public house, and
- (b) that, if the premises had been completed in accordance with the plan thereof lodged with the court in pursuance of section forty-two of this Act, they would on application have granted such a certificate in respect thereof.

(2) The provisional grant of a certificate in respect of any premises by a licensing court shall not be valid unless it is confirmed by the court of appeal from that licensing court, and such court of appeal may confirm the said grant if they are satisfied that the premises will be of suitable construction and accommodation for use as a hotel or, as the case may be, a public house, and that they would on application have confirmed the grant if it had not been provisional.

(3) A certificate of which a provisional grant has been made and confirmed as aforesaid shall not come into force until such grant is declared final by the licensing court at a general half-yearly meeting of the court, and the court shall, on being so requested at such a meeting, declare the grant final if they are satisfied—

- (a) that the premises in respect of which the grant was made have been completed in accordance with the plan thereof lodged with the court as aforesaid, and
- (b) that the person to whom the grant was made is not disqualified by or under this or any other enactment for holding a certificate and is in all other respects a fit and proper person to hold a certificate.

PART II
—cont.

(4) A licensing court shall not entertain a request to declare the provisional grant of a certificate final unless the person to whom the grant was made has given to the court such notice of his intention to make the request as may be prescribed by the court at a general half-yearly meeting thereof.

(5) Subject to the foregoing provisions of this section, applications for the provisional grant and confirmation of a certificate shall be subject to the same conditions as to the giving of notice and generally as to procedure as applications for the grant and confirmation of a new certificate.

Grant of
provisional
certificate.

55. A licensing court may grant a provisional certificate to the holder of any certificate to enable him to carry on business in temporary premises during the reconstruction of his premises.

Power of
licensing
court to grant
certificate in
form other
than that
applied for.

56. A licensing court may, if they think it inexpedient to grant to an applicant a certificate in the form applied for, grant him a certificate in any other of the forms set out in the Second Schedule to this Act.

Exciseable
liquor which
may be sold
under
certificate.

57. A certificate granted under this Act by a licensing court shall authorise the holder thereof to sell by retail under the appropriate excise licence spirits, wine, porter, ale, beer, cider, perry and any other exciseable liquor :

Provided that the licensing court may when granting a certificate restrict the exciseable liquor which may be sold thereunder to wine, porter, ale, beer, cider and perry, or to porter, ale, beer, cider and perry, as they think fit.

Currency of
certificate.

58.—(1) A certificate granted under this Act by a licensing court shall have effect—

- (a) if granted at the general half-yearly meeting of the court held in March in any year, for the period of twelve months beginning with the twenty-eighth day of May in that year ;
- (b) if granted at the general half-yearly meeting of the court held in October in any year, for the period beginning with the twenty-eighth day of November in that year and ending with the twenty-seventh day of May in the following year.

(2) The provisions of the foregoing subsection shall have effect subject to the provisions of subsections (3) and (5) of section forty-seven, subsection (4) of section eighty-nine and subsection (4) of section ninety-seven of this Act and to any forfeiture or avoidance of the certificate.

59.—(1) Subject to the provisions of the following subsection, a certificate granted under this Act in respect of a hotel or a public house shall not authorise the holder thereof to obtain an excise licence for the sale by retail of exciseable liquor, or to sell exciseable liquor by retail, in premises other than those for which such certificate was granted.

PART II
—*cont.*
Hotel or public house certificate valid only for premises in respect of which it is granted; sale of exciseable liquor at fairs.

(2) The holder of a hotel certificate or a public house certificate may, at a time when a lawful fair is being held in the same parish as the premises for which such certificate is held or in a parish immediately adjacent thereto, sell exciseable liquor by retail in houses, booths or other places within the limits of the ground, town or place on or in which such fair is being held.

Special permission for opening of hotels, etc.

60.—(1) Any person holding a hotel certificate or a public house certificate in respect of any premises, and holding also a retailer's on-licence in respect of those premises, may, if it is intended that any public or special entertainment shall take place in the said premises or in any other premises or place, apply for a special permission to any two members of the licensing court within whose jurisdiction the premises or place in which the entertainment is to take place are situated.

Special permission for opening of hotels, etc.

(2) Members of a licensing court shall not entertain an application for a special permission unless they are satisfied that the applicant has served on the chief constable not less than forty-eight hours' notice of his intention to apply for such permission and has specified in such notice his name and address, the premises or place and occasion for which the special permission is required, the period for which the permission is to be in force, the hours to be specified therein and the members of the licensing court to whom he intends to make his application.

(3) Any two members of a licensing court to whom an application for a special permission is made under this section may, if—

(a) they are satisfied—

(i) that the premises or place in which the entertainment is to take place possess the necessary accommodation, and

PART II
—*cont.*

(ii) that the entertainment is for a public or special occasion of a legitimate and proper character and does not originate directly or indirectly with the applicant, and

(b) in a case where the application relates to any premises or place other than premises in respect of which the applicant holds a certificate and a retailer's on-licence, they are also of opinion that the grant of the special permission is expedient for the convenience and accommodation of the public,

and if they otherwise think fit, grant the special permission applied for.

(4) A special permission shall be in writing.

(5) Subject to the following provisions of this section, a special permission granted under this section to any person shall authorise the sale by that person, for the purpose of the public or special entertainment in question, of any exciseable liquor to which his certificate and retailer's on-licence extend in such premises or place, during such period, and between such hours, as may be specified in the permission.

(6) A special permission shall not authorise the sale of exciseable liquor on any Sunday.

(7) A special permission shall have effect subject to—

- (a) such special conditions as the two members of the licensing court who granted it may appoint ; and
- (b) such general regulations relating to special permissions as the licensing court may prescribe at any general half-yearly meeting of the court held in March.

(8) Any person to whom a special permission is granted under this section shall lodge such permission with the chief constable not less than twenty-four hours before the beginning of the entertainment in question, and the chief constable shall furnish such person with a certified copy of the permission, and that person shall show the said copy to any constable who asks to see it.

(9) A person to whom a special permission is granted under this section shall, if the permission relates to any premises or place other than the premises in respect of which he holds a retailer's on-licence, obtain an occasional licence under section

one hundred and fifty-one of the Customs and Excise Act, 1952, before he sells any exciseable liquor under the permission in the first-mentioned premises or place, and in the said section one hundred and fifty-one the expression “appropriate consent” shall be construed as referring to a special permission granted under this section.

(10) Sections one hundred and forty-four and one hundred and forty-six of this Act shall apply to a person holding an occasional licence as they apply to the holder of a certificate, and to the premises or place where exciseable liquor is sold under an occasional licence as they apply to licensed premises of the holder of the occasional licence.

(11) Nothing in section one hundred and twenty-one or one hundred and thirty-three of this Act shall prohibit the sale of exciseable liquor in accordance with a special permission.

(12) The foregoing provisions of this section shall apply as respects a licence under Part III of this Act and the canteen to which it relates as they apply as respects a certificate and the premises to which that certificate relates:

Provided that in subsection (3) of this section as applied by this subsection the words “and does not originate directly or indirectly with the applicant” shall be omitted.

Control of licensing courts over structure of licensed premises

61.—(1) No reconstruction or alteration in any premises in respect of which a hotel certificate or a public house certificate is in force or the premises of any licensed canteen shall be made unless the licensing court within whose jurisdiction such premises are situated have consented to such reconstruction or alteration at a general half-yearly meeting of the court or at such other time as may be appointed by the court, or unless such reconstruction or alteration is required by order of some lawful authority.

Consent of licensing court required for reconstruction, etc., of certain licensed premises.

(2) A licensing court may, before considering an application for their consent under this section, require plans of the proposed reconstruction or alteration to be lodged with their clerk at such time as they may appoint.

(3) If subsection (1) of this section is contravened, the sheriff may, on a complaint at the instance of the procurator fiscal, by order declare the certificate, or the licence under Part III of this Act, as the case may be, which is in force for the premises in respect of which the contravention took place, to be forfeited, or may direct that, within a time fixed by the order, the premises shall be restored to their original condition.

PART II
—*cont.*

Power of
licensing court
to order
structural
alterations on
renewal of
certain
certificates.

62.—(1) On any application for the renewal of a certificate in respect of a hotel or a public house a licensing court may require a plan of the licensed premises to be produced to them and lodged with their clerk, and on renewing such certificate they may order that, within a time fixed by the order, such structural alterations as they think reasonably necessary to secure the proper conduct of the business shall be made in that part of the licensed premises in which exciseable liquor is sold or consumed.

(2) Where an order made under this section in respect of any premises is complied with, the licensing court shall not make a further order in respect of those premises within the five years following the date of the first-mentioned order unless during that time they have refused to renew the certificate in force in respect of the said premises.

(3) If the holder of a certificate makes default in complying with an order made under this section he shall be guilty of an offence, and he shall be guilty of a further offence for every day on which the default continues after the expiry of the time fixed by the order.

(4) A person guilty of an offence under this section shall on conviction thereof be liable to a fine not exceeding twenty shillings.

Regulations and byelaws of licensing courts.

Power of
licensing court
to make
regulations
with respect
to applications,
etc.

63. A licensing court may at any general half-yearly meeting make regulations with respect to the making of applications for the grant of certificates and the procedure following thereon, and such regulations may include provisions designed to assist the court in determining the character of applicants and the expediency of granting certificates for the premises in respect of which application is made; and the court may also at such a meeting make regulations with respect to the procedure to be followed in transferring certificates under this Act.

Power of
licensing court
to make
byelaws.

64.—(1) Without prejudice to their other powers under this Act, a licensing court may make byelaws for any or all of the following purposes, namely,—

- (a) for closing licensed premises wholly or partially on New Year's Day, and on such other days not being more than four in any one year as the licensing court may think expedient for special reasons;
- (b) for prohibiting holders of certificates from residing in their licensed premises, or for requiring the dwelling-houses of holders of certificates to be separate from their licensed premises;
- (c) for requiring all wines and spirits sold by the holder of an off-sale certificate to be sold in corked or stoppered bottles, vessels, jars or casks;
- (d) for requiring every holder of a hotel certificate or a public house certificate to keep in his licensed premises

and to renew from day to day a sufficient supply of drinking water and such eatables as may be specified in the byelaw, and to display, offer and supply the same as may be required by the byelaw ;

- (e) for fixing the procedure to be followed in making applications for special permissions under section sixty of this Act ;
- (f) for printing a list of all applications coming before any meeting of the licensing court, with such other information as may be considered necessary by them :

Provided that a byelaw made under paragraph (c) of this subsection shall not apply to licensed premises where no groceries are kept or sold and where a bona fide wholesale business in exciseable liquor is carried on.

(2) Byelaws made under the foregoing subsection by a licensing court shall not have effect until they are confirmed by the Secretary of State, and the provisions of subsections (4), (5), (7) to (13) and (15) of section three hundred and one of the Local Government (Scotland) Act, 1947, and of section three hundred and three of that Act, shall with all necessary modifications apply in relation to byelaws to be made or made under this section by a licensing court as they apply in relation to byelaws to be made or made by a local authority by virtue of any of the enactments mentioned in subsection (1) of the said section three hundred and one.

(3) If the holder of any certificate commits a breach of any byelaw made under this section, he shall be deemed to be guilty of a breach of his certificate and shall be liable accordingly.

PART III

SEAMEN'S CANTEENS

65. If a body approved by the Minister of Transport and Civil Aviation have provided or propose to provide a seamen's canteen the need for which has been certified by that Minister after consultation with the Merchant Navy Welfare Board, the licensing court within whose jurisdiction the said canteen is or will be situated may grant a licence under this Part of this Act authorising the person who is the manager of the canteen to hold a retailer's on-licence to sell exciseable liquor in the canteen ; and a retailer's on-licence may be granted to him accordingly notwithstanding that he does not hold a certificate.

Power to authorise grant of retailers' on-licences for seamen's canteens.

66.—(1) A licensing court shall not refuse to grant a licence under this Part of this Act except under the next following subsection or on one or more of the following grounds, that is to say—

Procedure for grant of licences.

- (a) that the applicant is disqualified by or under this or any other enactment for holding a certificate or is in other

PART III
—*cont.*

respects not a fit and proper person to hold a licence under this Part of this Act ; or

- (b) that the premises are not fit and convenient for the purposes of the canteen ; or
- (c) in a case where objection has been made to the situation of the canteen, on the ground specified in the objection ; or
- (d) that the applicant or body providing the canteen has entered into an agreement limiting the sources from which the exciseable liquor or the mineral waters to be sold in the canteen may be obtained,

but nothing in this subsection shall prevent a licensing court from specifying in the licence granted by them a kind of retailer's on-licence other than that requested by the applicant.

(2) Before application is made for the grant of a licence under this Part of this Act draft rules as to the persons entitled to use the canteen shall be prepared for submission with the application and the licensing court shall refuse to grant the licence unless the body providing the canteen undertake to make rules for the canteen in the form of the draft, with the modifications, if any, required by the licensing court, and not to vary those rules without the consent of the licensing court.

(3) Any licence granted under this Part of this Act shall provide that at all times at which exciseable liquor is sold food and beverages other than exciseable liquor shall also be provided for sale.

(4) Part I of the Sixth Schedule to this Act shall have effect as respects the notices to be given and the documents to be served on an application for the grant of a licence under this Part of this Act.

(5) A licence under this Part of this Act may, in a case where it is proposed to construct or convert premises for a seamen's canteen, be a provisional licence to be made final after the proposal has been carried out ; and Part II of the said Sixth Schedule shall have effect as respects such licences.

(6) Any person, other than the procurator fiscal or chief constable, intending to oppose an application for the grant of a licence under this Part of this Act shall, not later than five days before the hearing of the application, give to the applicant and to the licensing court notice in writing of his intention, specifying the ground of his objection.

**Renewal of
licences.**

67.—(1) A licence under this Part of this Act shall, unless renewed under this section, cease to have effect on the expiry of the twenty-seventh day of May next after the date on which it comes into force.

(2) If the Minister of Transport and Civil Aviation has, in the calendar year in which the licence would otherwise expire, certified that the canteen is still needed, the licensing court may renew the licence for a further period of twelve months.

(3) A licensing court shall not refuse an application for the renewal of a licence under this Part of this Act except under the next following subsection or on one or more of the following grounds, that is to say—

- (a) that the manager is disqualified by or under this or any other enactment for holding a certificate or is in other respects not a fit and proper person to hold a licence under this Part of this Act ; or
- (b) that the rules as to the persons entitled to use the canteen have not been observed or that the canteen has in other respects been improperly conducted ; or
- (c) that the manager or the body providing the canteen has entered into an agreement of the kind mentioned in paragraph (d) of subsection (1) of the last foregoing section.

(4) On renewing a licence under this Part of this Act a licensing court may by order, to be served on the holder, direct that, within a time fixed by the order, such structural alterations shall be made in the premises comprising the canteen as they think reasonably necessary to secure the proper conduct of the canteen ; and if, when application for renewal of the licence is next made after the time fixed by the order has expired, it is not shown to the satisfaction of the licensing court that the order has been complied with, the licensing court may refuse to renew the licence.

If an order under this subsection is complied with, the licensing court shall not make a further order within the five years following the first-mentioned order.

(5) If the applicant for renewal of a licence under this Part of this Act has given such notices as the licensing court may require and so requests, the licensing court may at their discretion in renewing the licence vary the kind of retailer's on-licence to be authorised by the licence so renewed.

(6) Any person, other than the procurator fiscal or chief constable, intending to oppose an application for renewal of a licence under this Part of this Act shall, not later than five days before the hearing of the application, give to the holder of the licence and to the licensing court notice in writing of his intention, specifying the ground of his objection.

68.—(1) A licence under this Part of this Act shall not authorise the grant or transfer of a retailer's on-licence to a manager of the canteen who is not the individual to whom the licence under this Part of this Act was granted unless the Transfer of licences.

PART III
—cont.

licence under this Part of this Act has been transferred to him ; but where the holder of a licence under this Part of this Act has in pursuance of this Part of this Act been granted a retailer's on-licence and subsequently ceases to be the manager of the canteen, the person for the time being in charge of the canteen may, during the period of fourteen days from the date on which the holder of the licences ceased to be the manager, sell exciseable liquor in the canteen as if those licences had been transferred to him.

(2) The power to transfer a licence under this Part of this Act shall be exercisable by the licensing court or by any two members thereof.

(3) A transfer of a licence under this Part of this Act shall not be refused except on the ground that the applicant is disqualified by or under this or any other enactment for holding a certificate or is in other respects not a fit and proper person to hold a licence under this Part of this Act.

(4) An applicant under this section shall give the notices required by Part III of the Sixth Schedule to this Act.

**Rights of
appeal.**

69. Where a licensing court—

- (a) refuse to grant, renew or transfer a licence under this Part of this Act ; or
- (b) on an application for the grant of a licence under this Part of this Act do not authorise the kind of retailer's on-licence duly requested by the applicant ; or
- (c) on an application for renewal of a licence under this Part of this Act do not comply with the applicant's request duly made for a change in the kind of retailer's on-licence to be authorised ; or
- (d) require modifications in the rules proposed to be made as to the persons entitled to use the canteen, or withhold their consent to a variation of those rules ; or
- (e) make an order under subsection (4) of section sixty-seven of this Act,

any person aggrieved may appeal to the court of appeal from such licensing court.

**Exemption
of licensed
canteens from
restrictions
under s. 214
of Merchant
Shipping Act,
1894.**

70. A hostel which includes a canteen as respects which a licence under this Part of this Act is in force shall be exempt from any byelaws made under section two hundred and fourteen of the Merchant Shipping Act, 1894, and from any Order in Council under that section requiring that only persons duly licensed under such byelaws shall keep seamen's lodging houses or let lodgings to seamen.

Jurisdiction.

71. The power of renewing licences under this Part of this Act conferred on the licensing court shall be exercisable at the general half-yearly meeting of the court held in March, and any other power so conferred shall be exercisable on any

occasion on which the licensing court have power to deal with any matter relating to a certificate.

PART III
—cont.

72. Subsection (3) of section one hundred and fifty of the Customs and Excise Act, 1952 (which makes the forfeiture of a certificate operate also as a forfeiture of any excise licence) shall apply as if references therein to a certificate included references to a licence under this Part of this Act. Extension of s. 150 (3) of Customs and Excise Act, 1952.

73. In this Part of this Act “canteen” includes a part of a hostel where food or drink is supplied, whether or not the food or drink is separately paid for. Interpretation of Part III.

PART IV

NEW TOWNS

74.—(1) For the purpose of determining the number, nature and distribution of licensed premises in new towns there shall be a committee for each new town or, if it appears to the Secretary of State that by reason of the proximity of any two new towns it is expedient that one committee should be constituted for them and the Secretary of State by order so directs, for those two new towns. Committee to determine distribution of licensed premises in new town.

(2) Such committees shall be constituted, and their procedure shall be regulated, in accordance with the provisions of the Seventh Schedule to this Act.

(3) The proceedings of such a committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.

(4) The development corporation for the new town for which such a committee are constituted shall provide for the committee such accommodation and secretarial and other services as may be requisite for enabling the committee to exercise their functions; and the development corporation shall defray any expenses incurred by the committee in connection with the exercise of the committee's functions or in the payment of travelling and other allowances to members of the committee, being expenses incurred with the agreement of the development corporation given either before or after the incurring of the expenses or, in default of such agreement, with the approval of the Secretary of State given as aforesaid.

(5) Where a committee are constituted for two new towns, the accommodation and services mentioned in the last foregoing subsection shall be provided by such one of the development corporations concerned, or partly by one and partly by the other, as the corporations may from time to time agree or, in default of such agreement, as the Secretary of State may determine; and the expenses mentioned in that subsection shall be defrayed by

PART IV
—cons.

the development corporations in such proportions as may be so agreed or determined ; and references in that subsection to the development corporation shall be construed accordingly.

(6) Where a committee are constituted for two new towns, references in this Part of this Act and in the Seventh Schedule to this Act to the area for which the committee are constituted shall be construed as references to the aggregate of the areas of the said new towns.

(7) An order under this section or the said Schedule may be varied or revoked by a subsequent order made thereunder.

**General duties
of committee.**

75. It shall be the duty of every committee constituted under the last foregoing section to consider from time to time, having regard to the existing circumstances of the area for which the committee are constituted and to the proposed development of that area, the requirements of the area as respects licensed premises, the accommodation and amenities which should be provided thereat and the facilities which should be available thereat for obtaining both exciseable liquor and meals and other refreshments, including the provision of accommodation to be provided for the consumption therein of beverages other than exciseable liquor and in which the consumption of exciseable liquor is prohibited.

**Submission
and approval
of proposals by
committee.**

76.—(1) In the light of their consideration of the matters mentioned in the last foregoing section a committee constituted under section seventy-four of this Act shall from time to time formulate proposals specifying the places in the area for which the committee are constituted at which licensed premises should be established ; and the proposals shall specify the way in which any licensed premises established in accordance with the proposals should be licensed, and shall contain provisions (in this Part of this Act referred to as “supplementary provisions”) as to the type of accommodation, amenities and services to be provided in premises being or comprising any such licensed premises, including, unless the committee in any particular case otherwise decide, provisions for the service of meals and of refreshments other than exciseable liquor.

(2) References in this Part of this Act to specifying the way in which licensed premises should be licensed are references to specifying—

- (a) what form of certificate should be granted in respect of the premises, and
- (b) what descriptions of exciseable liquor should be authorised to be sold under that certificate,

and references in this Part of this Act to the licensing of premises in accordance with proposals shall be construed accordingly.

(3) The committee shall submit proposals formulated under this section to the Secretary of State, together with such plans and other matter explanatory of the nature and effect of the proposals as the committee think fit or the Secretary of State may in any particular case require.

(4) Where a committee have submitted proposals to the Secretary of State under this section, they shall publish by advertisement in each of two successive weeks in one or more local newspapers circulating in the area for which the committee are constituted, and may publish in such further manner as the committee may determine, a notice that they have submitted the proposals, naming a place at which copies of the proposals and of the plans and explanatory matter submitted to the Secretary of State may be seen at all reasonable hours, and stating the time, not being less than twenty-eight days, within which and the manner in which objections to the proposals may be made to the Secretary of State.

(5) If no objection to the proposals is made to the Secretary of State within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the proposals; but, if objection is so made and not withdrawn, he shall afford to any person making an objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Secretary of State or, if it appears to the Secretary of State that the matters to which the objection relates are such as to require investigation by public local inquiry, he shall cause a public local inquiry to be held, and after considering any objection not withdrawn and the report of the person before whom the objector appeared or of the person holding the inquiry, as the case may be, he may confirm the proposals.

(6) Subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relate to local inquiries held under that section) shall apply to an inquiry held under this section as they apply to inquiries held under that section.

(7) The Secretary of State shall before confirming any proposals submitted to him under this section consult with the local planning authority within the meaning of the Town and Country Planning (Scotland) Acts, 1947 to 1954.

(8) The power of the Secretary of State under subsection (5) of this section to confirm proposals shall include power—

- (a) where the proposals relate to the establishment of licensed premises at more than one place, to confirm the proposals (but without prejudice to the next following paragraph) so far as they relate to one or some only of the places in question;

PART IV
—*cont.*

- (b) to confirm the proposals subject to modifications so far as they relate to the situation of proposed licensed premises ;
- (c) to confirm the proposals subject to the modification of any supplementary provisions contained in the proposals or to the addition of any supplementary provisions which the committee could have included in the proposals ;

and references in this Part of this Act to proposals which have been confirmed shall be construed accordingly.

(9) Proposals of a committee under this section may be varied or revoked by subsequent proposals formulated by the committee and submitted to and confirmed by the Secretary of State in like manner as the original proposals ; and references in this Part of this Act to proposals under this section which have been confirmed shall be construed as references to such proposals as they have effect having regard to any subsequent variation or revocation of them.

**Grant of new
certificates,
and renewals,
in new towns.**

77.—(1) Where application is made under Part II of this Act for the grant of a new certificate for any premises in a new town, being premises situated in accordance with proposals under the last foregoing section which have been confirmed, or for the renewal of a certificate granted in respect of such premises, then if the effect of the grant or renewal would be that the premises would be licensed in accordance with the proposals and if the licensing court are satisfied—

- (a) that the premises are fit and convenient for the purpose or, in the case of an application for the provisional grant of a new certificate or for the renewal of such a provisional grant, that if the premises had been actually constructed in accordance with the plans submitted to the licensing court they would be fit and convenient as aforesaid ;
- (b) that the applicant is not disqualified by or under this or any other enactment for holding a certificate and is in all other respects a fit and proper person to hold a certificate ; and
- (c) that effect has been or will be given to any supplementary provisions contained in the proposals ;

the court shall grant the application.

(2) The grant of a new certificate on an application made as mentioned in the foregoing subsection shall not require confirmation by the court of appeal ; and section fifty-four of this Act shall, in relation to an application made in such circumstances, have effect as if references to the court of appeal and to the confirmation of the provisional grant of a certificate were omitted.

(3) It shall not be lawful for a certificate to be granted in respect of any premises in a new town which are not licensed at the time of the application for such grant unless—

PART IV
—cont.

- (a) the premises are situated in accordance with proposals under the last foregoing section which have been confirmed ; and
- (b) the effect of the grant would be that the premises would be licensed in accordance with the proposals ; and
- (c) the licensing court are satisfied that effect has been or will be given to any supplementary provisions contained in the proposals.

(4) It shall not be lawful—

- (a) for a certificate in a form different from the form of the subsisting certificate ; or
- (b) for a certificate the effect of which would be to add to the descriptions of exciseable liquor authorised to be sold on the premises ; or
- ^A (c) for a certificate the effect of which would be to authorise the sale of exciseable liquor to travellers on Sunday where such sale is not authorised under the subsisting certificate ;

to be granted in respect of any premises in a new town which are licensed at the time of the application for such grant unless the committee constituted under section seventy-four of this Act for the new town notify the licensing court that the committee have no objection to the grant.

(5) Where a certificate is granted as mentioned in the last foregoing subsection, the grant shall not require confirmation by the court of appeal.

(6) In the application for the purposes of this section of subsection (2) of section one hundred and ninety-nine of this Act, a certificate shall not be treated as not being in force by reason only that the grant thereof was provisional and has not been declared to be final.

78. On the coming into operation of an order under subsection (1) of section fifteen of the New Towns Act, 1946, providing for the winding up and dissolution of the development corporation for any new town,—

Dissolution of
development
corporation.

- (a) if under section seventy-four of this Act a committee were constituted for that new town only, the committee shall cease to exist ;

PART IV
—cont

- (b) if under the said section seventy-four a committee were constituted for that and another new town, the committee shall cease to exercise their functions as respects the first-mentioned new town, and thereafter this section shall apply as if under section seventy-four of this Act the committee had been constituted for the said other new town only, and the Secretary of State shall vary any order made by him under the said section seventy-four in such manner as appears to him requisite in consequence of the coming into operation of the said order providing for the winding up and dissolution of the development corporation ;
- (c) section seventy-seven of this Act shall cease to apply to the first-mentioned new town but without prejudice to the operation of subsections (1) and (2) thereof as respects any application made before the date on which the order providing for the winding up and dissolution of the development corporation came into operation or made at the general half-yearly meeting of the licensing court next held after that date.

Saving.

79. Nothing in this Part of this Act shall affect the operation in any new town of the provisions of Part VIII of this Act.

**Interpretation
of Part IV.**

80. In this Part of this Act “ new town ” means an area designated as the site of a proposed new town under section one of the New Towns Act, 1946, by an order which has become operative :

Provided that—

- (i) if an order designating the site of a proposed new town is revoked, section seventy-eight of this Act shall with the necessary modifications apply as if at the time of the revocation of that order an order had come into operation under subsection (1) of section fifteen of the New Towns Act, 1946, providing for the winding up and dissolution of the development corporation ;
- (ii) where, by reason of the variation of an order, land ceases to be comprised in such a site, the variation shall not affect the operation of subsections (1) and (2) of section seventy-seven of this Act as respects an application made before the variation took effect or at the next general half-yearly meeting of the licensing court held thereafter, but except as aforesaid land excluded from such a site by the variation of an order shall be treated for the purposes of sections seventy-four to seventy-nine of this Act and the Seventh Schedule to this Act as if not comprised in a new town.

PART V

STATE MANAGEMENT DISTRICTS

81.—(1) The provisions of this section shall have effect for declaring the powers exercisable by the Secretary of State for the purposes of State management of the liquor trade in the districts specified in Part I of the Eighth Schedule to this Act (in this Part of this Act referred to as “State management districts”).

Powers of Secretary of State in relation to State management districts.

(2) The Secretary of State may in the State management districts sell exciseable liquor for consumption either on or off the premises where it is sold, and may carry on any of the activities specified in Part II of the Eighth Schedule to this Act in accordance with the provisions of that Part; and the provisions of Part III of that Schedule shall apply to the carrying on by him of those activities:

Provided that nothing in this subsection or the said Part II shall authorise the Secretary of State, at any premises where he carries on a business of selling exciseable liquor for consumption off the premises only, to carry on any other business except the sale of mineral waters or other non-intoxicating drinks for consumption off the premises, tobacco or matches.

(3) The local advisory committee appointed under any scheme for a State management district having effect immediately before the commencement of this Act under section one of the Licensing Act, 1949, shall assist the Secretary of State in the exercise of his functions relating to that district; and the provisions of the scheme having effect immediately before the commencement of this Act shall, notwithstanding the repeal by this Act of the said section, continue to have effect subject to any provision in the scheme for its variation or duration, and subject to any provision in the scheme for the making of a new scheme to take effect on the expiry of the previous scheme.

(4) The Secretary of State shall cause such accounts to be kept in relation to the State management districts as the Treasury may direct, and shall cause an annual report to be presented to Parliament about his procedure in connection with the management of the liquor trade in those districts.

82.—(1) No person, other than a person acting on behalf of the Secretary of State, shall sell exciseable liquor by retail in a State management district; and no person, other than a person acting on behalf of the Secretary of State, shall supply exciseable liquor in any licensed premises or in the premises of any registered club in a State management district:

Restriction of sale and supply, otherwise than by Secretary of State, of exciseable liquor in State management districts.

Provided that this subsection shall not apply—

(a) to anything done in premises which were licensed premises or premises of a registered club when State

PART V
—*cont.*

management came into operation in the district in which the premises are situated and have continued to be licensed premises or premises of a registered club, as the case may be, since that time ;

- (b) to anything done under the written authority of the Secretary of State and in accordance with such terms and conditions as he may specify ;
- (c) to anything done in premises of a class specified by order of the Secretary of State.

(2) If any person contravenes this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding thirty pounds.

(3) The power to make orders conferred on the Secretary of State by paragraph (c) of the proviso to subsection (1) of this section shall be construed as including power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order, and any order under that paragraph may be made either generally or as respects a particular State management district.

(4) In this section the expression “ licensed premises ” includes any premises or place where exciseable liquor is sold by retail under a licence, whether it is sold under a certificate or not, but does not include premises where the Secretary of State carries on a business of selling exciseable liquor by retail in exercise of powers conferred on him by this Part of this Act.

**Acquisition
of land.**

83.—(1) For the purposes of his functions under this Part of this Act the Secretary of State may—

- (a) by agreement purchase or take on lease any land, whether in a State management district or elsewhere ;
- (b) acquire by compulsory purchase any licensed premises in a State management district and any land in such a district required for the erection or extension of, or otherwise for use in connection with, any premises in a State management district in which the sale of exciseable liquor by retail is, or is to be, carried on on behalf of the Secretary of State :

Provided that before acquiring any land in a new town, whether by agreement or compulsorily, the Secretary of State shall consult with the development corporation for that new town.

(2) After the service of a notice to treat for the compulsory acquisition under this Part of this Act of any interest in licensed premises in a State management district, the certificate shall not be removable under section ninety-two of this Act.

(3) For the purposes of the foregoing provisions of this section a certificate shall be treated as being in force notwithstanding that it may be in suspense by virtue of section eighty-eight

of this Act, and references in those provisions to licensed premises shall be construed accordingly, and as including the site of licensed premises.

PART V
—cont.

(4) The powers of compulsory purchase conferred on the Secretary of State by subsection (1) of this section shall be exercisable for the purchase of any particular land on his being authorised to purchase the land in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947; and that Act shall apply accordingly as if paragraph (b) of subsection (1) of section one thereof (which refers to the compulsory purchase of land by the Minister of Transport and Civil Aviation under certain enactments) included a reference to any compulsory purchase by the Secretary of State under this section.

(5) So much of section two of the Ordnance Board Transfer Act, 1855, as provides that, where a Secretary of State ceases to hold office, the land mentioned in that section shall by virtue of that Act be transferred to and vested in his successor as therein provided shall apply to the Secretary of State in relation to land vested in him for the purposes of his functions under this Part of this Act.

(6) Any officer of the Valuation Office of the Inland Revenue Department, or any other person if authorised by the Secretary of State, may at any reasonable time enter upon land for the purpose of surveying it in connection with any proposal for the compulsory purchase of the land, or any adjacent land, under this section; and any person who wilfully obstructs a person acting in the exercise of a right of entry conferred by or under this subsection shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds, and in the case of any subsequent offence, to a fine not exceeding twenty pounds:

Provided that a person proposing to exercise a power of entry conferred under this section—

- (a) shall, if required to do so, produce some duly authenticated document showing his authority;
- (b) shall not demand admission as of right to any land that is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

84.—(1) The Secretary of State shall so far as is practicable secure that a resident tenant or manager of licensed premises acquired by the Secretary of State under the last foregoing section shall have the opportunity, if the business previously carried on in the premises is continued by the Secretary of State, of being employed in carrying it on on terms not less favourable

Provision of alternative employment where licensed premises acquired.

PART V
—cont.

than those appropriate to a manager employed in a business such as was carried on in the premises before their acquisition.

(2) In this section the expression “resident tenant or manager”, in relation to premises acquired by the Secretary of State as aforesaid, means a person who immediately before the acquisition was residing in the premises and was either the holder or one of joint holders of the certificate in respect thereof or was employed as manager of the premises by the holder of the certificate.

Certificates in
suspense in
State
management
districts.

85.—(1) Where a certificate is in suspense under this Act, and the premises for which it was last in force for all purposes are, or the site of those premises is, in a State management district, the Secretary of State on the application of the holder of the certificate shall direct that as from the date of the direction, or such later date as may be agreed between the Secretary of State and the holder of the certificate, the certificate shall be extinguished:

Provided that, where the certificate is in suspense by virtue of section eighty-eight of this Act, this subsection shall not have effect if—

- (a) a notice to treat has been served for the compulsory acquisition under section eighty-three of this Act of any interest in the premises or site, or
- (b) such an interest has been acquired under that section by agreement.

(2) The Secretary of State shall pay to the holder of a certificate extinguished under this section such compensation for the extinguishment as may be agreed or, in default of agreement, as the Lands Tribunal for Scotland may determine:

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as respects Scotland the expression “the Lands Tribunal for Scotland” shall be construed as meaning an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and the following provisions of the said Act of 1919, that is to say, section three thereof (which relates to procedure) section five thereof (which relates to costs) as modified by sections five and ten of the said Act of 1949, but with the substitution for references to the acquiring authority of references to the Secretary of State, and section six thereof (which relates to the statement of special cases) as modified by section ten of the said Act of 1949, shall apply for the purposes of this subsection.

(3) For the purposes of any reference to the Lands Tribunal for Scotland under the last foregoing subsection, section five of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which relates to costs), shall have effect with the substitution for the references to the acquiring authority of references to the Secretary of State.

(4) Compensation under this section shall be determined without regard to the fact that by reason of the provisions of section eighty-two of this Act the restoration to full force or removal of the certificate would or might be prevented.

PART V
—cont.

86. Expenditure of the Secretary of State under this Part of this Act shall be defrayed out of moneys provided by Parliament ; and receipts of the Secretary of State in the exercise of his functions under this Part of this Act shall be paid into the Exchequer.

Expenses and receipts of Secretary of State.

87. In this Part of this Act “new town” means an area designated as the site of a proposed new town under section one of the New Towns Act, 1946, by an order which has become operative, but does not include any such area after the development corporation established for the area has been wound up and dissolved.

Interpretation of Part V.

PART VI

SUSPENSION OF CERTIFICATES BY REASON OF WAR CIRCUMSTANCES

88.—(1) Where the Commissioners of Customs and Excise (hereafter in this Act referred to as “the Commissioners”) are satisfied, on application made to them for a certificate under this subsection, that a business for the purposes of which or in connection with which a certificate for the sale by retail of exciseable liquor was granted under this Act has been temporarily discontinued by reason of war circumstances, they shall certify accordingly, and shall state in their certificate whether or not those circumstances include the destruction of the premises or serious damage to them.

Suspension of certificate where business discontinued owing to war circumstances.

(2) As from the date of a certificate given under the foregoing subsection, the certificate for the sale by retail of exciseable liquor granted in respect of the premises shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act, or until it is extinguished by virtue of this Part of this Act or by virtue of section eighty-five of this Act.

- (3) While a certificate is in suspense by virtue of this section—
- (a) it may be transferred, renewed or removed in accordance with the provisions of this Act ;
 - (b) it may be forfeited, or may be avoided by reason of the disqualification of the holder, in accordance with the provisions of this Act ;
 - (c) it may be extinguished under section eighty-five of this Act ;

PART VI
—*cont.*

but except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, and except as provided by subsection (3) of section eighty-three of this Act, it shall not be in force for any purpose.

(4) A certificate which is in suspense by virtue of this section shall not continue so to be unless an application for renewal thereof is duly made and granted at each March half-yearly meeting of the licensing court occurring during the period of discontinuance of the business.

(5) Where a certificate given under subsection (1) of this section states that the war circumstances do not include the destruction of the premises or serious damage to them, then, if the holder of the certificate which is in suspense satisfies the Commissioners that since the discontinuance of the business the premises have been affected by war circumstances consisting of the destruction of them or serious damage to them, the Commissioners shall certify accordingly.

Restoration
to full force
of certificate
in suspense.

89.—(1) Subject to the provisions of the next following subsection, where the holder of a certificate for the time being in suspense by virtue of the last foregoing section wishes to resume the business carried on in the premises in respect of which the certificate was granted, he may give notice in writing to that effect to the clerk to the licensing court; and from the time of his giving such notice the certificate shall be in force for all purposes.

(2) Where the certificate for the time being in suspense is in respect of a hotel or a public house and a certificate given under the last foregoing section states that the war circumstances include destruction of the premises or serious damage to them, then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have been submitted to the licensing court and approved by them, and the court have signified their satisfaction that the works have been executed in accordance with those plans, a notice under the foregoing subsection shall have no effect.

(3) Where a removal of a certificate for the time being in suspense by virtue of the last foregoing section is authorised under section ninety-two of this Act, the certificate shall be in force for all purposes from the time of the authorisation of the removal, and where the holder of a certificate removal of which has been so authorised desires to resume business in the premises specified in the certificate he may give notice in accordance with the foregoing provisions of this section in like manner as if the certificate were still in suspense and the said provisions shall apply accordingly.

(4) A certificate in force for all purposes after being in suspense by virtue of the last foregoing section shall, unless previously forfeited or becoming void under this Act, have effect until the expiry of the twenty-seventh day of May next following the first March half-yearly meeting of the licensing court after the time when the certificate ceased to be in suspense.

PART VI
—cont.

90.—(1) Where a certificate is in suspense by virtue of section eighty-eight of this Act and the licensing court are satisfied that there are no longer any war circumstances which justify its continuing to be in suspense, they may order it to be extinguished on the expiry of such period as may be specified in the order unless it is again in force for all purposes by virtue of the last foregoing section before the expiry of that period.

Extinguishment of certificate in suspense when suspension no longer justified.

(2) If Her Majesty by Order in Council declares that there are in general no longer any war circumstances which justify certificates continuing to be in suspense, every certificate in suspense by virtue of section eighty-eight of this Act at the date of the Order shall be extinguished on the expiry of such period as may be specified in the Order unless it is again in force for all purposes by virtue of the last foregoing section before the expiry of that period.

(3) A licensing court may, on application made to them in that behalf, extend the period specified in an order made under subsection (1) of this section, or, in relation to a particular certificate, the period specified in an Order in Council made under the last foregoing subsection.

91. The provisions of Part II of this Act with regard to renewal of certificates shall apply with any necessary modifications in relation to certificates which are at any time in suspense by virtue of section eighty-eight of this Act in like manner as those provisions apply to certificates which are in force for all purposes, and in a case in which it is certified under the said section that the war circumstances included the destruction of the premises or serious damage thereto no regard shall be had for the purposes of this section to the condition of the licensed premises.

Renewal of certificate in suspense.

92.—(1) Where the premises specified in any certificate which is for the time being in suspense by virtue of section eighty-eight of this Act have been destroyed or seriously damaged or have been taken possession of on behalf of Her Majesty in the exercise of emergency powers, the licensing court may authorise a removal of the certificate from the premises specified therein to other premises within their licensing area (not being premises situated in an area in which a no-licence

Provisions as to removal of certificate.

PART VI
—*cont.*

or a limiting resolution is in force by virtue of Part VIII of this Act), and where a removal is so authorised the certificate shall have effect as if those premises had been specified in it in lieu of the premises which have been so destroyed or damaged or taken possession of.

(2) A removal to any premises under this section shall not be authorised unless—

(a) the licensing court are satisfied that no reconstruction or alteration of the premises is necessary to secure the proper conduct of the business ; or

(b) plans of such works as are reasonably necessary for the said purpose have been submitted to the licensing court and approved by them and the licensing court have signified their satisfaction that the works have been executed in accordance with the plans approved.

(3) A removal of a certificate authorised in pursuance of this section shall cease to have effect on notice being given in pursuance of subsection (3) of section eighty-nine of this Act.

Appeals.

93. The provisions of section forty-nine of this Act as to appeal against a refusal of a licensing court to grant a renewal of a certificate shall have effect with the requisite modifications in relation to a refusal of a licensing court to authorise a removal of a certificate under subsection (1) of the last foregoing section or to approve plans or to signify their satisfaction as to the execution of works under subsection (2) of section eighty-nine of this Act or paragraph (b) of subsection (2) of the last foregoing section, and in relation to an order under subsection (1) of section ninety of this Act, and in relation to a refusal of a licensing court to grant an application under subsection (3) of the said section ninety, and the provisions of section twenty-seven of this Act shall apply in relation to any appeal in pursuance of this section.

General.

94. Any power exercisable by a licensing court under the provisions of this Part of this Act may be exercised at a general half-yearly meeting of the court or at another meeting specially convened for the purpose, and the powers conferred by subsection (2) of section eighty-nine or paragraph (b) of subsection (2) of section ninety-two of this Act to signify satisfaction of works having been executed in accordance with plans approved may be exercised by any two members of the licensing court nominated by the court for the purpose and any decision by such two members shall be deemed to be a decision of the licensing court.

95. For the purposes of this Part of this Act—

PART VI
—*cont.*

- (a) “war circumstances” means circumstances directly or indirectly attributable to any war in which Her Majesty may be or has been engaged ;
- (b) the destruction of premises or serious damage to them, though not caused by enemy action or other causes arising from war, shall be deemed in relation to a business carried on in those premises to be war circumstances if the execution of works necessary to enable the business to be carried on is prevented by war circumstances.

PART VII

SUSPENSION OF CERTIFICATES BY REASON OF COMPULSORY ACQUISITION, ETC.

96.—(1) Where the Commissioners are satisfied, on application made to them for a certificate under this subsection, that a business has been temporarily discontinued by reason of circumstances arising out of the compulsory acquisition, or the proposed compulsory acquisition, of licensed premises in which the business was carried on, other than compulsory acquisition or proposed compulsory acquisition by the Secretary of State under section eighty-three of this Act, they shall certify accordingly.

Suspension of certificate where licensed premises are compulsorily acquired.

(2) As from the date of a certificate given under the foregoing subsection, the certificate for the sale by retail of excisable liquor granted in respect of the premises which was in force immediately before the discontinuance shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act, or until it is extinguished by virtue of this Part of this Act or by virtue of section eighty-five of this Act.

(3) While a certificate is in suspense by virtue of this section—

- (a) it may be transferred, renewed or removed in accordance with the provisions of this Act ;
- (b) it may be forfeited, or may be avoided by reason of the disqualification of the holder, in accordance with the provisions of this Act ;

2 A*

PART VII
—*cont.*

(c) it may be extinguished under section eighty-five of this Act;

but, except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, it shall not be in force for any purpose.

(4) A certificate which is in suspense by virtue of this section shall not continue so to be unless an application for renewal thereof is duly made and granted at each March half-yearly meeting of the licensing court occurring during the period of discontinuance of the business.

(5) In this Part of this Act references to compulsory acquisition of premises include references to acquisition by agreement by an authority or person, and for a purpose, such that the authority or person could be authorised to acquire the premises compulsorily.

Restoration to full force of certificate in suspense.

97.—(1) Subject to the provisions of the next following subsection, where the holder of a certificate for the time being in suspense by virtue of the last foregoing section wishes to resume the business carried on in the premises in respect of which the certificate was granted, he may give notice in writing to that effect to the clerk to the licensing court; and from the time of his giving such notice the certificate shall be in force for all purposes.

(2) Where the certificate for the time being in suspense is in respect of a hotel or a public house, then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have been submitted to the licensing court and approved by them, and the court have signified their satisfaction that the works have been executed in accordance with those plans, a notice under the foregoing subsection shall have no effect.

(3) Where a removal of a certificate for the time being in suspense by virtue of the last foregoing section is authorised under section one hundred of this Act, the certificate shall be in force for all purposes from the time of the authorisation of the removal, and where the holder of a certificate removal of which has been so authorised desires to resume business in the premises specified in the certificate he may give notice in accordance with the foregoing provisions of this section in like manner as if the certificate were still in suspense, and the said provisions shall apply accordingly.

(4) A certificate in force for all purposes after being in suspense by virtue of the last foregoing section shall, unless previously forfeited or becoming void under this Act, have effect

until the expiry of the twenty-seventh day of May next following the first March half-yearly meeting of the licensing court after the time when the certificate ceased to be in suspense.

PART VII
—cont.

98.—(1) Where a certificate is in suspense by virtue of section ninety-six of this Act and the licensing court are satisfied that there are no longer circumstances arising out of the compulsory acquisition or proposed compulsory acquisition of the licensed premises which justify its continuing to be in suspense, they may order it to be extinguished on the expiry of such period as may be specified in the order unless it is again in force for all purposes by virtue of the last foregoing section before the expiry of that period.

Extinguishment of certificate in suspense when suspension no longer justified.

(2) The licensing court may, on application made to them in that behalf, extend the period specified in an order made under the foregoing subsection.

99. The provisions of Part II of this Act with regard to renewal of certificates shall apply with any necessary modifications in relation to certificates which are at any time in suspense by virtue of section ninety-six of this Act in like manner as those provisions apply to certificates which are in force for all purposes.

Renewal of certificate in suspense.

100.—(1) Where a certificate is in suspense by virtue of section ninety-six of this Act, the licensing court may authorise a removal of that certificate from the premises specified therein to other premises within their licensing area (not being premises situated in an area in which a no-licence or a limiting resolution is in force by virtue of Part VIII of this Act), and where a removal is so authorised the certificate shall have effect as if those premises had been specified in it in lieu of the premises specified therein.

Provisions as to removal of certificate.

(2) A removal to any premises under this section shall not be authorised unless—

- (a) the licensing court are satisfied that no reconstruction or alteration of the premises is necessary to secure the proper conduct of the business ; or
- (b) plans of such works as are reasonably necessary for the said purpose have been submitted to the licensing court and approved by them and the licensing court have signified their satisfaction that the works have been executed in accordance with the plans approved.

(3) A removal of a certificate authorised in pursuance of this section shall cease to have effect on notice being given in pursuance of subsection (3) of section ninety-seven of this Act.

PART VII

—cont.

Appeals.

101. The provisions of section forty-nine of this Act as to appeal against a refusal of a licensing court to grant a renewal of a certificate shall have effect with the requisite modifications in relation to a refusal of a licensing court to authorise a removal of a certificate under subsection (1) of the last foregoing section or to approve plans or to signify their satisfaction as to the execution of works under subsection (2) of section ninety-seven of this Act or paragraph (b) of subsection (2) of the last foregoing section, and in relation to an order under subsection (1) of section ninety-eight of this Act, and in relation to a refusal of a licensing court to grant an application under subsection (2) of the said section ninety-eight; and the provisions of section twenty-seven of this Act shall apply in relation to any appeal in pursuance of this section.

General.

102. Any power exercisable by a licensing court under the provisions of this Part of this Act may be exercised at a general half-yearly meeting of the court or at another meeting specially convened for the purpose, and the powers conferred by subsection (2) of section ninety-seven of this Act or paragraph (b) of subsection (2) of section one hundred of this Act to signify satisfaction of works having been executed in accordance with plans approved may be exercised by any two members of the licensing court nominated by the court for the purpose, and any decision by such two members shall be deemed to be a decision of the licensing court.

PART VIII

TEMPERANCE POLLS

Temperance
polls.

103.—(1) In this Act the expression “temperance poll” means a poll of the electors in any area taken in accordance with the provisions of this Part of this Act.

(2) If a requisition for a temperance poll in any area is made under section one hundred and thirteen of this Act, the local authority for that area shall cause such a poll to be taken in the area.

Question for
electors at
temperance
poll.

104.—(1) The question to be submitted to the electors at a temperance poll in any area shall be the adoption for that area of one or other of the resolutions placed before them at the poll.

(2) The resolutions to be placed before the electors at a temperance poll in any area in which such a poll has not previously been taken shall be a no-change resolution, a limiting resolution and a no-licence resolution.

(3) The resolutions to be placed before the electors at a temperance poll in any area in which such a poll has previously been taken shall be as follows, namely—

- (a) if a no-change resolution is in force in that area, or if a limiting resolution or a no-licence resolution was repealed at the last poll taken in the area, a no-change resolution, a limiting resolution and a no-licence resolution;
- (b) if a limiting resolution is in force in the area, a resolution for the repeal of such limiting resolution, a resolution for the continuance thereof, a further limiting resolution and a no-licence resolution;
- (c) if a no-licence resolution is in force in the area, a resolution for the repeal of such no-licence resolution and a resolution for the continuance thereof.

105.—(1) A no-change resolution shall be held to have been adopted at a temperance poll if a majority of the votes recorded at such poll are in favour of that resolution or if no other resolution is adopted at the poll. Adoption of resolutions.

(2) A limiting resolution shall be held to have been adopted at a temperance poll if—

- (a) a majority of the votes recorded at such poll are in favour of that resolution, and
- (b) not less than thirty-five per cent of the electors have voted in favour thereof,

and where at any poll a no-licence resolution is not adopted, the votes recorded in favour of that resolution shall, if a limiting resolution was before the electors at the poll, be deemed to have been recorded in favour of such limiting resolution and shall be added to the votes recorded in favour thereof.

(3) A no-licence resolution shall be held to have been adopted at a temperance poll if—

- (a) not less than fifty-five per cent of the votes recorded at such poll are in favour of that resolution, and
- (b) not less than thirty-five per cent of the electors have voted in favour thereof.

(4) A resolution for the repeal of a limiting resolution or of a no-licence resolution shall be held to have been adopted at a temperance poll only if a majority of the votes recorded at such poll are in favour thereof.

(5) A resolution for the continuance of a limiting resolution shall be held to have been adopted at a temperance poll if a majority of the votes recorded at such poll are in favour of the resolution for such continuance or if no other resolution

PART VIII
—*cont.*

is adopted at the poll, and where at any poll a resolution for the repeal of a limiting resolution is not adopted, the votes recorded in favour of the resolution for such repeal shall be deemed to have been recorded in favour of the resolution for the continuance of such limiting resolution and shall be added to the votes recorded in favour of the resolution for such continuance.

(6) A resolution for the continuance of a no-licence resolution shall be held to have been adopted at a temperance poll if a majority of the votes recorded at such poll are in favour of that resolution or if no other resolution is adopted at the poll.

**Currency of
resolution
adopted at
temperance
poll.**

106. A resolution adopted for any area at a temperance poll shall come into force in that area on the twenty-eighth day of May next following the date on which such resolution was adopted and shall remain in force until repealed or superseded by a resolution adopted at a poll taken subsequently.

**No-change
resolution.**

107. A no-change resolution means a resolution that the powers and discretion of the licensing court in regard to the grant of certificates or otherwise shall remain unchanged.

**Limiting
resolution.**

108.—(1) While a limiting resolution is in force in any area the licensing court within whose jurisdiction such area is situated shall not grant a greater number of certificates in the area than the nearest integral number which does not exceed seventy-five per cent of the number of certificates in force in the area on the date on which such resolution was adopted.

(2) Subject to the provisions of the foregoing subsection, in any area in which a limiting resolution is in force the licensing court may exercise their ordinary powers and discretion in regard to the grant of certificates or otherwise.

**Scheme to be
made by
licensing
court in
pursuance of
limiting
resolution.**

109.—(1) Where a limiting resolution has been adopted for any area, the licensing court within whose jurisdiction such area is situated shall, before the first day of February next following the date on which such resolution was adopted, meet for the purpose of preparing a scheme for carrying out in the area the requirements of the resolution, and such scheme shall give particulars of the licensed premises whose certificates the court, in pursuance of the resolution, propose not to renew.

(2) A scheme prepared under the foregoing subsection shall be advertised forthwith by the clerk to the licensing court in a newspaper circulating in the area and shall be open to inspection by the public, at a place to be stated in the advertisement, for three weeks before the first day of March next following the date on which the limiting resolution was adopted.

(3) Where a scheme has been prepared by them under subsection (1) of this section, the licensing court shall, before their next general half-yearly meeting held in March, meet for the purpose of hearing the parties interested in such scheme and of adjusting the scheme for consideration at the said general half-yearly meeting; and the licensing court shall at that general half-yearly meeting take the scheme as so adjusted into consideration and, after hearing the parties interested therein so far as not already heard and, if they modify the scheme, after hearing the parties interested in any modification, shall decide upon the certificates which, in pursuance of the limiting resolution, are not to be renewed.

PART VIII
—cont.

(4) The decision of a licensing court in refusing to grant certificates in pursuance of a limiting resolution shall not be subject to appeal under section forty-nine of this Act.

110.—(1) Subject to the provisions of the next following section, while a non-licence resolution is in force in any area no certificate shall be granted in that area by the licensing court within whose jurisdiction the area is situated. No-licence resolution.

(2) The decision of a licensing court in refusing to grant certificates in pursuance of a no-licence resolution shall not be subject to appeal under section forty-nine of this Act.

111.—(1) Notwithstanding the provisions of the last foregoing section, while a no-licence resolution is in force in any area the licensing court within whose jurisdiction such area is situated may, if they are satisfied that in the special circumstances of the case a certificate is reasonably required, grant one or more certificates for a hotel or for premises structurally adapted for use and bona fide used or to be used as a restaurant. Grant of certificates while no-licence resolution in force.

(2) Any certificate granted in pursuance of the foregoing subsection shall be deemed to include the following conditions:—

- (a) that there shall not be a bar in the premises in respect of which the certificate is granted;
- (b) that exciseable liquor shall be sold in the premises by retail only;
- (c) in the case of a hotel, that exciseable liquor shall be sold only to persons residing in the hotel and, if the licensing court so sanction, to persons taking a meal in the premises for consumption at such meal;
- (d) in the case of a restaurant, that exciseable liquor shall be sold only to persons taking a meal in the premises for consumption at such meal.

(3) Subject to the provisions of the last foregoing subsection, any certificate granted by virtue of subsection (1) of this section in respect of a hotel shall be in the first form set out in the Second Schedule to this Act and any certificate so granted in respect of a restaurant shall be in the second form set out in the said Schedule.

PART VIII
—*cont.*

(4) A certificate granted by virtue of subsection (1) of this section shall not be renewed in any year after the year in which it is first so granted unless the applicant satisfies the licensing court by the production of an excise licence or otherwise that he is entitled to a reduction of duty in terms of paragraph 3, 4 or 5 of the Fourth Schedule to the Customs and Excise Act, 1952.

Restriction on grant of wholesaler's excise licences in no-licence area.

112.—(1) While a no-licence resolution is in force in any area a wholesaler's excise licence shall not be granted to any person in respect of premises situated in that area, except—

- (a) to brewers of beer for sale, distillers, rectifiers or compounders of spirits, makers of sweets or wholesale dealers in spirits, wine, beer or sweets, in respect of premises for which a wholesaler's excise licence has been in force for the period of twelve months immediately preceding the date on which the said no-licence resolution was adopted ; or
- (b) to a person who produces to the Commissioners an authorisation from the licensing court within whose jurisdiction such premises are situated permitting him to deal wholesale in exciseable liquor in those premises.

(2) In the foregoing subsection the expression "premises" includes premises formed by a reconstruction of, addition to or extension of, premises on the same or an adjoining site, and any premises in substitution for other premises from which the holder of a wholesaler's excise licence has removed.

(3) An authorisation to deal wholesale in exciseable liquor, granted to any person by a licensing court under subsection (1) of this section, shall be applied for, granted, confirmed, renewed and transferred in like manner as if it were a certificate.

Requisition for temperance poll.

113.—(1) A requisition for a temperance poll in any area shall, save as provided in section one hundred and eighteen of this Act, be competent only in a year in which such a poll may, in terms of this Part of this Act, be taken in that area, and such a requisition shall not be valid unless—

- (a) it is in the form set out in the Ninth Schedule to this Act ;
- (b) it is made on papers issued by the clerk to the local authority ;
- (c) it is signed by not less than one-tenth of the electors in the area ;
- (d) the full address of each person signing it is entered in the said papers along with his signature ; and
- (e) save as aforesaid, it is lodged with the clerk to the local authority during the month of September in the year in which it is desired that the poll be taken.

(2) Papers for a requisition shall be issued by the clerk to the local authority to any elector on demand, but save in pursuance of section one hundred and eighteen of this Act such papers shall be issued in any area only in a year in which a temperance poll may, in terms of this Part of this Act, be taken in that area and only after the fourteenth day of August in that year, and each sheet of such papers shall bear the date on which it was issued.

PART VIII
—cont.

(3) The clerk to the local authority shall, on receiving a requisition for a temperance poll in any area, forthwith cause a notice of the receipt thereof to be advertised in not less than two newspapers circulating in that area.

(4) A requisition shall be open to inspection by the electors at all reasonable times.

(5) A signature to a requisition shall not be withdrawn after such requisition has been lodged as aforesaid.

(6) It shall not be competent for a member of a licensing court to sign a requisition for a temperance poll.

114.—(1) Save as provided in section one hundred and eighteen of this Act, a temperance poll shall be taken in an area situated in a county only in a year in which the triennial election of county councillors representing the landward area of such county has taken place under section five of the Local Government (Scotland) Act, 1947.

Years in which
temperance
poll may be
taken.

(2) Where a temperance poll has been taken in any area then, save as provided in section one hundred and eighteen of this Act, such a poll shall not again be taken in that area before the first day of November third occurring after the date of the first-mentioned poll.

115. Save as provided in section one hundred and eighteen of this Act, a temperance poll shall be taken on a day fixed by the local authority, being a day (other than a market day) in the month of November or December next following the lodging of the requisition for such poll.

Date of
temperance
poll.

116.—(1) Subject to the following provisions of this section, on the day on which a temperance poll is taken in any area all licensed premises in such area shall remain closed for the sale of exciseable liquor until after the hour fixed for the close of the poll.

Licensed
premises to be
closed on
day of
temperance
poll.

(2) Nothing in this section shall prohibit—

(a) the sale of exciseable liquor to any person in licensed premises where he is residing ; or

PART VIII
—*cont.*

- (b) the sale thereof to travellers for consumption at a meal supplied at the same time in such part of any licensed premises as is usually set apart for the service of meals ; or
- (c) the sale or delivery thereof under the conditions prescribed by section one hundred and thirty-nine of this Act.

Procedure with respect to requisitions and polls.

117.—(1) An elector shall not be entitled to vote for more than one of the resolutions placed before him at a temperance poll.

- (2) The Secretary of State shall make regulations—
 - (a) for regulating the procedure with respect to requisitions for a temperance poll ;
 - (b) for regulating the procedure with respect to the taking of such polls ;
 - (c) providing for the recounting or scrutiny of the votes recorded at such a poll when a demand is made therefor ;

and, without prejudice to the generality of the said powers, may by such regulations apply for the purposes of temperance polls, with any necessary modifications, any enactments relating to parliamentary or local government elections and to the prevention of corrupt and illegal practices thereat, including the penal provisions of such enactments.

(3) A temperance poll in any area shall be taken by ballot, and—

- (a) where such a poll has not previously been taken in that area and more than one certificate is in force in the area on the date of the poll, the ballot papers shall be in the form set out in the Ninth Schedule to this Act, subject to any modifications therein which the Secretary of State may sanction in order to meet the circumstances of the case ;
- (b) in any other case, the ballot papers shall be in the prescribed form.

(4) In the last foregoing subsection “ the prescribed form ” means a form prescribed by regulations made by the Secretary of State, and the Secretary of State may prescribe different forms in relation to different kinds of case.

(5) The Secretary of State shall fix a maximum scale for the expenses of a temperance poll.

118. If a temperance poll, or the declared result thereof, is declared void by a judgment of the Court of Session, then— PART VIII
—cont.

- (a) the Court of Session may, if they think fit, order the local authority concerned to cause a new poll to be taken ; or Procedure where temperance poll declared void.
- (b) if no such order is made, the electors in the area concerned may by a requisition lodged with the local authority not later than two months after the date of the said judgment, demand a new poll ;

and on such an order being made or such a requisition being lodged the local authority shall forthwith cause a new poll to be taken.

119.—(1) If any returning officer, presiding officer, clerk or officer of a local authority knowingly contravenes any of the provisions of this Part of this Act or any of the regulations made by the Secretary of State under section one hundred and seventeen of this Act, he shall be guilty of an offence and on conviction thereof shall be liable, in cases where no penalty is otherwise provided, to a fine not exceeding ten pounds on a first conviction and twenty pounds on a second or any subsequent conviction. Offences by returning officer, etc.

(2) If any person forges or procures the forgery of a signature to a requisition or alters or defaces a requisition, or delivers a requisition to the clerk to a local authority knowing it to contain signatures which have been forged or to have been altered or defaced in any way, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding three months.

120. In this Part of this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them :— Interpretation of Part VIII.

“ area ” means—

(a) in the case of a burgh divided into wards, being a burgh the population of which, as ascertained for the purposes of the Temperance (Scotland) Act, 1913, under section fifteen of that Act, was not less than twenty-five thousand, any ward of such burgh or, in the case of the burgh of Kilmarnock, the combination of wards constituted by resolution of the town council under the said section fifteen ; and

(b) in the case of any other burgh, the whole burgh ; and

(c) in the case of a county, the parish :

PART VIII
—cont.

“county” means a county exclusive of any burgh or part of a burgh situated therein ;

“elector” means, in relation to any area, a person registered under the Representation of the People Acts as a local government elector by virtue of residence, or of occupation of lands and heritages, within that area ;

“local authority” means—

(a) in the case of an area being a burgh or a ward of a burgh or a combination of wards of a burgh, the town council of that burgh ; and

(b) in the case of an area being a parish, the county council of the county within which that parish is situated ; and

“parish” means a parish as defined in the Local Government (Scotland) Act, 1894, exclusive of any burgh or part of a burgh situated therein :

Provided that where a parish is situated within two counties, the portion in each county shall, for the purposes of this Part of this Act, be deemed to be a separate parish.

PART IX

THE PERMITTED HOURS

121.—(1) Subject to the provisions of this Act, no person shall, except during the permitted hours,—

- (a) himself, or by his servant or agent, sell or supply to any person in any licensed premises or in the premises of a registered club any exciseable liquor to be consumed either on or off the premises, or
- (b) consume in, or take from, any such premises any exciseable liquor.

(2) Nothing in the foregoing subsection shall prohibit or restrict—

- (a) the sale or supply to, or consumption by, any person of exciseable liquor in any premises where he is residing ;
- (b) the ordering of exciseable liquor to be consumed off the premises, or the dispatch by the vendor of liquor so ordered ;
- (c) the supply of exciseable liquor for consumption on licensed premises to any private friends of the holder of the certificate bona fide entertained by him at his own expense, or the consumption of exciseable liquor by persons so supplied ;
- (d) the consumption of exciseable liquor at a meal by any person at any time within half an hour after the conclusion of the permitted hours in the afternoon or

Prohibition of sale and consumption of exciseable liquor in licensed premises and clubs except during permitted hours.

evening, as the case may be, if the liquor was supplied during the permitted hours and served at the same time as the meal and for consumption at the meal ;

- (e) the sale of exciseable liquor to a trader for the purposes of his trade, or to a registered club for the purposes of the club ; or
 - (f) the sale or supply of exciseable liquor to any canteen in which the sale or supply of exciseable liquor is carried on under the authority of the Secretary of State or the Admiralty or to any authorised mess of members of Her Majesty's naval, military or air forces.
- (3) If any person contravenes this section, then—
- (a) if he holds a certificate for the premises in which the contravention took place, he shall be deemed to be guilty of a breach of that certificate and shall be liable accordingly ;
 - (b) in any other case, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

122.—(1) Subject to the provisions of this Act, no person shall, except during the permitted hours,—

- (a) himself, or by his servant or agent, sell or supply any exciseable liquor to any person in the premises of a licensed canteen, or
- (b) consume any exciseable liquor in any such premises.

Prohibition of sale and consumption of exciseable liquor in licensed canteens except during permitted hours.

(2) Nothing in the foregoing subsection shall prohibit or restrict the consumption of exciseable liquor at a meal by any person at any time within half an hour after the conclusion of the permitted hours in the afternoon or evening, as the case may be, if the liquor was supplied during the permitted hours and served at the same time as the meal and for consumption at the meal.

(3) If any person contravenes this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding thirty pounds.

123.—(1) The permitted hours in licensed premises in a licensing area on weekdays shall be such as may be fixed by order of the licensing court for that area ; and, if the licensing court fix no permitted hours, they shall be the period between half past eleven in the morning and three in the afternoon, and the period between half past five and ten in the evening.

Permitted hours in licensed premises on weekdays.

(2) The permitted hours fixed by any licensing court under this section shall be eight, beginning not earlier than eleven in

PART IX
—*cont.*

the morning and ending not later than ten in the evening, and there shall be a break of at least two hours in the afternoon:

Provided that a licensing court may, if satisfied that the special requirements of the licensing area make it desirable, make one or both of the following orders, that is to say—

(a) that the permitted hours in the area shall be eight and a half and shall end not later than half past ten in the evening;

(b) that the permitted hours may begin at an hour specified in the order earlier than eleven but not earlier than ten in the morning.

(3) A licensing court may make such an order as is mentioned in paragraph (a) of the proviso to the last foregoing subsection to take effect for part of the year only, being a period of not less than eight consecutive weeks.

Permitted
hours in clubs.

124.—(1) The permitted hours in the premises of a registered club shall be fixed by the rules of the club and, subject to the provisions of subsection (4) of this section, shall on weekdays be not more than eight, beginning not earlier than eleven in the morning and ending not later than ten in the evening, and there shall be a break of at least two hours in the afternoon.

(2) If the licensing court for any licensing area make an order under paragraph (a) of the proviso to subsection (2) of the last foregoing section, the foregoing subsection shall, during the time that such order is in force, have effect in relation to any club situated within that area as if for the word “eight” there were substituted the words “eight and a half” and for the word “ten” there were substituted the words “half past ten”.

(3) If the licensing court for any licensing area make an order under paragraph (b) of the said proviso, subsection (1) of this section shall, during the time that such order is in force, have effect in relation to any club situated within that area as if the hour specified in the order were substituted for eleven in the morning.

(4) The permitted hours in the premises of a registered club on Sundays, Christmas Day and Good Friday shall be not more than five, and there shall be not more than two between noon and three in the afternoon and not more than three between six and ten in the evening, and none shall be outside those periods.

Permitted
hours in
licensed
canteens.

125.—(1) The permitted hours in a licensed canteen on weekdays shall be those fixed by or under section one hundred and twenty-three of this Act for licensed premises in the licensing area within which the canteen is situated.

(2) The permitted hours in a licensed canteen on Sundays shall be those, if any, fixed by the canteen rules ; but those hours shall be not more than five, and there shall be not more than two between noon and three in the afternoon and not more than three between six and ten in the evening, and none shall be outside those periods.

(3) Before rules are made or varied for the purposes of the last foregoing subsection a draft of the proposed rules shall, after such notices have been given as may be required by the licensing court within whose jurisdiction the canteen is situated, be submitted to such licensing court who may, within the limits laid down in that subsection, modify the proposed rules, but not so as to reduce the total number of hours proposed to be permitted ; and the rules shall not be made or varied except in accordance with the draft so submitted and subject to the modifications, if any, made by the licensing court.

126.—(1) This section shall apply to licensed premises or the premises of a registered club during the time that—

Extension of permitted hours on weekdays in restaurants, etc.

- (a) the licensing court for the licensing area within which the premises are situated are satisfied that the premises are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing, for the accommodation of persons frequenting the premises, substantial refreshment to which the sale and supply of exciseable liquor is ancillary, and
- (b) the holder of the certificate or, as the case may be, the secretary of the club applies the section to the premises in pursuance of subsection (5) of this section.

(2) The permitted hours in any licensed premises to which this section applies shall on weekdays be increased by the addition of one hour at the end of the evening permitted hours fixed by or under section one hundred and twenty-three of this Act.

(3) The permitted hours in the premises of any club to which this section applies shall on weekdays be increased by the addition of one hour at the end of the evening permitted hours fixed under section one hundred and twenty-four of this Act.

(4) During the said hour—

- (a) exciseable liquor shall be sold or supplied only for consumption at a meal supplied at the same time in such part of the premises as is usually set apart for the service of meals,
- (b) no person shall consume or be permitted to consume any exciseable liquor on the premises except at such a meal, and
- (c) any bar in the premises shall be closed.

(5) This section shall, subject to the licensing court remaining satisfied as mentioned in paragraph (a) of subsection (1) of this section, apply to premises from the day fixed by the holder

PART IX
—*cont.*

of the certificate or, as the case may be, the secretary of the club for the commencement of the application of the section to the premises until the expiry of the day fixed by him for the termination of the application of the section to the premises, and the latter day shall in every case be the twenty-seventh day of May.

(6) A day shall be fixed for the purposes of the last foregoing subsection by notice to the chief constable served not less than fourteen days before the day to be fixed.

(7) The holder of the certificate for premises to which this section applies, or the secretary of the club to whose premises this section applies, shall keep affixed in some conspicuous place in the premises a notice to the effect that the provisions of this section apply to the premises.

(8) If any person contravenes any provision in subsection (4) or (7) of this section, then—

(a) if he holds a certificate in respect of the premises in which such contravention took place, he shall be deemed to be guilty of a breach of such certificate and shall be liable accordingly ;

(b) in any other case, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

**Early-closing
certificate.**

127.—(1) On granting or transferring a hotel or a public house certificate in respect of any premises a licensing court shall, if the applicant so requests, insert in the certificate a condition that in relation to the said premises the permitted hours shall end one hour earlier in the evening than the permitted hours fixed by or under section one hundred and twenty-three of this Act.

(2) A certificate in which such a condition is inserted is in this Act referred to as an “early-closing certificate”.

**Six-day
certificate.**

128.—(1) On granting or transferring a hotel certificate in respect of any premises a licensing court shall, if the applicant requests that the sale or supply of exciseable liquor to travellers in the said premises on Sunday be prohibited, modify the certificate by deleting from condition (4) thereof the words “and travellers”.

(2) A certificate so modified is in this Act referred to as a “six-day certificate”.

(3) Nothing in this Act shall preclude the holder of a six-day certificate from selling or supplying exciseable liquor on Sunday to any person residing in the hotel for which such certificate is held.

129.—(1) The powers conferred on a licensing court by the foregoing provisions of this Part of this Act (other than section one hundred and twenty-five of this Act) shall be exercisable by them, in accordance with such procedure as may be prescribed by rules made by the Secretary of State, at their general half-yearly meeting in March ; and the powers conferred on a licensing court by subsection (3) of section one hundred and twenty-five of this Act shall be exercisable on any occasion on which the licensing court have power to deal with any matter relating to a certificate.

PART IX
—*cont.*
Permitted
hours.
Supplemental
provisions.

(2) The power of a licensing court to make an order under section one hundred and twenty-three of this Act shall include power to vary an order so made by a subsequent order.

(3) An order made under the said section one hundred and twenty-three shall be published in such manner as may be prescribed by rules made by the Secretary of State.

(4) A document purporting to be issued under this Part of this Act by a licensing court shall be sufficient evidence of the contents thereof.

130.—(1) The Minister of Transport and Civil Aviation may by order bring this section into operation at any airport which appears to him to be an airport at which there is a substantial amount of international passenger traffic.

Exemption of
international
airports from
restrictions on
times at which
exciseable
liquor may be
sold or
supplied.

(2) At an airport where this section is in operation, neither section one hundred and twenty-one of this Act nor any provision or rule of law prohibiting or restricting the sale or supply of exciseable liquor on Sunday shall apply to licensed premises which are within the examination station approved for the airport under section sixteen of the Customs and Excise Act, 1952.

(3) Before the Minister makes an order bringing this section into operation at an airport, he shall satisfy himself that arrangements have been made for affording reasonable facilities in licensed premises within the said examination station on the airport for obtaining hot and cold beverages other than exciseable liquor at all times when exciseable liquor is obtainable in those premises, and if it appears to him that at any airport where this section is in operation such arrangements are not being maintained he shall revoke the order in force as respects that airport ; but this subsection shall be without prejudice to his power of making a further order with respect to that airport.

(4) The power of making orders under this section shall include power to revoke a previous order and shall be exercisable by statutory instrument.

PART X

GENERAL PROVISIONS REGULATING SALE AND SUPPLY OF
EXCISEABLE LIQUOR*Breach of certificate, etc.*Breach of
certificate.

131.—(1) Every certificate shall be held subject to the conditions contained therein.

(2) If any person holding a certificate and an excise licence for the sale by retail of exciseable liquor granted to him in that behalf contravenes any of the conditions contained in such certificate, he shall be guilty of a breach of the certificate.

(3) If any person is guilty of a breach of a certificate he shall thereby be guilty of an offence and on conviction thereof shall be liable—

- (a) in the case of a first conviction, to a fine not exceeding five pounds ;
- (b) in the case of a second conviction, to a fine not exceeding ten pounds ;
- (c) in the case of a third conviction, to a fine not exceeding twenty pounds ;

and the court may award expenses against a person so convicted.

(4) Where any person is convicted of a breach of a certificate, the court may, and, in the case of a third conviction, shall, declare such certificate to be forfeited, and the certificate shall thereupon become void.

(5) Where a person is convicted of a breach of a certificate held by him in respect of any premises, then for the purposes of the last two foregoing subsections it shall be deemed to be—

- (a) a first conviction, if during the period of three years immediately preceding such conviction he has not been convicted of a breach of a certificate held by him in respect of the said premises ;
- (b) a second conviction, if during the said period he has been convicted of a breach of such a certificate and that conviction was a first conviction ;
- (c) a third conviction, if during the said period he has been convicted of a breach of such a certificate and that conviction was a second conviction.

(6) A contravention of any of the conditions contained in a certificate may be proved by the evidence of one witness.

(7) A person accused of having committed a breach of a certificate shall be cited to appear before the court at least six clear days before the diet of appearance.

Offences by
manager of
licensed
canteen.

132. Where the manager of a licensed canteen is guilty of any act or omission which would, if he were the holder of a certificate, constitute a breach of his certificate, he shall be guilty of an offence under this Act and on conviction thereof shall be liable to the like punishment as for a breach of a certificate.

Illegal sale, etc.

PART X

—cont.

133.—(1) Subject to the provisions of this Act, if a person trafficks in any exciseable liquor in any premises or place without holding a certificate in that behalf or a licence in that behalf granted under Part III of this Act, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction, to a fine not exceeding one hundred pounds, and the court may award expenses against a person so convicted.

Trafficking
without
certificate
or licence.

(2) A person may be convicted of an offence under this section on the evidence of one witness.

134.—(1) Subject to the provisions of this Act, if any person barter or sells spirits by retail without holding a certificate in that behalf, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding fifty pounds, and in the case of a second or any subsequent conviction, to a fine not exceeding one hundred pounds, and the court may award expenses against a person so convicted.

Barter or
sale of spirits
without
certificate.

(2) A person shall, on his third conviction for an offence under this section, be disqualified for life for holding an excise licence for the sale of exciseable liquor.

(3) A conviction of any person for an offence under the next following section shall be treated as a conviction of that person for an offence under this section for the purpose of subjecting him to an increased fine or other penalty under this section.

135.—(1) If any dealer in groceries or other provisions for consumption off the premises supplies to any person, gratuitously or otherwise, spirits to be consumed on the premises, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding fifty pounds, and in the case of a second or any subsequent conviction, to a fine not exceeding one hundred pounds, and the court may award expenses against a person so convicted.

Supply of spirits
by grocer for
consumption
on premises.

(2) A person shall, on his third conviction for an offence under this section, be disqualified for life for holding an excise licence for the sale of exciseable liquor.

(3) A conviction of any person for an offence under the last foregoing section shall be treated as a conviction of that person for an offence under this section for the purpose of subjecting him to an increased fine or other penalty under this section.

PART X
—*cont.*

Taking of exciseable liquor from off-sale premises for sale, etc.

136. If the holder of an off-sale certificate takes, or causes or permits any other person to take, any exciseable liquor from the premises in respect of which he holds such certificate, either—

- (a) for the purpose of its being sold or hawked on his account or for his benefit or profit, or
- (b) for the purpose of its being consumed for his benefit or profit in any house, tent, shed or other premises belonging to him, or hired, used or occupied by him, or in which he may be interested,

such exciseable liquor shall be deemed to have been consumed on the premises for which the said person holds such certificate, and that person shall be deemed to be guilty of a breach of his certificate and shall be liable accordingly.

Inducing holder of off-sale certificate to sell exciseable liquor illegally.

137. If any person induces the holder of an off-sale certificate in respect of any premises to sell or supply to him any exciseable liquor and consumes such liquor or any part thereof in those premises, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding forty shillings.

Hawking exciseable liquor.

138.—(1) If any person hawks exciseable liquor, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

(2) A constable or any other person may arrest without warrant a person committing an offence under this section.

Delivery of exciseable liquor from vehicles, etc.

139.—(1) A person shall not, in pursuance of a sale by him of exciseable liquor, deliver that liquor, either himself or by his servant or agent, from any van, barrow, basket or other vehicle or receptacle unless—

- (a) before the liquor was dispatched the quantity, description and price of the liquor and the name and address of the person to whom it was to be supplied had been entered in a day book kept in the premises from which the liquor was dispatched, and
 - (b) the person delivering the liquor carries a delivery book or invoice in which there had been entered, before the liquor was dispatched, the quantity, description and price of the liquor and the name and address of the person to whom it was to be supplied.
- (2) A person shall not, himself or by his servant or agent,—
- (a) carry in any van, barrow, basket or other vehicle or receptacle, while in use for the delivery of exciseable

liquor in pursuance of a sale by that person, any exciseable liquor that is not entered in a day book and delivery book or invoice under the foregoing subsection ;

(b) deliver, in pursuance of a sale, any exciseable liquor at any address not entered as aforesaid.

(3) A person shall not, himself or by his servant or agent, refuse to allow a constable to examine any van, barrow, basket or other vehicle or receptacle while in use for the delivery of exciseable liquor or to examine a delivery book or invoice carried, or day book kept, under subsection (1) of this section.

(4) The holder of a certificate shall not be guilty of an offence under this section committed by his servant or agent if he proves that the offence was committed without his knowledge or consent.

(5) Nothing in this section shall prohibit or restrict the delivery of exciseable liquor to a trader for the purposes of his trade or to a registered club for the purposes of the club.

(6) If the holder of a certificate contravenes any of the provisions of this section, he shall be deemed to be guilty of a breach of his certificate and shall be liable accordingly, and if any other person contravenes any of the said provisions, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

140.—(1) If any person sells or supplies exciseable liquor in the premises of an unregistered club, or authorises the sale or supply of exciseable liquor in any such premises, to a member or other person, or if any person pays for exciseable liquor so sold or supplied, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

Exciseable liquor not to be sold or supplied or kept for sale or supply in unregistered club.

(2) If exciseable liquor is kept in any such premises for sale or supply in those premises, every officer and member of the club shall be guilty of an offence and on conviction thereof shall be liable—

(a) in the case of a first conviction, to a fine not exceeding seven pounds ;

(b) in the case of a second conviction, to a fine not exceeding fifteen pounds ;

(c) in the case of a third or subsequent conviction, to a fine not exceeding thirty pounds.

(3) A person shall not be guilty of an offence under the last foregoing subsection if he proves that the liquor was kept as mentioned in that subsection without his knowledge or consent.

PART X
—*cont.*

(4) If a justice of the peace or magistrate is satisfied by information on oath that there are reasonable grounds for believing that exciseable liquor is being sold or supplied in the premises of an unregistered club or is being kept in any such premises for the purpose of being sold or supplied there, he may by warrant authorise a constable to enter those premises at any time, if need be by force, and to search the premises and seize any documents relating to the business of the club and to take the names and addresses of any persons found in the premises.

(5) If a justice of the peace or magistrate is satisfied by oral evidence on oath that there are reasonable grounds for believing that exciseable liquor is being kept in the premises of an unregistered club for the purpose of being sold or supplied there, he may by warrant authorise a constable to seize and remove any such liquor which the constable has reasonable grounds for supposing to be in the premises for the purpose of being sold or supplied there, together with the vessels containing the liquor.

(6) If any of the officers or members of a club from the premises of which any exciseable liquor has been removed under the last foregoing subsection is convicted of an offence under subsection (2) of this section in respect of such liquor or any part thereof, that liquor or such part thereof, as the case may be, and the vessels containing it, shall be forfeited and sold and the proceeds thereof paid into the fund of the county or burgh, as the case may be, in which the said premises are situated.

(7) If any person found in the premises of a club refuses to give his name and address on being requested to do so by a constable acting under a warrant granted in pursuance of subsection (4) of this section, or gives a false name or address on being so requested, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds.

Sale or supply of exciseable liquor for consumption outside registered club.

141.—(1) If any person sells or supplies exciseable liquor in the premises of a registered club for consumption off the premises, or authorises such sale or supply of exciseable liquor, or pays for exciseable liquor so sold or supplied, he shall, unless such liquor was sold or supplied to a member of the club in person for consumption by him or to a person holding an excise licence for the sale of such liquor, be guilty of an offence and on conviction thereof shall be liable—

- (a) in the case of a first conviction, to a fine not exceeding seven pounds ;
- (b) in the case of a second conviction, to a fine not exceeding fifteen pounds ;

(c) in the case of a third or subsequent conviction, to a fine not exceeding thirty pounds.

PART X
—cont.

(2) A person shall not be guilty of an offence under this section if he proves that the liquor was sold or supplied as mentioned in the foregoing subsection without his knowledge or consent.

(3) Where in any proceedings under this section it is proved that any exciseable liquor has been received or delivered in the premises of a registered club and taken outside those premises for the purposes of the proceedings such liquor shall, unless the contrary is shown, be deemed to have been so taken for consumption off the premises.

142. If any person—

- (a) himself, or by his servant or agent, sells or supplies exciseable liquor in a licensed canteen for consumption outside the canteen, or
- (b) takes exciseable liquor from any such canteen for consumption outside the canteen,

he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding thirty pounds.

Prohibition of sale or supply of exciseable liquor in licensed canteens for consumption off the premises.

Persons under age

143.—(1) The holder of a certificate in respect of any premises shall not allow a person under fourteen to be in the bar of those premises during the permitted hours, and the holder of a licence under Part III of this Act in respect of any canteen shall not allow such a person to be in that canteen during the permitted hours.

Children prohibited from bars and licensed canteens.

(2) No person shall cause or procure, or attempt to cause or procure, any person under fourteen to go to, or to be in,—

- (a) the bar of any licensed premises, or
- (b) any licensed canteen,

during the permitted hours.

(3) Where it is shown that a person under fourteen was in the bar of any licensed premises or in any licensed canteen during the permitted hours, the holder of the certificate or licence, as the case may be, shall be guilty of an offence under this section unless he proves either—

- (a) that he used due diligence to prevent the person under fourteen from being admitted to the bar or canteen, or
- (b) that the person under fourteen had apparently attained that age.

PART X
—cont.

(4) No offence shall be committed under this section if the person under fourteen—

- (a) is a child of the holder of the certificate or licence, as the case may be, or
- (b) resides in the licensed premises but is not employed there, or
- (c) is in the bar of the licensed premises solely for the purpose of passing to or from some other part of the premises, not a bar, being a part to or from which there is no other convenient means of access or egress, or
- (d) is in the licensed canteen solely for the purpose of passing to or from some other part of premises in which the canteen is comprised, not a bar, being a part to or from which there is no other convenient means of access or egress.

(5) No offence shall be committed under this section in respect of a bar which is in any railway refreshment rooms or other premises constructed, fitted and intended to be used *bona fide* for any purpose to which the holding of a certificate is merely ancillary.

(6) If any person contravenes this section he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding forty shillings, and in the case of a second or subsequent conviction, to a fine not exceeding five pounds.

(7) Where in any proceedings under this section it is alleged that a person was at any time under fourteen, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

Persons under
eighteen not
to be employed
in bars or
licensed
canteens.

144.—(1) If any person under eighteen is employed in any bar of licensed premises, or in a licensed canteen, at a time when the bar or canteen is open for the sale or consumption of exciseable liquor, the holder of the certificate or licence, as the case may be, shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds.

(2) For the purposes of this section—

- (a) a person shall not be deemed to be employed in a bar of licensed premises by reason only that in the course of his employment in some other part of the premises he enters the bar for the purpose of giving

or receiving any message or of passing to or from some other part of the premises, not a bar, being a part to or from which there is no other convenient means of access or egress ;

PART X
—cont.

- (b) a person shall not be deemed to be employed in a licensed canteen by reason only that in the course of his employment in some other part of premises in which the canteen is comprised he enters the canteen for the purpose of giving or receiving any message or of passing to or from some other part of such premises, not a bar, being a part to or from which there is no other convenient means of access or egress.

(3) For the purposes of this section a person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.

(4) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

(5) A conviction for any offence shall not after five years from the date of the conviction be receivable in evidence against any person for the purpose of subjecting him under this section to an increased fine.

145.—(1) The holder of a certificate shall not knowingly sell or deliver, or allow any other person to sell or deliver, exciseable liquor to a person under fourteen :

Restriction
on sale or
delivery of
exciseable
liquor to
children.

Provided that this subsection shall not prohibit the sale or delivery of exciseable liquor to such a person—

- (a) at the residence or working place of the purchaser, or
(b) in corked and sealed vessels in quantities not less than one reputed pint for consumption off the premises only.

(2) A person shall not knowingly send any person under fourteen to any place where exciseable liquor is sold or delivered in pursuance of a sale for the purpose of obtaining exciseable liquor except for the purpose of obtaining it in corked and sealed vessels in quantities not less than one reputed pint for consumption off the premises only.

(3) This section shall not prohibit the holder of a certificate from delivering exciseable liquor to a person under fourteen who is a member of his family or his servant or apprentice and is employed as a messenger to deliver exciseable liquor, or the sending of such a person under fourteen to the licensed premises to obtain exciseable liquor.

PART X
—*cont.*

(4) If any person contravenes this section, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding forty shillings, and in the case of a second or subsequent conviction, to a fine not exceeding five pounds.

(5) In this section “corked” means closed with a plug or stopper, and “sealed” means secured with any substance without the destruction of which the plug or stopper cannot be withdrawn.

**Restriction
on sale of
exciseable
liquor to young
persons for
consumption
on the
premises.**

146.—(1) The holder of a certificate or of a licence under Part III of this Act shall not knowingly sell or allow any other person to sell, and a servant of the holder of a certificate or of such a licence shall not knowingly sell, exciseable liquor to be consumed on the premises to a person under eighteen.

(2) A person under eighteen shall not buy or attempt to buy in licensed premises or in the premises of any licensed canteen exciseable liquor to be consumed by him on the premises.

(3) Nothing in the last two foregoing subsections shall prohibit the sale to, or purchase by, a person who has attained the age of sixteen of beer, porter, cider or perry for consumption at a meal in a part of any licensed premises, not a bar, usually set apart for the service of meals.

(4) The holder of a certificate or of a licence under Part III of this Act, and the servant of the holder of a certificate or of such a licence, shall not knowingly allow a person under eighteen to consume exciseable liquor in any bar in the licensed premises or to consume such liquor in the premises of the licensed canteen, as the case may be.

(5) No person shall buy or attempt to buy exciseable liquor for consumption in a bar in any licensed premises, or for consumption in the premises of any licensed canteen, by a person under eighteen.

(6) If any person contravenes this section he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding twenty shillings, and in the case of a second or subsequent conviction, to a fine not exceeding forty shillings.

Travellers

**Offences in
connection
with sale of
exciseable
liquor to
travellers.**

147.—(1) If the holder of a hotel certificate sells or supplies exciseable liquor on Sunday to any traveller, unless for consumption by such traveller in the premises of the hotel, he shall be deemed to be guilty of a breach of his certificate and shall be liable accordingly.

(2) If any traveller induces the holder of a hotel certificate or a servant of the holder of such a certificate to sell or supply exciseable liquor to him on Sunday, except for consumption by him in the premises of the hotel, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding forty shillings.

PART X
—cont.

Offences relating to measure

148. If the holder of a certificate sells, or allows any person under his control or in his employment to sell, exciseable liquor in quantities of a pint or more except in a cask or bottle or in a measure marked according to the imperial standards, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds, and in either case shall be liable to forfeit any illegal measure in which the liquor was sold.

Sale by
standard
measure.

149. If any person in licensed premises or in the premises of a licensed canteen or of a registered club himself or by his servant or agent sells or supplies to any person as the measure of exciseable liquor for which he asks an amount exceeding that measure, then—

Long pull
prohibited.

- (a) if he holds a certificate in respect of those premises, he shall be deemed to be guilty of a breach of such certificate and shall be liable accordingly ;
- (b) if he is the manager of the canteen, he shall be liable as provided in section one hundred and thirty-two of this Act ;
- (c) in any other case, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

Sale on credit

150.—(1) A person shall not—

Restriction on
credit sales

- (a) himself, or by his servant or agent, sell or supply in licensed premises or in the premises of a licensed canteen or of a registered club exciseable liquor to be consumed on the premises, or
- (b) consume exciseable liquor on any such premises,

unless it is paid for before or at the time when it is supplied or sold :

Provided that, if the liquor is sold or supplied for consumption at a meal supplied at the same time and is consumed with the meal, and the liquor is paid for together with the meal, no offence shall be committed under this section.

PART X
—*cont.*

(2) If any person contravenes this section, then—

- (a) if he holds a certificate in respect of the premises in which such contravention took place, he shall be deemed to be guilty of a breach of such certificate and shall be liable accordingly ;
- (b) if he is the manager of the canteen in which the contravention took place, he shall be liable as provided in section one hundred and thirty-two of this Act ;
- (c) in any other case, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

(3) Nothing in this section shall prohibit or restrict the sale or supply of exciseable liquor to any canteen in which the sale or supply of exciseable liquor is carried on under the authority of the Secretary of State or the Admiralty or to any authorised mess of members of Her Majesty's naval, military or air forces.

Order in licensed premises, etc.

Intoxicated
persons
entering
public house

151.—(1) If any person attempts to enter a public house while in a state of intoxication, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding forty shillings.

(2) A constable may arrest without warrant any person committing an offence under this section.

Intoxicated
persons in
licensed
premises.

152.—(1) If any person is in licensed premises while in a state of intoxication and incapable of taking care of himself, he shall, unless he is under the care or protection of a suitable person, be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding forty shillings.

(2) A constable may arrest without warrant any person committing an offence under this section.

(3) An offence under this section shall be deemed to be an offence mentioned in the First Schedule to the Inebriates Act, 1898.

Riotous
behaviour, etc.,
in licensed
premises.

153.—(1) If any person in licensed premises—

- (a) behaves while drunk in a riotous or disorderly manner, or
- (b) while drunk uses obscene or indecent language to the annoyance of any person,

he shall be guilty of an offence, and on conviction thereof shall be liable to a fine not exceeding forty shillings or to imprisonment for a term not exceeding thirty days.

(2) An offence under this section shall be deemed to be an offence mentioned in the First Schedule to the Inebriates Act, 1898.

PART X
—cont.

154.—(1) If any person is drunk in licensed premises while having the charge of a child under seven, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding forty shillings.

Drunken person in charge of child under seven in licensed premises.

(2) Where in any proceedings under this section it is alleged that a child was at any time under seven, and he appears to the court then to have been under that age, for the purposes of the proceedings the child shall be deemed to have been then under that age unless the contrary is shown.

(3) An offence under this section shall be deemed to be an offence mentioned in the First Schedule to the Inebriates Act, 1898.

155. All fines recovered in proceedings under any of the last three foregoing sections shall, if imposed in the burgh court of a burgh to which the Burgh Police (Scotland) Act, 1892, applies, be paid into the burgh fund.

Disposal of certain fines under ss. 152 to 154.

156.—(1) If a person in any premises licensed for the sale of exciseable liquor procures or attempts to procure any exciseable liquor for consumption by a drunken person, he shall be guilty of an offence under this section.

Procuring drink for drunken person in premises licensed for the sale of exciseable liquor.

(2) If any person aids a drunken person in obtaining or consuming any exciseable liquor in any such premises, he shall be guilty of an offence under this section.

(3) Any person guilty of an offence under this section shall on conviction thereof be liable to a fine not exceeding forty shillings or to imprisonment for a term not exceeding thirty days.

157.—(1) If a person in any premises or place licensed for the sale by retail of exciseable liquor—

Penalty on persons refusing to leave premises licensed for the sale by retail of exciseable liquor.

(a) being riotous, quarrelsome or disorderly, refuses or neglects to leave such premises on being requested so to do by the occupier or manager thereof or his servant or agent or by any constable, or

(b) refuses to leave such premises at the conclusion of the permitted hours in the afternoon or evening, as the case may be, on being requested so to do as aforesaid,

he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding forty shillings.

PART X
—*cont.*

(2) A constable may assist in expelling from any such premises any person who refuses or neglects to leave the premises on being requested so to do as aforesaid.

(3) A constable may arrest without warrant any person committing an offence under this section.

Penalty on persons found in shebeens drunk or drinking.

158.—(1) If any person is found in a shebeen drunk or drinking he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten shillings.

(2) A constable may arrest without warrant any person committing an offence under this section.

(3) The offence under this section of being found in a shebeen drunk shall be deemed to be an offence mentioned in the First Schedule to the Inebriates Act, 1898.

General

Offences in relation to constables.

159. If the holder of a certificate or of a licence under Part III of this Act—

- (a) knowingly suffers to remain in his premises any constable during any part of the time appointed for the constable's being on duty, except for the purpose of the execution of the constable's duty ; or
- (b) supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty, except by authority of a superior officer of the constable ; or
- (c) bribes or attempts to bribe any constable ;

he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds.

Prohibition of sale of exciseable liquor to persons convicted of drunkenness.

160.—(1) Where any person is convicted of an offence mentioned in the First Schedule to the Inebriates Act, 1898, and such person has, during the period of twelve months immediately preceding the date of such conviction, been convicted on three occasions of an offence mentioned in the said Schedule, the court may order that notice of the conviction, together with such particulars as may be prescribed, shall be sent to the police authority.

(2) The court shall, on ordering notice of the conviction of any person to be sent to the police authority in pursuance of the foregoing subsection, inform the said person that the notice is to be so sent.

(3) Where in pursuance of the foregoing provisions of this section notice of the conviction of any person has been sent to a police authority and that person has been informed that such notice is to be so sent, then—

PART X
—*cont.*

- (a) if the said person, within three years after the date of such conviction, purchases or obtains, or attempts to purchase or obtain, exciseable liquor at any licensed premises or at the premises of any registered club, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding twenty shillings, and in the case of a second or subsequent conviction, to a fine not exceeding forty shillings; and
- (b) if the holder of any certificate, or any person selling or supplying exciseable liquor or authorising such sale or supply in the premises of a registered club, within the said period knowingly sells or supplies, or allows any person to sell or supply, exciseable liquor to or for consumption by the said person, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction in respect of the said person, to a fine not exceeding twenty pounds.

(4) Regulations shall be made by each police authority for the purpose of securing that information regarding orders made in pursuance of subsection (1) of this section is given to the holders of certificates and the secretaries of registered clubs, and for the purpose of assisting in the identification of the persons in respect of whom such orders may be made.

(5) For the purposes of this section—

“prescribed” means prescribed by rules made by the Secretary of State; and

“police authority” means the police authority within the meaning of the Police (Scotland) Act, 1956, for the police area within which the court in question is situated.

161. Subject to the provisions of this Act, exciseable liquor shall not be sold or supplied in any theatre (being a theatre in respect of which no certificate is held but for which, by virtue of subsection (2) of section one hundred and fifty of the Customs and Excise Act, 1952, a retailer's on-licence has been granted) during any time when the sale and supply of such liquor in

Sale of exciseable liquor in theatres.

PART X
—cont.

public houses in the licensing area within which such theatre is situated is prohibited by or under this Act.

Drinking at
place of public
refreshment,
etc., when
public houses
closed.

162.—(1) Subject to the provisions of this Act, exciseable liquor shall not be consumed in any premises used for the sale to, or consumption by, the public of provisions, refreshments, confectionery or tobacco during any time when the consumption of such liquor in public houses in the licensing area within which such premises are situated is prohibited by or under this Act.

(2) If any person keeping or occupying any such premises permits exciseable liquor to be consumed therein in contravention of the foregoing provisions of this section, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds.

(3) Such a person shall not be guilty of an offence under this section if he proves that the liquor in question was consumed without his knowledge or consent.

Supply of
exciseable
liquor on
order by
certain officials
and others.

163.—(1) The holder of a certificate in respect of any premises may supply exciseable liquor from those premises during any time when such supply would, apart from this section, be prohibited by or under this Act, on an order stating why the liquor is required and signed—

- (a) by a member of a police force of or above the rank of inspector or by a constable in charge of a police station ;
or
- (b) by the procurator fiscal ; or
- (c) by a medical official ; or
- (d) in case of sickness, accident or emergency, by a duly qualified medical practitioner.

(2) Any such order shall be a sufficient defence in any prosecution in respect of the supply of the exciseable liquor to which it relates if within forty-eight hours after the supply of such liquor the order is sent by post to the procurator fiscal together with a note of the description and quantity of the liquor supplied and the name and address of the person to whom the liquor was supplied.

(3) The procurator fiscal shall, not later than seven days before the general half-yearly meeting of any licensing court having jurisdiction in the district for which he acts or any part thereof, transmit to the clerk to such court a list of orders received by him under the last foregoing subsection during the

current half-year, being orders received from persons holding certificates from that court, and the said list shall contain a note of the names and designations of all persons signing such orders.

PART X
—cont.

164.—(1) If a justice of the peace or magistrate is satisfied by oral evidence on oath that there are reasonable grounds for believing that exciseable liquor is being trafficked in in any unlicensed premises or by any person not holding an excise licence for the sale of exciseable liquor in such premises, or that such liquor is being kept for the purpose of being trafficked in in any such premises, he may by warrant under his hand authorise any member of a police force of or above the rank of sergeant, with any constable, to enter those premises at any time or times within one month from the date of the warrant and search the premises for exciseable liquor and, if such liquor be found in the premises in a quantity exceeding one gallon, to seize and remove such liquor, together with the vessels containing the liquor.

Penalty for trafficking in exciseable liquor in unlicensed premises.

(2) Where exciseable liquor in a quantity exceeding one gallon is found as aforesaid in any unlicensed premises and it is proved that such liquor was being trafficked in in such premises or by any person not holding an excise licence for the sale of exciseable liquor in such premises, or that such liquor was being kept for the purpose of being trafficked in in such premises, the person occupying or using the premises shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction, to a fine not exceeding ten pounds.

(3) If any person occupying or using premises from which any exciseable liquor has been removed under the last foregoing subsection is convicted of an offence under this section in respect of such liquor or any part thereof, that liquor or such part thereof, as the case may be, and the vessels containing it, shall be forfeited and sold and the proceeds thereof paid into the fund of the county or burgh, as the case may be, in which the said premises are situated.

(4) In this section “unlicensed premises” means premises in respect of which no excise licence for the sale of exciseable liquor is in force.

165.—(1) If any person who occupies or keeps any premises in respect of which a certificate is held—

Penalty for harbouring thieves, etc.

(a) knowingly suffers thieves or reputed thieves to remain in those premises, or knowingly permits thieves or reputed thieves to meet or assemble in the premises; or

2 B*

PART X
—*cont.*

- (b) knowingly permits to be deposited in the premises goods which he has reasonable grounds for believing to be stolen goods ;

he shall be guilty of an offence and on his being convicted thereof the court may order him—

- (a) to pay a fine not exceeding ten pounds ; or
 (b) to find caution for a sum not exceeding twenty pounds for being of good behaviour during the period of twelve months from the date of such conviction ; or
 (c) both to pay such fine and to find such caution.

(2) Where any person is convicted of an offence under this section in respect of any premises, then—

- (a) in the case of a first conviction of the said person in respect of those premises, the court may declare any certificate held by such person in respect of the premises to be forfeited ;
 (b) in the case of a second conviction of the said person in respect of the same premises, the court shall declare any certificate held by such person in respect of the premises to be forfeited, and the said person shall be disqualified for obtaining a certificate in respect of those premises during the period of two years from the date of such conviction ;

and any certificate so declared to be forfeited shall thereupon become void, and any certificate granted in contravention of paragraph (b) of this subsection shall be void.

(3) Where any person is convicted of an offence under this section in respect of any premises, the court shall, if within the period of three years immediately preceding the date of such conviction the same or any other person has been convicted of an offence under this section in respect of the said premises, order that a certificate shall not be granted to any person in respect of those premises within the period of one year from the said date, and any certificate granted in contravention of this subsection shall be void.

(4) The holder of a certificate shall, in any proceedings against him for an offence under this section, produce such certificate to the court for examination and, if the certificate is forfeited under this section, shall thereupon deliver it to the court ; and any person who wilfully refuses or neglects to produce his certificate in accordance with this subsection shall be guilty of an offence and on conviction thereof shall, in addition to any other penalty to which he may be liable under this section, be liable to a fine not exceeding five pounds.

(5) All fines recovered in proceedings under this section shall be accounted for by the clerk of court and paid by him to the Exchequer.

PART X
—cont.

166. If any person by any wilfully false representation induces the holder of a hotel certificate, or the servant of any such holder, to sell or supply exciseable liquor to him during any time when the sale or supply of exciseable liquor, except to lodgers or travellers, is prohibited by or under this Act, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds.

Penalty on persons obtaining exciseable liquor by false representation.

167.—(1) If the holder of a wholesaler's excise licence knowingly permits any breach of the peace, drunkenness or riotous and disorderly conduct in his premises, or sells or supplies exciseable liquor on a Sunday or to persons who are in a state of intoxication, he shall be guilty of an offence.

Forfeiture of wholesaler's excise licence in certain cases.

(2) Where any person holding such a licence is convicted of an offence under this section or of an offence under section one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-eight or one hundred and thirty-nine of this Act, then—

(a) the court shall, in addition to any penalty which they may impose on such person under any other provision of this Act, declare any such licence held by that person to be forfeited; and

(b) the said person shall be disqualified for obtaining any such licence during a period of two years from the date of such conviction;

and any licence so declared to be forfeited shall thereupon become void, and any licence granted in contravention of paragraph (b) of this subsection shall be void.

(3) Where any person is convicted of any such offence as is mentioned in the last foregoing subsection the clerk of court shall forthwith send particulars of the conviction to the Commissioners.

PART XI

REGISTRATION OF CLUBS

168.—(1) The sheriff clerk for each county or other area (hereafter in this Part of this Act called "the registrar") shall keep a register of clubs situated within such county or area in respect of which a certificate of registration has been granted under this Part of this Act.

Register of clubs.

(2) There shall be entered in the said register in respect of each club registered therein—

(a) the name of the club;

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—cont.

- (b) the address of the premises in respect of which the certificate of registration has been granted;
- (c) a statement whether the club is the tenant or the proprietor and occupier of those premises;
- (d) the name and address of each official and of each member of the committee of management or governing body of the club;
- (e) the date of the certificate granted to the club; and
- (f) a statement whether the certificate has been granted for the first time or on renewal.

(3) The registration of a club under this Part of this Act shall not constitute the club licensed premises or authorise any sale of exciseable liquor therein which would otherwise be illegal.

Application
for certificate
of registration.

169.—(1) An application for a certificate of registration in respect of any club shall be signed by the chairman, secretary or solicitor of the club and shall be lodged with the registrar.

(2) There shall be specified in any such application—

- (a) the name of the club;
- (b) the objects of the club; and
- (c) the address of the premises occupied by the club.

(3) There shall be lodged along with any such application—

- (a) two copies of the rules of the club;
- (b) a list containing the name and address of each official, each member of the committee of management or governing body, and each member, of the club; and
- (c) a statement in the form aforementioned certifying that the club is to be or, in the case of an existing club, has been and is to be, conducted as a bona fide club and not mainly for the supply of exciseable liquor.

(4) Any such statement as is referred to in paragraph (c) of the last foregoing subsection shall be in, or as nearly as may be in, the form set out in the Tenth Schedule to this Act, and shall be signed either—

- (a) where the premises occupied by the club are situated within a burgh having a separate licensing court, either by two justices of the peace who for the time being are members of the court of appeal from the burgh licensing court or by two magistrates of the burgh or by one such justice and one such magistrate; or
- (b) in any other case, by two members either of the licensing court or of the court of appeal for the

licensing area within which the premises occupied by the club are situated, or by one member of each of the said courts, not being the same member ;

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—cont.

and, if the premises occupied by the club are not owned by it, the statement shall be signed also by the owner of the premises or, if the owner is under a legal disability, by his legal representative :

Provided that where the premises are held under a lease for a term of years which was entered into not later than Whitsunday, nineteen hundred and three, the signature of the owner of the premises shall not be required.

(5) Any magistrate or justice of the peace who signs such a statement as is referred to in paragraph (c) of subsection (3) of this section may, within ten days from the date on which he signed such statement, withdraw his name therefrom.

(6) Any application under this section shall be accompanied by a fee of one pound.

170.—(1) Subject to the provisions of the next following subsection, an application for the renewal of a certificate of registration granted to a club under this Part of this Act shall be lodged with the registrar by the secretary of the club not later than twenty-one days before the date of expiry of that certificate. Application for renewal of certificate of registration.

(2) Notwithstanding the provisions of the foregoing subsection, the sheriff may entertain such an application if it is lodged later than twenty-one days before the said date but shall not grant such application unless he is satisfied that the failure to lodge it timeously was due to inadvertence.

(3) The provisions of the last foregoing section shall apply in respect of an application for the renewal of a certificate of registration as they apply in respect of an application under that section.

171.—(1) On an application for the grant of a certificate of registration in respect of any club or for the renewal of any such certificate being lodged in accordance with the foregoing provisions of this Part of this Act, the registrar shall forthwith give notice of such application— Procedure on application for grant or renewal of certificate of registration.

(a) to the chief constable ;

(b) where the premises of the club are situated within a burgh, to the town council of that burgh ; and

(c) where the premises are not situated within a burgh, to the district council of the district within which the premises are situated.

PART XI
—*cont.*

(2) Objection to the grant or renewal of a certificate of registration in respect of any club may be made on any of the grounds specified in section one hundred and seventy-four of this Act by any of the persons to whom notice has been given under the foregoing subsection, and also by the procurator fiscal or any person owning or occupying property in the neighbourhood of the premises occupied by the club.

(3) Any such objections shall be lodged with the registrar by the objector and, where the objector is a chief constable, a town council or a district council, shall be so lodged within twenty-one days of the date of the receipt by the objector of the notice given to him under subsection (1) of this section by the registrar, and any objector shall, on lodging objections under this section, send a copy of such objections to the secretary of the club applying for the grant or renewal of a certificate of registration.

(4) On an application for the grant of a certificate of registration in respect of any club or for the renewal of such a certificate,—

- (a) if no objections to the grant or renewal of such certificate are lodged in accordance with the foregoing provisions of this section, or if all such objections are withdrawn, the sheriff shall, if he is satisfied that the application has been duly made in accordance with the foregoing provisions of this Part of this Act and that the rules of the club are in conformity with the provisions of this Act, grant the application;
- (b) if such objections are lodged and not withdrawn, the sheriff shall as soon as may be hear parties upon the application and objections and may order such inquiry as he thinks fit, and shall thereafter grant or refuse the certificate, and may award expenses against the unsuccessful party.

(5) The sheriff shall, on granting any such application, cause the entries required by section one hundred and sixty-eight of this Act to be made in the register of clubs and thereupon the registrar shall issue to the applicant a certificate of registration in, or as nearly as may be in, the form set out in the Tenth Schedule to this Act.

Currency of
certificate of
registration.

172. A certificate of registration shall, subject to the provisions of this Part of this Act, remain in force for a period of twelve months from the date of issue:

Provided that where an application for the renewal of such a certificate has been made, that certificate shall remain in force

pending the final decision of the sheriff on such application for a period not exceeding three months from the date on which the certificate would otherwise have expired and, if the sheriff thinks fit, for a further period not exceeding three months.

PART XI
—*cont.*

173. A certificate of registration shall not be granted under this Part of this Act to any club unless the rules of the club provide— Club rules
qualifying for
registration.

- (a) that the business and affairs of the club shall be under the management of a committee or governing body elected for not less than a year by the general body of members and subject in whole or in a specified proportion to annual re-election ;
- (b) that no member of the committee or governing body and no manager or servant employed in the club shall have any personal interest in the sale of exciseable liquor therein or in the profits arising from such sale ;
- (c) that the committee or governing body shall hold periodical meetings ;
- (d) that all members of the club shall be elected by the whole body of members or by the committee or governing body, with or without specially added members ;
- (e) that the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and that an interval of not less than two weeks shall elapse between the nomination and election of ordinary members ;
- (f) that no person under eighteen shall be admitted a member of the club unless the club is one devoted primarily to some athletic purpose, and in the latter case that no exciseable liquor shall be sold or supplied to any person under eighteen ;
- (g) that no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription except those possessing certain qualifications defined in the rules and subject to conditions and regulations prescribed therein ;
- (h) that there shall be a defined subscription payable in advance by members ;
- (i) that correct accounts and books shall be kept showing the financial affairs and intromissions of the club ;

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—*cont.*

- (j) that the permitted hours specified in the rules shall be applicable to the club ;
- (k) that a visitor shall not be supplied with exciseable liquor in the club premises unless on the invitation and in the company of a member and that the member shall, upon the admission of such visitor to the club premises or immediately upon his being supplied with such liquor, enter his own name and the name and address of the visitor in a book which shall be kept for the purpose and which shall show the date of each visit ; and
- (l) that no exciseable liquor shall be sold or supplied in the club premises for consumption off the premises except to a member of the club in person for consumption by him or to a person holding an excise licence for the sale of such liquor :

Provided that the foregoing paragraphs of this section, other than paragraph (j) thereof, shall not apply to any lodge of Freemasons duly constituted under a charter from the Grand Lodge of Scotland, and that paragraphs (d), (e) and (f) of this section shall not apply to a university Students' Union which is recognised and certified as such to the registrar by the Senatus Academicus of a university.

Competent grounds of objection to registration.

174. The sheriff shall not consider any objection to the grant or renewal of a certificate of registration unless it is made on one or more of the following grounds :—

- (a) that the application made by the club is in any respect specified in such objection not in conformity with the provisions of this Act ;
- (b) that the rules of the club are in any respect specified in such objection not in conformity with the provisions of this Act ;
- (c) that the club has ceased to exist or has less than twenty-five members ;
- (d) that the premises are, or the situation thereof is, not suitable or convenient for the purpose of a club ;
- (e) that the club occupies premises in respect of which, within the period of twelve months immediately preceding the formation of the club, a certificate for the sale by retail of exciseable liquor granted under this Act had been forfeited or the renewal of such a certificate refused, or in respect of which at the time when the premises were first occupied by the

club an order was in force under section one hundred and seventy-six of this Act that they should not be used for the purposes of a club ;

- (f) that the club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose or mainly for the supply of exciseable liquor ;
- (g) that there is a bar in the premises, or that a part of the premises is exclusively or mainly used for the consumption of exciseable liquor ;
- (h) that the club is to be used mainly as a drinking club ;
- (i) that there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the premises ;
- (j) that the club is conducted in a disorderly manner ;
- (k) that illegal sales of exciseable liquor have taken place in the club premises ;
- (l) that persons who are not members of the club are habitually admitted to the club premises merely for the purpose of obtaining exciseable liquor ;
- (m) that the supply of exciseable liquor to the club is not under the control of the members of the club or of the committee of management or governing body of the club ;
- (n) that the officials and committee of management or governing body of the club, or the manager, or a servant employed in or by the club, have or will have a personal interest in the purchase by the club or in the sale in the premises of the club of exciseable liquor or in the profits arising therefrom, or, where the said premises are not owned by the club, that the owner or the immediate lessor of the premises has or will have such a personal interest ;
- (o) that any of the rules of the club are habitually broken ;
- (p) that persons are habitually admitted or supplied as members of the club without an interval of at least two weeks between their nomination and election as ordinary members, or for a subscription of a nominal amount ;
- (q) That the officials and committee of management or governing body of the club, or the members of the club, are persons of bad character or persons who

PART XI
—*cont.*

follow no lawful occupation and have no means of subsistence ;

- (r) that the club has been or will be used as the resort of criminals or persons of bad character, or that men or women of bad fame assemble in or frequent the club ;
- (s) that exciseable liquor is sold or supplied for consumption on or off the premises outwith the permitted hours.

Cancellation
of certificate
of registration.

175.—(1) Any person entitled under subsection (2) of section one hundred and seventy-one of this Act to object to the renewal of the certificate of registration held by a registered club may apply to the sheriff or, if the premises occupied by the club are situated within a burgh, to the sheriff or to a magistrate, for a finding that the club is being so managed or carried on as to give rise to a ground of objection to the renewal of its certificate, being one of the grounds of objection specified in the last foregoing section, and the sheriff or magistrate may, if he is satisfied that such ground of objection has been established, make such finding and shall specify therein the grounds for the finding.

(2) Where on an application under the foregoing subsection such a finding as is therein mentioned has been made in respect of any club, or where a conviction has taken place under section one hundred and forty-one of this Act in respect of exciseable liquor sold or supplied in any club, a certified copy of the application and finding or of the complaint and conviction, as the case may be, shall, within six days from the date of the finding or the conviction, be transmitted by the clerk of the court (unless he is also the registrar) to the registrar.

(3) Where—

- (a) such a finding as is mentioned in subsection (1) of this section has been made in respect of any club ; or
- (b) a conviction has taken place under section one hundred and forty-one of this Act in respect of exciseable liquor sold or supplied in any club ;

the registrar shall enter such finding or conviction, as the case may be, in the register of clubs and lay the same before the sheriff, and the sheriff may, if he thinks fit, after such further enquiry as he may think necessary, and having regard to the grounds specified in such finding or the magnitude of the offence, as the case may be, cancel the certificate of registration of such club.

(4) Where the certificate of registration of any club has been cancelled under the last foregoing subsection, that club may apply for the renewal of such certificate at the date at which it would have been competent so to do if the certificate had not been cancelled.

PART XI
—cont

(5) The sheriff may, on an application under subsection (1) of this section, award expenses against the unsuccessful party.

176.—(1) Where the sheriff has refused an application by a club for the renewal of its certificate of registration or where under the last foregoing section he has cancelled the certificate held by a club, he may, if he thinks fit, order that the premises occupied by that club shall not be occupied and used for the purposes of any registered club.

Disqualification of premises for purposes of club.

(2) An order made under the foregoing subsection shall be in force for such period as the order shall specify, not exceeding—

- (a) if the premises have not been subject to a previous order under that subsection, twelve months;
- (b) if the premises have been subject to any such previous order, five years.

(3) Such an order may, on good cause being shown, be subsequently cancelled or varied by the sheriff.

177.—(1) Where a finding has been made under subsection (1) of section one hundred and seventy-five of this Act that a registered club is being so managed or carried on as to give rise to a ground of objection to the renewal of its certificate of registration, then if a ground of objection mentioned in paragraph (f), (i), (j) or (l) of section one hundred and seventy-four of this Act is specified in such finding, every person entered in the register of clubs as an official or a member of the committee of management or governing body of the said club shall be guilty of an offence and on conviction thereof shall be liable—

Penalties for offences by officials of registered club.

- (a) in the case of a first conviction, to a fine not exceeding seven pounds;
- (b) in the case of a second conviction, whether in respect of the same or a different club, to a fine not exceeding fifteen pounds; and
- (c) in the case of a third or subsequent conviction, whether in respect of the same or a different club, to a fine not exceeding thirty pounds.

(2) A person shall not be convicted of an offence under this section if he proves that the club was managed or carried on as aforesaid without his knowledge or consent.

PART XI
—*cont.*

Penalty for lodging false application for registration.

178. If any person in an application lodged under subsection (1) of section one hundred and sixty-nine of this Act or in any of the accompanying documents specified in subsection (3) of that section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Power to police to enter club.

179.—(1) If a justice of the peace or magistrate is satisfied by information on oath that there are reasonable grounds for believing—

- (a) that any registered club is being so managed or carried on as to give rise to a ground of objection to the renewal of its certificate of registration, being one of the grounds of objection specified in section one hundred and seventy-four of this Act; or
- (b) that an offence under this Act has been or is being committed in any registered club;

he may by warrant authorise a constable to enter the premises of such club at any time, if need be by force, and to search the premises and seize any documents relating to the business of the club and to take the names and addresses of any persons found in the premises.

(2) If any person found in the premises of a club refuses to give his name and address on being requested to do so by a constable acting under a warrant granted in pursuance of the foregoing subsection, or gives a false name or address on being so requested, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds.

Inspection of register of clubs and of rules of club.

180.—(1) The register of clubs and a copy of the rules of any registered club lodged with the registrar under subsection (3) of section one hundred and sixty-nine of this Act shall at all reasonable times be open to inspection on payment of a fee of one shilling.

(2) A chief constable or any constable authorised by him in writing or an officer of Customs and Excise shall be entitled to inspect the register of clubs and a copy of the rules of any registered club lodged as aforesaid at all reasonable times without payment.

Citation of registered club.

181. Any citation of a registered club may be validly made in the registered name thereof in terms of the Citation Amendment (Scotland) Act, 1882, or by a copy of such citation being left by an officer of court at the registered address of the club.

182.—(1) The jurisdiction conferred on the sheriff by this Part of this Act shall not be excluded in relation to any club by reason only of the fact that he is a member of that club.

PART XI
—cont.

Sheriff's
jurisdiction
and decision.

(2) The decision of the sheriff in dealing with an application for the grant of a certificate of registration or for the renewal of such a certificate or in cancelling such a certificate shall be final.

183. In this Part of this Act references to the secretary of a club shall include references to any officer of the club or other person performing the duties of a secretary.

PART XII

SUPPLEMENTARY

184.—(1) A constable may at any time enter and inspect any premises in respect of which a hotel certificate or a public house certificate is in force or the premises of any licensed canteen, and may also at any time enter and inspect premises in respect of which an off-sale certificate is in force if he has reasonable grounds for believing that a breach of such certificate is being committed on those premises.

Power to
police to
enter licensed
premises and
licensed
canteens.

(2) If any person fails to admit a constable who demands entry to such premises in pursuance of this section or obstructs the entry to the premises of such a constable, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

185.—(1) A constable may at any time enter and inspect any temperance hotel, restaurant, shop, vessel or other place where food or drink is sold for consumption on the premises or in which he has reasonable grounds for believing that exciseable liquor is being trafficked in unlawfully:

Power to
police to enter
unlicensed
premises.

Provided that a member of a police force below the rank of inspector shall not exercise any power of entry conferred by this section unless he has previously obtained the authority in writing of a justice of the peace, magistrate or member of a police force of or above the said rank, and shall not exercise such power later than eight days from the date of such authority and shall exercise it at such time or times only as may be specified in the authority.

(2) If any person fails to admit a constable who demands entry to any premises or place in pursuance of this section or obstructs the entry to the premises or place of such constable, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

PART XII—*cont.*

Proof of trafficking in exciseable liquor without certificate.

186. It shall be sufficient evidence that a person was trafficking in any exciseable liquor in any premises or place without holding a certificate in that behalf or a licence in that behalf granted under Part III of this Act if it is proved—

- (a) that a person other than the owner or occupier of such premises or place was at the time charged found therein drunk or drinking, or having had drink supplied to him therein ; and
- (b) either that such premises are, or such place is, by repute kept as a shebeen or that at the time charged such premises or place contained drinking utensils and fittings usually found in licensed premises.

Burden of proof in case of drunkenness in licensed premises or licensed canteen.

187. If the holder of a certificate, or of a licence under Part III of this Act, in respect of any premises is charged with knowingly permitting drunkenness in those premises and it is proved that any person was drunk in the premises, it shall lie on the holder of the certificate or licence to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness in the premises.

Power to close licensed premises in case of riot.

188.—(1) The sheriff may, if a riot or tumult happens or is expected to happen, order every holder of a certificate in respect of premises situated in or near the place where the riot or tumult happens or is expected to happen to close those premises during such time as may be specified in the order.

(2) If the holder of any certificate keeps his premises open for the sale of exciseable liquor during any time at which, by virtue of an order made under the foregoing subsection, they are required to be closed, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding fifty pounds.

Trial of offences.

189.—Except as otherwise provided in this Act the following provisions shall have effect in relation to the trial of offences under this Act,—

- (a) any such offence shall be tried in a summary manner ;
- (b) any such offence, not being an offence referred to in paragraph (c) or (d) of this section, may be tried in any court of summary jurisdiction ;
- (c) the following offences shall be tried only in the sheriff court, that is to say, any offence under section ten, thirty, thirty-nine, forty, sixty-two, eighty-two, eighty-three, one hundred and nineteen, one hundred and twenty-two, one hundred and thirty-two, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and seventy-eight,

one hundred and eighty-eight, one hundred and ninety-two or one hundred and ninety-three of this Act ;

PART XII
—cont.

- (d) any offence under section one hundred and thirty-eight or one hundred and fifty-eight of this Act shall be tried only in a court of summary jurisdiction other than the sheriff court ;
- (e) where an offence under section one hundred and thirty-eight, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-seven, one hundred and fifty-eight or one hundred and sixty-six of this Act is tried in a justice of the peace court, such court may be constituted by a single justice ;
- (f) an offence under this Act may be tried either in a court having jurisdiction in the place where the offence is alleged to have been committed or in a court having jurisdiction in the place where the person charged with having committed the offence resides ;
- (g) in any such trial the court may, upon proof that the accused has been duly cited to appear, proceed in the absence of the accused.

190.—(1) The justices of the peace for any county in general quarter sessions assembled, or the town council of any burgh, may if they think fit appoint a person whose duty it shall be to prosecute persons charged with offences under this Act in the justice of the peace court or the burgh court, as the case may be.

Appointment
and remuneration of
prosecutors.

(2) Any prosecutor ordinarily acting in a justice of the peace court or a burgh court, and any person appointed under the foregoing subsection for the purpose of prosecuting offences under this Act in such a court, shall receive in respect of prosecutions and any other business done by him under this Act such remuneration, whether by way of salary or of fees, as the justices of the peace in general quarter sessions or the town council, as the case may be, may determine.

191.—(1) The salary payable under the last foregoing section to any prosecutor ordinarily acting in a justice of the peace court or a burgh court or to any person appointed under that section for the purpose of prosecuting offences under this Act in such a court, or the taxed amount of the fees payable as aforesaid to any such prosecutor or person, as the case may be, together with all necessary and proper outlays attending any prosecution in such a court or any other business done by such a prosecutor or person under this Act, shall, in the case of a royal or parliamentary burgh having a separate licensing court, be paid out of the burgh fund, and in any other case be paid out of the county fund.

Expenses of
prosecutions,
etc., and
disposal of
certain fines.

PART XII
—cont.

(2) Except as otherwise provided in this Act, all fines and expenses of prosecution recovered under this Act, being fines or expenses imposed or awarded in proceedings for offences under any of the after-mentioned sections of this Act, shall, if imposed or awarded in the burgh court of a royal or parliamentary burgh having a separate licensing court, be paid into the burgh fund and in any other case be paid into the county fund.

The sections referred to are sections ten, twenty-seven, twenty-nine, thirty, thirty-nine, forty, sixty-two, sixty-four, one hundred and twenty-one, one hundred and twenty-six, one hundred and thirty-one, one hundred and thirty-three to one hundred and forty-one, one hundred and forty-five to one hundred and fifty, one hundred and fifty-two to one hundred and fifty-four, one hundred and fifty-six to one hundred and sixty, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-six, one hundred and seventy-seven to one hundred and seventy-nine, one hundred and eighty-four, one hundred and eighty-five, one hundred and ninety-two and one hundred and ninety-three.

Convictions of breach of certificate to be transmitted to clerk to licensing court.

192.—(1) Where the holder of a certificate in respect of any premises is convicted of a breach thereof, a certified extract of such conviction shall, within six days after the date of the conviction, be transmitted by the clerk of court to the clerk to the licensing court within whose jurisdiction such premises are situated.

(2) The clerk to a licensing court shall, on receiving a certified extract of any conviction transmitted to him in pursuance of the foregoing subsection, enter in the register kept by him under section thirty-eight of this Act, opposite the name of the person to whom the conviction applies, a note of the conviction, specifying the date thereof and whether it is a first, second, third or subsequent conviction, and the said register shall be produced to the licensing court by the clerk at each general half-yearly meeting of such court.

(3) If the clerk of any court fails to transmit, in pursuance of subsection (1) of this section, a certified extract of any conviction, he shall be guilty of an offence and on conviction thereon shall be liable to a fine not exceeding five pounds.

Clerk to licensing court to certify certain convictions of breach of certificate to Customs and Excise.

193.—(1) Where the holder of a certificate has been convicted of a breach thereof and upon such conviction the certificate has been declared forfeited by the court in pursuance of subsection (4) of section one hundred and thirty-one of this Act, the clerk to the licensing court who granted the certificate shall transmit to the Commissioners or to the Collector of Customs and Excise of the appropriate collection notice of the said conviction in the form set out in the Eleventh Schedule to this Act.

(2) Any such notice of conviction shall be transmitted in pursuance of the foregoing subsection—

- (a) if the clerk to the licensing court officiated as clerk of court at the conviction in question, within six days after the date of such conviction ;
- (b) if the said clerk did not so officiate, within six days after the receipt by him of a certified extract of the conviction transmitted to him in pursuance of the last foregoing section.

(3) If the clerk to any licensing court fails to transmit, in pursuance of the foregoing provisions of this section, notice of any conviction, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five pounds.

194.—(1) Any person aggrieved by a judgment of the justices of the peace for any county in a prosecution brought for an offence under this Act may, subject to the conditions hereinafter mentioned, appeal against such judgment to the next quarter sessions for the said county. Appeal from justices of the peace to quarter sessions.

(2) Any person desiring to appeal under this section against a judgment of the justices of the peace shall, within eight days after the date of the said judgment,—

- (a) lodge his appeal with the clerk to the said justices ;
- (b) deposit with such clerk the amount of any fine and expenses awarded against him ;
- (c) find caution with such clerk to abide the appeal and to pay any sums which may finally be awarded against him ; and
- (d) give intimation of his appeal by serving a copy thereof on the opposite party ;

and if the said person fails to comply with any of the conditions specified in this subsection his appeal shall not be entertained.

195. No proceedings against any sheriff, justice of the peace, magistrate, sheriff clerk, clerk of the peace, town clerk, clerk to a licensing court or court of appeal, procurator fiscal, constable or other person on account of anything done in execution of this Act shall lie unless they are commenced within two months after the cause of such proceedings has arisen. Limitation of actions against sheriffs, etc.

196. Any notice or document required or authorised to be given or served under this Act may be served by post. Notices, etc.

PART XII

—cont.

Orders,
rules and
regulations.

197. Any power of the Secretary of State to make orders, rules or regulations under this Act, except the power of the Secretary of State to make orders under section seven or Part IV of this Act or under the Seventh Schedule to this Act, shall be exercisable by statutory instrument.

Exemptions
and savings.

198. Nothing in this Act shall—

- (a) affect the exemption from the requirement to take out a certificate conferred on a person holding a canteen under the authority of the Secretary of State or the Admiralty by paragraph (a) of the proviso to subsection (1) of section one hundred and fifty of the Customs and Excise Act, 1952 ;
- (b) affect the exemption from the requirement to take out a certificate conferred on the proprietors of theatres erected before the first day of January, nineteen hundred and four, by subsection (2) of the said section one hundred and fifty ;
- (c) affect the right of any person, by virtue of an order made by the Commissioners under subsection (3) of the said section one hundred and fifty, to carry on his business during the pendency of an appeal against the refusal of a licensing court to renew his certificate ;
- (d) affect the exemption from the requirement to take out a certificate conferred in respect of passenger aircraft, passenger vessels and railway passenger vehicles by section one hundred and fifty-five of the said Act or apply to the sale of exciseable liquor in such aircraft, vessels or vehicles ;
- (e) save as expressly provided in this Act, prohibit the sale of exciseable liquor by wholesale ; or
- (f) affect any penalties recoverable by or on behalf of the Commissioners, or any laws relating to excise.

Interpretation.

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

“ bar ” includes any place exclusively or mainly used for the sale and consumption of exciseable liquor ;

“ burgh ” means a burgh within the meaning of the Local Government (Scotland) Act, 1947 ;

“ burgh court ” includes any police court ;

“ burgh licensing court ” has the meaning assigned to it by section one of this Act ;

“ certificate ” means a certificate for the sale by retail of exciseable liquor granted under this Act ;

- “the Commissioners” means the Commissioners of Customs and Excise ;
- “constable” means a constable of a police force maintained under the Police (Scotland) Act, 1956 ;
- “contravene” includes fail to comply with, and “contravention” has a corresponding meaning ;
- “county licensing court” has the meaning assigned to it by section two of this Act ;
- “court of appeal” has the meaning assigned to it by section three of this Act ;
- “development corporation” has the same meaning as in the New Towns Act, 1946 ;
- “early-closing certificate” has the meaning assigned to it by section one hundred and twenty-seven of this Act ;
- “enactment” includes an enactment contained in any order, regulation or other instrument having effect by virtue of an Act of Parliament ;
- “excisable liquor” includes spirits, wine, porter, ale, beer, cider, perry and sweets, but does not include any liquor which on analysis of a sample thereof at any time is found to be of an original gravity not exceeding one thousand and sixteen degrees and to be of a strength not exceeding two degrees of proof so long as such liquor may, under the laws relating to excise, be sold whether by wholesale or by retail without an excise licence ;
- “grant” in relation to a certificate includes a grant by way of renewal, and “application” shall be construed accordingly ;
- “hawking” means trafficking in or about the streets, highways or other places or in or from any boat or other vessel on the water ;
- “hotel” means—
- (a) in towns and the suburbs thereof, a house containing at least four apartments set apart exclusively for the sleeping accommodation of travellers ; and
- (b) in rural districts and populous places not exceeding one thousand inhabitants according to the census for the time being last taken, a house containing at least two such apartments ;
- “hotel certificate” has the meaning assigned to it by section thirty-two of this Act ;
- “licensed canteen” means a seamen’s canteen in respect of which a licence under Part III of this Act is in force ;
- “licensing area” means any burgh or county for which there is a separate licensing court, or any licensing district ;

PART XII
—cont.

- “licensing court” means a licensing court constituted under section one or two of this Act ;
- “licensing district” has the meaning assigned to it by section two of this Act ;
- “limiting resolution” has the meaning assigned to it by section one hundred and eight of this Act ;
- “magistrate” includes, in relation to the trial of offences, any person authorised by any enactment to act as judge in a burgh court ;
- “new certificate” means a certificate granted in respect of premises for which, at the time of the application for such grant, either no certificate was in force or a certificate in a form different from the form of certificate so granted was in force :
- Provided that a certificate granted in respect of premises which have been rebuilt after having been destroyed by fire, tempest or other unforeseen cause and for which, at the time when they were so destroyed, a certificate in the same form as the first-mentioned certificate was in force, shall be deemed not to be a new certificate ;
- “no-change resolution” has the meaning assigned to it by section one hundred and seven of this Act ;
- “no-licence resolution” has the meaning assigned to it by section one hundred and ten of this Act ;
- “occasional licence” means an excise licence granted under section one hundred and fifty-one of the Customs and Excise Act, 1952 ;
- “off-sale certificate” has the meaning assigned to it by section thirty-two of this Act ;
- “permitted hours” means the hours during which the sale, supply and consumption of exciseable liquor are permitted under Part IX of this Act ;
- “public house” includes an inn, ale-house, victualling house or other premises in which exciseable liquor is sold by retail for consumption either on or off the premises ;
- “public house certificate” has the meaning assigned to it by section thirty-two of this Act ;
- “registered club” means a club in respect of which a certificate of registration under Part XI of this Act has been granted and is in force, and “unregistered club” shall be construed accordingly.
- “retailer’s on-licence” has the meaning assigned to it by section one hundred and forty-nine of the Customs and Excise Act, 1952 ;

- “shebeen” means any house, shop, room, premises or place in which exciseable liquor is trafficked in by retail without a certificate and excise licence in that behalf;
- “six-day certificate” has the meaning assigned to it by section one hundred and twenty-eight of this Act;
- “special permission” means a special permission granted under section sixty of this Act;
- “State management district,” has the meaning assigned to it by section eighty-one of this Act;
- “sweets” means sweets as defined in subsection (1) of section three hundred and seven of the Customs and Excise Act, 1952, as amended by subsection (1) of section two of the Finance Act, 1956;
- “temperance poll” has the meaning assigned to it by section one hundred and three of this Act;
- “trafficking” means bartering, selling, dealing in, trading in, or exposing or offering for sale, by retail;
- “wholesaler’s excise licence” means an excise licence to deal wholesale in exciseable liquor granted under section one hundred and forty-six of the Customs and Excise Act, 1952.

(2) Any reference in this Act to licensed premises shall, unless the context otherwise requires, be construed as a reference to premises for which a certificate is in force and as including a reference to any premises where the Secretary of State carries on a business of selling exciseable liquor by retail in exercise of powers conferred on him by Part V of this Act.

(3) References in this Act to a general half-yearly meeting of a licensing court shall, unless the context otherwise requires, be construed as including references to any adjournment of such a meeting.

(4) References in this Act to the form of a certificate shall be construed as references to one or other of the forms of certificate set out in the Second Schedule to this Act.

(5) Anything required or authorised by this Act to be done by or to a clerk of the peace may be done by or to a depute appointed by such clerk, and any reference in this Act to a clerk of the peace shall, where the depute is acting for the clerk, include a reference to the depute.

(6) Subject to the provisions of this Act, references in this Act to a second conviction of an offence under any provision of this Act shall be construed as references to conviction of an offence under that provision committed after a previous conviction of such an offence; and references in this Act to a third conviction or to a subsequent conviction shall be construed accordingly.

PART XII
—cons.

(7) Except where the context otherwise requires, references in this Act to any enactment shall include a reference to that enactment as amended, extended or applied by any other enactment, including this Act.

Repeals.

200.—(1) The enactments mentioned in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Nothing in this repeal shall affect any order, requirement, rule or regulation made, direction given or any thing done under any enactment repealed by this Act; but any such order, requirement, rule, regulation, direction or thing shall, so far as it has effect immediately before the commencement of this Act, continue to have effect, and, so far as it could have been made, given or done under the corresponding provision of this Act, have effect as if it had been made, given or done under that corresponding provision.

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

(4) Any document referring to an authority for the purpose of granting certificates or hearing appeals relative thereto, or to the members of or a meeting of any such authority, or to the clerk to any such authority, shall be construed as referring to a licensing court or court of appeal, as the case may be, or to the members of or a meeting of any such court, or to the clerk to any such court.

(5) The mention of particular matters in this section shall not affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

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

201.—(1) This Act may be cited as the Licensing (Scotland) Act, 1959.

(2) This Act shall extend to Scotland only.

(3) This Act shall come into force on the first day of January, nineteen hundred and sixty.

SCHEDULES

FIRST SCHEDULE

Sections 2, 3, 31.

CONSTITUTION OF COUNTY LICENSING COURTS AND OF CERTAIN COURTS OF APPEAL

PART I

CONSTITUTION OF COUNTY LICENSING COURTS

Class I.—Where population of county or licensing district is under 25,000.

Licensing Court—

County Councillors, 4; Justices, 4; Total, 8.

Class II.—Population of or exceeding 25,000 but under 50,000.

Licensing Court—

County Councillors, 6; Justices, 6; Total, 12.

Class III.—Population of or exceeding 50,000 but under 100,000.

Licensing Court—

County Councillors, 7; Justices, 7; Total, 14.

Class IV.—Population of or exceeding 100,000.

Licensing Court—

County Councillors, 9; Justices, 9; Total, 18.

PART II

CONSTITUTION OF COURT OF APPEAL IN EACH COUNTY FROM THE LICENSING COURTS FOR ALL BURGHS IN THE COUNTY WITH A POPULATION OF OR EXCEEDING 7,000 BUT UNDER 20,000.

County	Burgh	Present Population of Burgh	Court to consist of			
			Magistrates		Justices	Total Number of Court
			From each Burgh	Total of Magistrates		
Aberdeen ...	Fraserburgh ...	10,444	3	6	6	12
	Peterhead ...	12,763	3			
Angus ...	Arbroath ...	19,511	2	8	8	16
	Brechin ...	7,264	2			
	Forfar ...	9,981	2			
	Montrose ...	10,762	2			
Argyll ...	Campbeltown ...	7,172	2	4	4	8
	Dunoon ...	9,940	2			
Ayr ...	Ardrrossan ...	8,799	1	8	8	16
	Irvine ...	14,745	2			
	Largs ...	8,605	1			
	Prestwick ...	11,387	1			
	Saltcoats ...	13,108	2			
	Troon ...	10,063	1			
Banff ...	Buckie ...	7,703	3	3	3	6
Bute ...	Rothesay ...	10,141	3	3	3	6
Caithness ...	Wick ...	7,161	3	3	3	6
Clackmannan ...	Alloa ...	13,436	3	3	3	6
Dunbarton ...	Helensburgh ...	8,760	2	6	6	12
	Kirkintilloch ...	14,826	2			
	Milngavie ...	7,885	2			
Fife ...	Cowdenbeath ...	13,151	2	8	8	16
	Leven ...	8,868	2			
	Lochgelly ...	9,103	2			
	St. Andrews ...	9,457	2			
Midlothian ...	Dalkeith ...	8,786	3	6	6	12
	Musselburgh ...	17,010	3			
Moray ...	Elgin ...	10,624	3	3	3	6
Renfrew ...	Barrhead ...	12,971	2	8	8	16
	Gourock ...	9,107	2			
	Johnstone ...	15,660	2			
	Renfrew ...	17,091	2			
Roxburgh ...	Hawick ...	16,717	3	3	3	6
Selkirk ...	Galashiels ...	12,496	3	3	3	6
Stirling ...	Grangemouth ...	15,432	2	4	4	8
	Kilsyth ...	9,922	2			
	Bathgate ...	11,291	3			
West Lothian ...	Bo'ness ...	9,950	3	6	6	12
	Wigton ...	8,618	3			

Sections 32, 56,
111, 199.

SECOND SCHEDULE

FORMS OF CERTIFICATE

1

Form of certificate for hotel

The licensing court for the county [*or licensing district or burgh, as the case may be,*] of _____, at their general half-yearly meeting held at _____ on the _____ day of _____ nineteen hundred and _____, did authorise and empower A.B. (hereinafter referred to as "the certificate-holder"), residing at _____, to keep a hotel at _____ in the parish of _____ and county [*or licensing district or burgh*] aforesaid, and to sell by retail, under the appropriate excise licence, in the premises of the said hotel but not elsewhere, victuals, spirits, wine, porter, ale, beer, cider, perry and any other exciseable liquor [*or victuals, wine, porter, ale, beer, cider and perry, or victuals, porter, ale, beer, cider and perry*], and the certificate-holder is accordingly authorised and empowered to sell such victuals and exciseable liquor on the following conditions:—

- (1) the certificate-holder shall not fraudulently adulterate the victuals or exciseable liquor sold by him, or sell the same knowing them to have been fraudulently adulterated ;
- (2) the certificate-holder shall not sell any groceries or other uncooked provisions in the said premises for consumption off the premises ;
- (3) the certificate-holder shall not except during the permitted hours either by himself or by any servant or agent sell or supply to any person any exciseable liquor for consumption either on or off the premises save as allowed by law ;
- (4) the certificate-holder shall not open the premises for the sale of any exciseable liquor, or permit any drinking therein, or sell or supply any exciseable liquor, on Sunday except for the accommodation of lodgers and travellers ;
- (5) the certificate-holder shall not supply any exciseable liquor to persons apparently under fourteen years of age save as allowed by law ;
- (6) the certificate-holder shall not supply any exciseable liquor to persons who are in a state of intoxication ;
- (7) the certificate-holder shall not contravene any of the conditions of a special permission granted to him under section sixty of the Licensing (Scotland) Act, 1959 ;
- (8) the certificate-holder shall maintain good order in the premises ;
- (9) the certificate-holder shall not knowingly permit any breach of the peace, drunkenness or riotous or disorderly conduct in the premises ;
- (10) the certificate-holder shall not knowingly permit men or women of notoriously bad fame or girls or boys to assemble in the premises ;

- (11) the certificate-holder shall not permit any unlawful games in the premises ; and
- (12) the certificate-holder shall not himself be in a state of intoxication in the premises.

2ND SCH.
—cont.

This certificate shall have effect on the conditions aforesaid from the day of , nineteen hundred and , until the twenty-seventh day of May, nineteen hundred and , both days inclusive.

The above certificate is made out according to the deliverance in the register appointed to be kept in terms of section thirty-eight of the Licensing (Scotland) Act, 1959.

C.D.

Clerk.

2

Form of certificate for public house

The licensing court for the county [*or* licensing district *or* burgh, *as the case may be.*] of , at their general half-yearly meeting held at on the day of , nineteen hundred and , did authorise and empower A.B. (hereinafter referred to as “the certificate-holder”), residing at , to keep a public house at , in the burgh of and county [*or* licensing district *or* burgh] aforesaid, and to sell by retail, under the appropriate excise licence, in the premises of the said public house but not elsewhere, victuals, spirits, wine, porter, ale, beer, cider, perry and any other exciseable liquor [*or* victuals, wine, porter, ale, beer, cider and perry, *or* victuals, porter, ale, beer, cider and perry], and the certificate-holder is accordingly authorised and empowered to sell such victuals and exciseable liquor on the following conditions:—

- (1) the certificate-holder shall not fraudulently adulterate the victuals or exciseable liquor sold by him, or sell the same knowing them to have been fraudulently adulterated ;
- (2) the certificate-holder shall not sell any groceries or other uncooked provisions in the said premises for consumption off the premises ;
- (3) the certificate-holder shall not except during the permitted hours either by himself or by any servant or agent sell or supply to any person any exciseable liquor for consumption either on or off the premises save as allowed by law ;
- (4) the certificate-holder shall not open the premises for the sale of liquor of any kind, or permit any drinking therein, or sell or supply any liquor of any kind or any other goods or commodities, on Sunday ;
- (5) the certificate-holder shall not sell or supply any exciseable liquor to persons apparently under fourteen years of age save as allowed by law ;
- (6) the certificate-holder shall not sell or supply any exciseable liquor to persons who are in a state of intoxication ;

2 C

2ND SCH.
—cont.

- (7) the certificate-holder shall not receive or take in, as the price or for the supply of any exciseable liquor, any wearing apparel or other goods;
- (8) the certificate-holder shall not contravene any of the conditions of a special permission granted to him under section sixty of the Licensing (Scotland) Act, 1959;
- (9) the certificate-holder shall maintain good order in the premises;
- (10) the certificate-holder shall not knowingly permit any breach of the peace, drunkenness or riotous or disorderly conduct in the premises;
- (11) the certificate-holder shall not knowingly permit men or women of notoriously bad fame or girls or boys to assemble in the premises;
- (12) the certificate-holder shall not permit any unlawful games in the premises; and
- (13) the certificate-holder shall not himself be in a state of intoxication in the premises.

This certificate shall have effect on the conditions aforesaid from the day of , nineteen hundred and : until the twenty-seventh day of May, nineteen hundred and : both days inclusive.

The above certificate is made out according to the deliverance in the register appointed to be kept in terms of section thirty-eight of the Licensing (Scotland) Act, 1959.

C.D.

Clerk.

3

Form of off-sale certificate

The licensing court for the county [*or* licensing district *or* burgh, *as the case may be.*] of , at their general half-yearly meeting held at on the day of , nineteen hundred and , did authorise and empower A.B. (hereinafter referred to as "the certificate-holder"), residing at , to keep premises at , in the parish of and county [*or* licensing district *or* burgh] aforesaid, and to sell by retail, under the appropriate excise licence, in the said premises but not elsewhere, spirits, wine, porter, ale, beer, cider, perry and any other exciseable liquor [*or* wine, porter, ale, beer, cider and perry, *or* porter, ale, beer, cider and perry], and the certificate-holder is accordingly authorised and empowered to sell such exciseable liquor on the following conditions:—

- (1) the certificate-holder shall not fraudulently adulterate any exciseable liquor sold by him, or sell such liquor knowing it to have been fraudulently adulterated;
- (2) the certificate-holder shall not traffic in or supply any exciseable liquor for consumption on the said premises;

- (3) the certificate-holder shall not except during the permitted hours either by himself or by any servant or agent sell or supply to any person any exciseable liquor save as allowed by law ;
- (4) the certificate-holder shall not open the premises for business or for the sale of liquor of any kind or of any other goods or commodities, or sell or supply any liquor of any kind or any other goods or commodities, on Sunday ;
- (5) the certificate-holder shall not sell or supply any exciseable liquor to persons apparently under fourteen years of age save as allowed by law ;
- (6) the certificate-holder shall not sell or supply any exciseable liquor to persons who are in a state of intoxication ;
- (7) the certificate-holder shall not receive or take in, as the price or for the supply of any exciseable liquor, any wearing apparel or other goods ;
- (8) the certificate-holder shall maintain good order in the premises ;
- (9) the certificate-holder shall not knowingly permit any breach of the peace, drunkenness or riotous or disorderly conduct in the premises ; and
- (10) the certificate-holder shall not himself be in a state of intoxication in the premises.

2ND SCH.
—cont.

This certificate shall have effect on the conditions aforesaid from the day of , nineteen hundred and , until the twenty-seventh day of May, nineteen hundred and , both days inclusive.

The above certificate is made out according to the deliverance in the register appointed to be kept in terms of section thirty-eight of the Licensing (Scotland) Act, 1959.

C.D.
Clerk.

THIRD SCHEDULE

Sections 34, 43,
45, 48.

FORMS FOR USE IN CONNECTION WITH APPLICATIONS FOR CERTIFICATES

1.

Form of application for grant of certificate

Unto the honourable the licensing court for

The application of [*state full name, designation, and address of applicant*]

Humbly showeth,

That the applicant desires to obtain a certificate for a hotel [*or a certificate for a public house or an off-sale certificate in respect of premises, as the case may be,*] at [*state address of premises for which certificate is desired*] in the parish [*or burgh*] of , and county of , for the ensuing year [*or half-year, as*

3RD SCH.
—cont.

the case may be], in terms of the Licensing (Scotland) Act, 1959, and refers to the answers which are truly made to the questions below :

Is it a new certificate, or the renewal of a certificate at present in the applicant's name, or the renewal of a certificate at present in the name of another person, or the renewal of a transferred certificate, that is desired?.....

Has the applicant attained twenty-one years of age?.....

Is the applicant bred to the trade or, if not, to what other trade or business?.....

Does the applicant carry on or does he intend to carry on or follow any other trade or occupation?.....

Does the applicant hold an excise licence for the sale of exciseable liquor in respect of any premises at present and, if so, where are those premises situated and how long has he held that licence?.....

Has the applicant any interest in any other business in premises for which an excise licence for the sale of exciseable liquor is held or in premises for which a certificate is sought ; and if so, where are those premises severally situated?

What is the actual rent of the premises and the owner's or factor's name and designation?

[Signature of applicant.]

Date.

2.

Form of report by member of licensing court

I, _____, a member of the licensing court for _____, hereby report that I personally examined the premises described in the foregoing application and that they are of suitable construction and accommodation for the purpose applied for.

[Signature of member.]

3.

Form of certificate of character and qualification

I, _____, a member of the licensing court for _____, certify, after careful inquiry, that _____, designed in the foregoing application, is [*here state result of inquiry touching applicant's character and qualification*].

[Signature of member.]

FOURTH SCHEDULE

Sections 35, 38,
47.

FORMS FOR USE BY CLERKS TO LICENSING COURTS

1.

Form of list of applications for publication

List of applicants to the licensing court for the county [or licensing district or burgh, as the case may be] of _____ for certificates for the sale by retail of exciseable liquor.

Name, designation and address of applicant	Address of premises for which certificate is desired	Form of certificate applied for	Name and address of landlord or factor of premises

*For new certificate**By new tenants or occupants**For renewal of transferred certificate*

--	--	--	--

2.

Form of register of applications

Nos.	Names and designations of applicants	I. For hotels, and where situated	II. For public houses, and where situated	III. For off-sale premises, and where situated	Persons recommending applicants	How disposed of	Applications for confirmation and appeals, and results thereof	Convictions under Licensing (Scotland) Act, 1959, and dates thereof
1.								
2.								

Note: The names and designations of new applicants for certificates must be entered separately in the register.

4TH SCH.
—cont.

3.

Deliverance

[At the end of each day's register]

At [date]

Numbers 2, 3, 6 [as the case may be] granted.

Numbers 1, 4, 5 refused.

Numbers 7, 8 continued [or otherwise disposed of].

4.

Form of notice of transfer of certificate

[Place and date.] Whereas *A.B.*, designed in the within certificate, being a certificate for keeping a at in which exciseable liquor may be sold by retail, has

and whereas *C.D.* [here state qualification for the transfer] desires to have the said certificate transferred to him in order that he may carry on such business in the said premises : and whereas it is considered by the licensing court [or, as the case may be, by us, two of the members of the licensing court] for the county [or licensing district or burgh, as the case may be,] of that he is a fit person

to hold a certificate, we hereby transfer the said certificate to him accordingly, subject to all the conditions therein specified, to be held by him in the same manner as if he were the person to whom it was originally granted ; and the said certificate as so transferred shall, subject to the provisions of the Licensing (Scotland) Act, 1959, and subject as aftermentioned, cease to have effect on the expiry of [the twenty-seventh day of May or the twenty-seventh day of November, as the case may be,] ; and the said certificate as so transferred shall, unless presented for entry at the office of Customs and Excise within the period of days from this date, cease to have effect on the expiry of the said period.

[Signature of clerk to the licensing court, or of two members of the licensing court, as the case may be.]

FIFTH SCHEDULE

Section 50.

FORMS RELATING TO CONFIRMATION OF CERTIFICATES

1

Form of application for confirmation of new certificate

To the court of appeal from the licensing court for the county [or licensing district or burgh, as the case may be,] of

I, *A.B.*, hereby apply for confirmation of the grant made to me of the certificate herewith produced by the above mentioned licensing court on the day of nineteen hundred and

[Signed, *A.B.*,
or
C.D., solicitor to *A.B.*]

2

5TH SCH.
—cont.*Form of notice of confirmation of new certificate*

This certificate was confirmed by the court of appeal from the licensing court for the county [or licensing district or burgh, as the case may be.] of _____, at a meeting held on the _____ day of _____, nineteen hundred and _____.

The above confirmation is made out according to the deliverance in the register appointed to be kept in terms of section thirty-eight of the Licensing (Scotland) Act, 1959.

G.H.,
Clerk.

SIXTH SCHEDULE

Sections 66, 68.

GRANT AND TRANSFER OF LICENCES UNDER
PART III OF THIS ACT

PART I

APPLICATIONS FOR GRANT OF LICENCES

1.—(1) The applicant for the grant of a licence under Part III of this Act shall, not less than twenty-one days before the hearing of the application, give notice in writing of the application to the chief constable and the clerk to the licensing court and serve both of them with a copy of—

- (i) the certificate of the Minister of Transport and Civil Aviation,
- (ii) the draft rules which it is proposed to make as respects the persons entitled to use the canteen,
- (iii) a plan of the canteen and particulars of the means of access to the canteen and of the sanitary accommodation for persons using the canteen.

(2) The clerk to the licensing court shall, at least ten days before the hearing of the application, make out and advertise notice of the application in one or more newspapers circulating in the licensing area.

(3) A notice under this paragraph shall state the name and address of the person who is to be the holder of the licence, the kind of retailer's on-licence which is desired and the situation of the canteen.

2. Where an applicant has, through inadvertence or misadventure, failed to comply with the foregoing paragraph, the licensing court may, upon such terms as they think fit, postpone consideration of his application and, if upon any such postponed consideration they are satisfied that any terms so imposed have been complied with, may deal with the application as if that paragraph had been complied with.

6TH SCH.
—cont.

PART II

APPLICATIONS FOR AND GRANT OF PROVISIONAL LICENCES

3. The provisions of Part III of this Act relating to the grant of a licence, and the foregoing provisions of this Schedule, shall apply in relation to the grant of a provisional licence subject to the modifications specified in this Part of this Schedule.

4.—(1) A notice under paragraph 1 of this Schedule need not state the name and address of the person who is to be the holder of the licence, and references in that paragraph to the canteen shall be taken as references to the proposed canteen after the construction or conversion has been carried out.

(2) Paragraph (a) of subsection (1) of section sixty-six of this Act shall be omitted and the reference in paragraph (b) of that subsection to the premises shall be taken as a reference to those premises when the construction or conversion has been carried out.

5.—(1) A provisional licence shall not come into force until the licensing court have made it final.

(2) The licensing court shall not refuse an application to make a provisional licence final except on either or both of the following grounds, that is to say—

(a) that the canteen has not been constructed or converted in accordance with the plan served on the clerk to the licensing court, or

(b) that the person to whom the licence is to be granted is disqualified by or under this or any other enactment for holding a certificate or is in other respects not a fit and proper person to hold a licence under Part III of this Act.

(3) An applicant under this paragraph shall give such notices as the licensing court may require.

PART III

APPLICATIONS FOR TRANSFERS

6.—(1) A person applying to the licensing court or any members thereof for the transfer of a licence under Part III of this Act shall, not less than seven days before the hearing of the application, give notice in writing to the chief constable.

(2) A notice under this paragraph shall state the name and address of the person to whom the licence is proposed to be transferred and his trade or calling during the six months preceding the giving of the notice.

7. Paragraph 2 of this Schedule shall apply in relation to the last foregoing paragraph as it applies in relation to paragraph 1 of this Schedule.

SEVENTH SCHEDULE

Sections 74, 80.

COMMITTEE FOR NEW TOWN

1. A committee constituted under section seventy-four of this Act shall consist of—

- (a) a chairman appointed by the Secretary of State as being an independent person ;
- (b) members appointed by the development corporation for the new town for which the committee are constituted or, if the committee are constituted for more than one new town, by the development corporations for each of the new towns in such proportions as the Secretary of State may by order specify ;
- (c) members appointed from among their number by the licensing court for the licensing area in which is situated the area for which the committee are constituted or, if the last-mentioned area is situated in more than one licensing area, by the licensing court for each of those licensing areas in such proportions as the Secretary of State may by order specify :

Provided that, where the area for which the committee are constituted comprises part only of a licensing area, and it appears to the Secretary of State that, by reason of the small extent of that part of the licensing area and having regard to its nature, the licensing court have insufficient interest in the working of the committee to justify their representation on it, it shall not be necessary for the committee to include any member of the licensing court for that licensing area.

2. The members of a committee appointed under sub-paragraphs (b) and (c) of the foregoing paragraph shall be equal in number ; but except as aforesaid the number of members shall be determined by order of the Secretary of State.

3. The appointment of a member of any such committee shall be for such term, not exceeding three years, as may be determined by or under an order of the Secretary of State, with or without eligibility for re-appointment, as may be so determined, and shall be subject to such conditions as may be so determined.

4. The quorum of any such committee shall be such as the Secretary of State may by order determine.

5. If the votes are equal on any question the chairman shall have a casting vote ; but except as aforesaid the chairman shall not vote.

6. Subject to the provisions of the last two foregoing paragraphs, the procedure of any such committee shall be such as the committee may determine.

Section 81.

EIGHTH SCHEDULE

STATE MANAGEMENT DISTRICTS

PART I

EXTENT OF DISTRICTS

The Cromarty Firth district:—

The burghs of Cromarty, Dingwall and Invergordon, and the parishes of Rosskeen, Alness, Kiltearn, Dingwall, Urquhart, Resolis, Cromarty and Fodderty (except that part of that parish which immediately before the coming into operation of section nine of the Water (Scotland) Act, 1949, was known as the special water district of Strathpeffer), in the county of Ross and Cromarty.

The Gretna district:—

The burgh of Annan, and the parishes of Annan, Canonbie, Cummertrees, Dornock, Gretna, Half Morton, Hoddom, Kirkpatrick-Fleming and Middlebie, in the county of Dumfries.

PART II

ANCILLARY FUNCTIONS EXERCISABLE BY SECRETARY OF STATE

1. The provision and maintenance in a State management district of hotels where accommodation and meals are provided and exciseable liquor is sold.

2. The provision and maintenance in a State management district of premises where meals and refreshments may be obtained, whether or not exciseable liquor is sold in the premises.

3. The provision of entertainment or recreation at premises in a State management district provided by the Secretary of State for the sale of exciseable liquor, meals or refreshments.

4.—(1) The brewing of beer (as defined in section three hundred and seven of the Customs and Excise Act, 1952), the blending, reducing or bottling of any exciseable liquor and, if the Secretary of State so orders and during such period as may be specified in the order, the manufacture of table waters, that is to say, aerated waters and beverages sold or kept for sale in bottles, other than—

(a) liquors for the sale of which an excise licence is required, or

(b) syrups or other liquors intended to be consumed only in a diluted form,

for sale in, or to persons in, a State management district.

(2) The power to make orders conferred on the Secretary of State by this paragraph shall be construed as including a power, exercisable in the like manner and subject to the like conditions, to vary or revoke any such order, and any order made under this paragraph shall be subject to annulment by resolution of either House of Parliament.

5. The provision and maintenance of storage accommodation, and the provision of transport, in connection with the carrying on of any activity referred to in the foregoing provisions of this Part of this Schedule.

8TH SCH
—cont.

6. The carrying on of any business which, by reason of being carried on outside the State management districts, does not fall within section eighty-one of this Act or the foregoing provisions of this Schedule, so long as the business is carried on in the premises in which immediately before the thirtieth day of July, nineteen hundred and forty-nine, it was being carried on on behalf of the Secretary of State in pursuance of any of the provisions of Part II of the Licensing Act, 1921, or the Third Schedule to that Act.

7. The carrying on of such activities and the doing of such things (including, without prejudice to the generality of this paragraph, the purchase of the whole or any part of any business and the assets and liabilities thereof) incidental to any of the activities specified in section eighty-one of this Act and the foregoing provisions of this Schedule as appear to the Secretary of State expedient.

PART III

SUPPLEMENTAL PROVISIONS AS TO EXERCISE OF FUNCTIONS OF SECRETARY OF STATE

8. Notwithstanding anything in the enactments relating to the sale and supply of excisable liquor, to the sale of tobacco and to entertainment and recreation, any of the activities specified in section eighty-one of this Act and the foregoing provisions of this Schedule may be carried on by or on behalf of the Secretary of State, in premises occupied by him, without the need for any licence or certificate, and shall not be subject to any restrictions imposed by law on the carrying on of such activities :

Provided that—

- (a) any person engaged in any such activity on behalf of the Secretary of State shall be subject to any statutory provisions affecting the holders of licences or certificates, and the occupiers of premises licensed, for that activity in like manner as if he were the holder of the appropriate licence or certificate, and to any restrictions imposed by law on persons carrying on that activity ; and
- (b) where in any area as defined by section one hundred and twenty of this Act, being an area situated in whole or in part in a State management district, a resolution has been adopted as a result of a poll taken under Part VIII of this Act, the Secretary of State shall give effect to that resolution in that area or, as the case may be, in such part thereof as is situated in a State management district.

TWELFTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	In section ten the words "any lodging-house, beer-house, public house, or other house or place where intoxicating liquors are sold, or" and the words "for the sale of any intoxicating liquors, or".
3 Edw. 7. c. 25.	The Licensing (Scotland) Act, 1903.	Sections one to sixty-nine; in section seventy, the words "or on any licensed premises", wherever they occur; section seventy-two; sections seventy-four to ninety; section ninety-one except so far as applying in relation to offences under section seventy; sections ninety-two and ninety-three; section ninety-four except so far as applying in relation to offences under section seventy; sections ninety-five to one hundred; sections one hundred and one to one hundred and five except so far as applying in relation to offences under section seventy; section one hundred and six; section one hundred and seven except the definitions of "constable" and "magistrate" contained therein; section one hundred and ten; the First to the Twelfth Schedules.
3 & 4 Geo. 5. c. 33.	The Temperance (Scotland) Act, 1913.	The whole Act.
11 & 12 Geo. 5. c. 42.	The Licensing Act, 1921 ...	The whole Act.
13 & 14 Geo. 5. c. 28.	The Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923.	The whole Act.
24 & 25 Geo. 5. c. 26.	The Licensing (Permitted Hours) Act, 1934.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	Section seventeen.
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942 ...	In section ten, in subsection (1), the words "this and" and "and in the Sixth Schedule to this Act" and subsections (2) to (7).
7 & 8 Geo. 6. c. 23.	The Finance Act, 1944 ...	Part II of the Sixth Schedule. Section nine.

12TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 64.	The Finance Act, 1946 ...	Section thirteen.
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	Section three hundred and sixty-five.
11 & 12 Geo. 6. c. 65.	The Representation of the People Act, 1948.	Section sixty-three and, in the Seventh Schedule, the amendments of the Licensing (Scotland) Act, 1903, the Temperance (Scotland) Act, 1913, the Licensing Act, 1921 and the Licensing (Permitted Hours) Act, 1934.
12, 13 & 14 Geo. 6. c. 59.	The Licensing Act, 1949 ...	The whole Act, except subsection (1) of section four, subsection (4) of section forty-two and subsection (1) of section forty-three.
15 & 16 Geo. 6. c. 44.	The Customs and Excise Act, 1952.	In section one hundred and fifty-one, in subsection (2), paragraph (b) and the proviso.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 65.	The Licensed Premises in New Towns Act, 1952.	The whole Act.
2 & 3 Eliz. 2. c. 11.	The Licensing (Seamen's Canteens) Act, 1954.	The whole Act.
4 & 5 Eliz. 2. c. 37.	The Licensing (Airports) Act, 1956.	The whole Act.
4 & 5 Eliz. 2. c. 42.	The Occasional Licences and Young Persons Act, 1956.	The whole Act.

Sections 113
117.

NINTH SCHEDULE

TEMPERANCE POLL FORMS

1

Form of Requisition for Temperance Poll

We, the subscribers hereto, being electors in [*here insert area for which the poll is demanded*] do hereby demand a temperance poll in accordance with the provisions of Part VIII of the Licensing (Scotland) Act, 1959.

Signature	Name in full	Full address	Number on register

2

Form of Ballot Paper

(Ballot Paper for [*here insert name of area*].)

Counterfoil No.	1	NO-CHANGE RESOLUTION (means that the powers and discretion of the licensing court shall remain unchanged).
	2	LIMITING RESOLUTION (means that the number of certificates for the sale by retail of exciseable liquor shall be reduced by one quarter in accordance with the provisions of Part VIII of the Licensing (Scotland) Act, 1959).
	3	NO-LICENCE RESOLUTION (means that no certificate for the sale by retail of exciseable liquor shall be granted except for hotels or restaurants in special cases in accordance with the provisions of Part VIII of the Licensing (Scotland) Act, 1959).

Indicate your vote by making a **X** in the right-hand space opposite the resolution for which you vote. You have one vote, and may vote for one resolution only. If you vote for the no-licence resolution and that resolution is not adopted your vote will then be counted as a vote in favour of the limiting resolution.

TENTH SCHEDULE
FORMS RELATING TO REGISTRATION OF CLUBS

Sections 169,
171.

1

*Form of statement to accompany application by club for
grant or renewal of certificate of registration*

We, _____ [here state names
and qualifications for making statement] [where necessary add
and I, _____ owner of the premises
to be occupied [or occupied] by the club hereinafter mentioned]
hereby certify that to the best of our knowledge and belief the
club designated in the accompanying
application is to be [or, in the case of an application by an existing
club, has been and is to be] conducted as a *bona fide* club, and not
mainly for the supply of exciseable liquor.

[Signature, date, and address of each person certifying, to be here
inserted.]

2

*Form of certificate of registration of clubs to be granted under this
Act*

Certificate of Registration

I, _____, sheriff clerk of
registrar of clubs, hereby certify that the _____ club of
[here insert registered postal address of all premises used by the club]
is registered under the Licensing (Scotland) Act, 1959. This certi-
ficate shall remain in force until the _____ day of
_____, 19 _____; application for its renewal must be
made not later than the _____ day of _____, 19 _____.

Given under my hand this _____ day of _____
19 _____.

Registrar of Clubs.

ELEVENTH SCHEDULE

NOTICE OF CONVICTION OF BREACH OF A CERTIFICATE FOR
WHICH THE CERTIFICATE HAS BEEN FORFEITED

Section 193.

Unto the Honourable the Commissioners of Customs and Excise [or,
To the Collector of Customs and Excise of _____ collection in
Scotland, as the case may be].

This is to certify that C.D. of _____ in the county
[or burgh] of _____ was, on the _____ day of _____,
nineteen hundred and _____, at _____, convicted
before G.H. Esquire and J.K. Esquire, two of Her Majesty's justices
of the peace for _____ [or, as the case may be],
of a breach of the certificate granted to him to keep a hotel [or, as
the case may be], at [insert address of premises for which certificate
granted]; and the said certificate has by the aforesaid justices [or,
as the case may be,] been declared forfeited.

Given under my hand, this _____ day of _____
nineteen hundred and _____.

S.K., Clerk to the licensing court for

TWELFTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	In section ten the words "any lodging-house, beer-house, public house, or other house or place where intoxicating liquors are sold, or" and the words "for the sale of any intoxicating liquors, or".
3 Edw. 7. c. 25.	The Licensing (Scotland) Act, 1903.	Sections one to sixty-nine; in section seventy, the words "or on any licensed premises", wherever they occur; section seventy-two; sections seventy-four to ninety; section ninety-one except so far as applying in relation to offences under section seventy; sections ninety-two and ninety-three; section ninety-four except so far as applying in relation to offences under section seventy; sections ninety-five to one hundred; sections one hundred and one to one hundred and five except so far as applying in relation to offences under section seventy; section one hundred and six; section one hundred and seven except the definitions of "constable" and "magistrate" contained therein; section one hundred and ten; the First to the Twelfth Schedules.
3 & 4 Geo. 5. c. 33.	The Temperance (Scotland) Act, 1913.	The whole Act.
11 & 12 Geo. 5. c. 42.	The Licensing Act, 1921 ...	The whole Act.
13 & 14 Geo. 5. c. 28.	The Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923.	The whole Act.
24 & 25 Geo. 5. c. 26.	The Licensing (Permitted Hours) Act, 1934.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	Section seventeen.
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942 ...	In section ten, in subsection (1), the words "this and" and "and in the Sixth Schedule to this Act" and subsections (2) to (7).
7 & 8 Geo. 6. c. 23.	The Finance Act, 1944 ...	Part II of the Sixth Schedule. Section nine.

12TH SCH.
—*cont.*

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 64.	The Finance Act, 1946 ...	Section thirteen.
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	Section three hundred and sixty-five.
11 & 12 Geo. 6. c. 65.	The Representation of the People Act, 1948.	Section sixty-three and, in the Seventh Schedule, the amendments of the Licensing (Scotland) Act, 1903, the Temperance (Scotland) Act, 1913, the Licensing Act, 1921 and the Licensing (Permitted Hours) Act, 1934.
12, 13 & 14 Geo. 6. c. 59.	The Licensing Act, 1949 ...	The whole Act, except subsection (1) of section four, subsection (4) of section forty-two and subsection (1) of section forty-three.
15 & 16 Geo. 6. c. 44.	The Customs and Excise Act, 1952.	In section one hundred and fifty-one, in subsection (2), paragraph (b) and the proviso.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 65.	The Licensed Premises in New Towns Act, 1952.	The whole Act.
2 & 3 Eliz. 2. c. 11.	The Licensing (Seamen's Canteens) Act, 1954.	The whole Act.
4 & 5 Eliz. 2. c. 37.	The Licensing (Airports) Act, 1956.	The whole Act.
4 & 5 Eliz. 2. c. 42.	The Occasional Licences and Young Persons Act, 1956.	The whole Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Ordnance Board Transfer Act, 1855	18 & 19 Vict. c. 117.
Citation Amendment (Scotland) Act, 1882	45 & 46 Vict. c. 77.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Burgh Police (Scotland) Act, 1892	55 & 56 Vict. c. 55.
Local Government (Scotland) Act, 1894... ..	57 & 58 Vict. c. 58.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Inebriates Act, 1898	61 & 62 Vict. c. 60.
Licensing (Scotland) Act, 1903	3 Edw. 7. c. 25.
Temperance (Scotland) Act, 1913	3 & 4 Geo. 5. c. 33.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Licensing Act, 1921	11 & 12 Geo. 5. c. 42.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Water (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 31
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Licensing Act, 1949	12, 13 & 14 Geo. 6. c. 59.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.
Finance Act, 1956	4 & 5 Eliz. 2. c. 54.

CHAPTER 52

An Act to empower the Minister of Pensions and National Insurance to make orders increasing any of the amounts specified in paragraph 3 or 5 of the Second Schedule to the National Assistance Act, 1948, and making certain consequential provision.

[9th July, 1959]

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

1.—(1) The Minister of Pensions and National Insurance, after consultation with the National Assistance Board, may by order amend the Second Schedule to the National Assistance Act, 1948 (which sets out rules as to disregarding certain assets in computing resources) by increasing any of the amounts for the

Power to increase certain disregards.
11 & 12 Geo. 6. c. 29.

time being specified in paragraph 3 or 5 of that Schedule; and if the said paragraph 5 is for the time being reproduced in the Second Schedule to the Legal Aid and Advice Act, 1949, or to the Legal Aid and Solicitors (Scotland) Act, 1949, or, in pursuance of subsection (5) of section four of either of those Acts, in any regulations made under that section, any such order amending that paragraph shall also amend that Schedule or those regulations in the like manner. 12, 13 & 14
Geo. 6. c. 51.
12, 13 & 14
Geo. 6. c. 63.

(2) Any order under this section shall be made by statutory instrument and may revoke so much of any previous order thereunder as it supersedes and—

- (a) in the case of an order made within one month after the passing of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) in any other case, shall not be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

2. This Act may be cited as the National Assistance Act, 1959, and shall be included among the Acts which may be cited together as the National Assistance Acts, 1948 to 1959. Citation.

CHAPTER 53

Town and Country Planning Act, 1959

ARRANGEMENT OF SECTIONS

PART I

COMPENSATION FOR COMPULSORY ACQUISITION OF LAND

Section

1. General provisions as to measure of compensation.
2. Assumptions as to planning permission.
3. Assumptions not directly derived from development plans.
4. Special assumptions in respect of certain land comprised in development plans.
5. Certification of appropriate alternative development.
6. Appeals against certificates under s. 5.
7. Extension of ss. 5 and 6 to special cases.
8. Supplementary provisions as to certification of appropriate alternative development.
9. Modification of rules for assessment of compensation.
10. Acquisition of houses unfit for human habitation.
11. War-damaged land.
12. Other special cases.
13. Power to pay allowances to persons displaced.
14. Long-standing notices to treat.
15. Rights of owner where notice given of intention to proceed.
16. Recent entry under long-standing notice to treat.
17. Outstanding right to compensation for refusal, conditional grant, revocation or modification of planning permission.
18. Additional compensation for new planning permission in respect of land acquired.
19. Supplementary provisions as to compensation under s. 18.

Section

20. Extension of ss. 18 and 19 to planning permission where no planning decision made.
21. Extension of s. 18 to Crown development.

PART II

ACQUISITION, APPROPRIATION AND DISPOSAL OF LAND BY
LOCAL AUTHORITIES AND OTHER PUBLIC BODIES

22. Exercise of powers of acquisition by agreement.
23. Exercise of powers of appropriation.
24. Adjustment of accounts on appropriation of land.
25. Amendment of s. 21 of Land Settlement (Scotland) Act, 1919.
26. Exercise of powers of disposing of land.
27. Application of capital money on disposal of land.
28. Appropriation of land by parish councils and parish meetings.
29. Protection of persons deriving title under transactions requiring consent.
30. General provisions relating to Part II.

PART III

ADMINISTRATIVE PROCEDURES AND RELATED PROCEEDINGS

31. Proceedings for challenging validity of certain orders and decisions.
32. Appeals from certain decisions under Town and Country Planning Acts.
33. Procedure in connection with statutory inquiries.
34. Inquiries as to compulsory purchase of land for parish councils.
35. Provisions as to purchase notices.
36. Publication of notice of applications for planning permission.
37. Notification of applications for planning permission to owners and agricultural tenants.
38. Enforcement of limitations imposed by development orders.

PART IV

OBLIGATION TO PURCHASE INTERESTS OF OWNER-OCCUPIERS
AFFECTED BY PLANNING PROPOSALS

39. Notice requiring purchase of owner-occupier's interest.
40. Objection to notice requiring purchase of claimant's interest.
41. Reference of objection to Lands Tribunal.
42. Effect of valid notice requiring purchase of claimant's interest.
43. Supplementary provisions relating to Part IV.

PART V

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

44. Land declared (otherwise than by development plan) to be subject to compulsory purchase.
45. Compensation for damage to requisitioned land.
46. Acquisition of land in connection with town development in England and Wales.
47. Acquisition of land in connection with town development schemes in Scotland.
48. Acquisition of land for highways.
49. Advances to highway authorities in respect of land acquired for highways.
50. Amendment of s. 81 of Lands Clauses Consolidation (Scotland) Act, 1845.
51. Recovery of certain sums from acquiring authorities.
52. Application of Act to Crown.
53. Special provision as to ecclesiastical property in England.
54. Adjustment of unexpended balances of established development value.
55. Provisions as to inquiries, notices, regulations and orders.
56. Financial provisions.
57. Interpretation.
58. Minor and consequential amendments and repeals.
59. Short title, citation, commencement and extent.

SCHEDULES:

- First Schedule—Special provisions relating to section nine.
 Second Schedule—Acquisition of houses as being unfit for human habitation.
 Third Schedule—Application of section eighteen to special cases.
 Fourth Schedule—Authorities to whom Part II applies.
 Fifth Schedule—Supplementary provisions as to purchase of owner-occupier's interest.
 Sixth Schedule—Reduction or extinguishment of unexpended balance of established development value.
 Seventh Schedule—Enactments amended.
 Eighth Schedule—Enactments repealed.
 Ninth Schedule—Section nineteen of the Town and Country Planning Act, 1947, as amended.
 Tenth Schedule—Section seventeen of the Town and Country Planning (Scotland) Act, 1947, as amended.

An Act to make further provision as to compensation in respect of the compulsory acquisition of land, and as to other matters relating to the acquisition, appropriation and disposal of land by public authorities; to make provision as to proceedings in respect of certain matters arising under the Town and Country Planning Acts, 1947 to 1954, and the Town and Country Planning (Scotland) Acts, 1947 to 1954, as to applications for planning permission under those Acts, and as to enforcement notices thereunder; to make further provision as to procedure in connection with statutory inquiries, as to compensation for damage to requisitioned land, and as to advances to highway authorities in respect of land acquired for highways; and for purposes connected with the matters aforesaid.
 [16th July, 1959]

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

COMPENSATION FOR COMPULSORY ACQUISITION OF LAND

1.—(1) The following provisions of the Town and Country Planning Act, 1947 (in this Act referred to as "the Act of 1947"), and of the Town and Country Planning Act, 1954 (in this Act referred to as "the Act of 1954"), that is to say,—

General provisions as to measure of compensation.

- (a) subsection (2) and subsections (4) to (6) of section fifty-one of the Act of 1947 (which require compensation to be assessed on the basis of the existing use of the land), and
 (b) Part III of the Act of 1954 (which provides for certain compensation in addition to compensation on the basis of existing use),

PART I
—cont.

shall cease to have effect, except for the purpose of assessing compensation in respect of compulsory acquisitions to which this section does not apply; and, subject to the following provisions of this Part of this Act, compensation in respect of compulsory acquisitions to which this section applies shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (in this Act referred to as “the Act of 1919”).

(2) This section applies to every compulsory acquisition of an interest in land in pursuance of a notice to treat served after the twenty-ninth day of October, nineteen hundred and fifty-eight.

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

(a) for references to the Act of 1947 and to section fifty-one of that Act there shall be substituted references respectively to the Town and Country Planning (Scotland) Act, 1947 (in this Act referred to as “the Scottish Act of 1947”) and to section forty-eight of that Act; and

(b) for references to the Act of 1954 and to Part III of that Act there shall be substituted references respectively to the Town and Country Planning (Scotland) Act, 1954 (in this Act referred to as “the Scottish Act of 1954”) and to sections thirty-two to thirty-eight of that Act.

**Assumptions as
to planning
permission.**

2.—(1) For the purpose of assessing compensation in respect of any compulsory acquisition to which section one of this Act applies, such one or more of the assumptions mentioned in sections three and four of this Act as are applicable to the relevant land or any part thereof shall be made in ascertaining the value of the relevant interest.

(2) Any planning permission which, in accordance with any of the provisions of those sections, is to be assumed as therein mentioned is in addition to any planning permission which may already be in force at the date of service of the notice to treat.

(3) Nothing in those provisions shall be construed as requiring it to be assumed that planning permission would necessarily be refused for any development, notwithstanding that it is not development for which in accordance with those provisions the granting of planning permission is to be assumed; but, in determining whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land, regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under the following provisions of this Part of this Act.

(4) For the purposes of any reference in this section, or in section three of this Act, to planning permission which is in force on the date of service of the notice to treat, it is immaterial whether the planning permission in question was granted—

- (a) unconditionally or subject to conditions, or
- (b) in respect of the land in question taken by itself or in respect of an area including that land, or
- (c) on an ordinary application or on an outline application or by virtue of a development order,

or is planning permission which, in accordance with any direction or provision given or made by or under any enactment, is deemed to have been granted.

3.—(1) In a case where—

- (a) the relevant interest is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for development of the relevant land or part thereof, and

Assumptions
not directly
derived from
development
plans.

(b) on the date of service of the notice to treat there is not in force planning permission for that development, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, such as would permit development thereof in accordance with the proposals of the acquiring authority.

(2) For the purposes of paragraph (b) of the preceding subsection, no account shall be taken of any planning permission so granted as not to enure (while the permission remains in force) for the benefit of the land and of all persons for the time being interested therein.

(3) Subject to the next following subsection, it shall be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in the Third Schedule to the Act of 1947 (which relates to development included in the existing use of land).

(4) Notwithstanding anything in the last preceding subsection—

- (a) it shall not by virtue of that subsection be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in Part II of the said Third Schedule, if it is development for which planning permission was refused at any time before the date of service of the notice to treat and compensation under section twenty of the Act of 1947 became payable in respect of that refusal;

PART I
—cont.

- (b) where, at any time before the said date, planning permission was granted, in respect of the relevant land or any part thereof, for development of any class specified in Part II of the said Third Schedule, but was so granted subject to conditions, and compensation under section twenty of the Act of 1947 became payable in respect of the imposition of the conditions, it shall not by virtue of the last preceding subsection be assumed that planning permission for that development, in respect of the relevant land or that part thereof, as the case may be, would be granted otherwise than subject to those conditions ;
- (c) where, at any time before the said date, an order was made under section twenty-six of the Act of 1947, in respect of the relevant land or any part thereof, requiring the removal of any building or the discontinuance of any use, and compensation became payable in respect of that order under section twenty-seven of that Act, it shall not by virtue of the last preceding subsection be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for the rebuilding of that building or the resumption of that use.

(5) Where a certificate is issued under the following provisions of this Part of this Act, it shall be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in relation thereto in that certificate as being development for which planning permission might reasonably have been expected to be granted :

Provided that if, in any such certificate, it is indicated that, in the opinion of the authority issuing the certificate, any such planning permission would only have been granted—

- (a) subject to conditions specified in the certificate, or
- (b) at a future time so specified, or
- (c) both subject to conditions so specified and at a future time so specified,

the assumption shall be that planning permission for development of that class would be granted, in respect of the relevant land or that part thereof, but would only be granted subject to those conditions, or at that future time, or both subject to those conditions and at that future time, as the case may be.

(6) In the application of this section to Scotland, for references to the Act of 1947, and to sections twenty, twenty-six and twenty-seven of that Act, there shall be substituted references respectively to the Scottish Act of 1947 and to sections eighteen, twenty-four and twenty-five of that Act.

PART I
—cont.

Special assumptions in respect of certain land comprised in development plans.

4.—(1) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of a site defined in the current development plan as the site of proposed development of a description specified in relation thereto in the plan, it shall be assumed that planning permission would be granted for that development.

(2) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan as an area allocated primarily for a use specified in the plan in relation to that area, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development which—

- (a) is development for the purposes of that use of the relevant land or that part thereof, and
- (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(3) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan as an area allocated primarily for a range of two or more uses specified in the plan in relation to the whole of that area, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development which—

- (a) is development for the purposes of a use of the relevant land or that part thereof, being a use falling within that range of uses, and
- (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(4) If the relevant land or any part thereof is land subject to comprehensive development, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development for the purposes of a use of the relevant land or that part thereof falling within the planned range of uses (whether it is the use which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, is indicated in the plan as the proposed use of the relevant land or that part thereof, or is any other use falling within the planned range of uses) being development for which, in the circumstances specified in the next following subsection,

PART I
—cont.

planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(5) The circumstances referred to in the last preceding subsection are those which would have existed if—

- (a) the area in question had not been defined in the current development plan as an area of comprehensive development, and no particulars or proposals relating to any land in that area had been comprised in the plan, and
- (b) in a case where, on the date of service of the notice to treat, land in that area has already been developed in the course of the development or redevelopment of the area in accordance with the plan, no land in that area had been so developed on or before that date ;

and in that subsection “the planned range of uses” means the range of uses which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, are indicated in the plan as proposed uses of land in that area.

(6) Where in accordance with any of the preceding subsections it is to be assumed that planning permission would be granted as therein mentioned—

- (a) the assumption shall be that planning permission would be so granted subject to such conditions (if any) as, in the circumstances mentioned in the subsection in question, might reasonably be expected to be imposed by the authority granting the permission, and
- (b) if, in accordance with any map or statement comprised in the current development plan, it is indicated that any such planning permission would be granted only at a future time, then (without prejudice to the preceding paragraph) the assumption shall be that the planning permission in question would be granted at the time when, in accordance with the indications in the plan, that permission might reasonably be expected to be granted.

(7) Any reference in this section to development for which planning permission might reasonably have been expected to be granted is a reference to development for which planning permission might reasonably have been expected to be granted if no part of the relevant land were proposed to be acquired by any authority to whom the Act of 1919 applies.

(8) In this section “the current development plan”, in relation to any land, means a development plan comprising that land, in the form in which (whether as originally approved or made

by the Minister or as for the time being amended) that plan is in force on the date of service of the notice to treat, and "land subject to comprehensive development" means land which, on the date of service of the notice to treat, consists or forms part of an area defined in the current development plan as an area of comprehensive development.

PART I
—cont.

5.—(1) Where an interest in land is proposed to be acquired by a public authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of— Certification of appropriate alternative development.

- (a) an area defined in the current development plan as an area of comprehensive development, or
- (b) an area shown in the current development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,

then, subject to the next following subsection, either of the parties directly concerned may apply to the local planning authority for a certificate under this section.

(2) If, in the case of an interest in land falling within the preceding subsection, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by one of the parties directly concerned after the date of that reference except either—

- (a) with the consent in writing of the other of those parties, or
- (b) with the leave of the Lands Tribunal.

(3) An application for a certificate under this section made by one of the parties directly concerned—

- (a) shall specify one or more classes of development appearing to the applicant to be classes of development which would in the relevant circumstances be appropriate for the land in question, and
- (b) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served upon the other of those parties.

(4) Where an application is made to a local planning authority for a certificate under this section in respect of an interest in land, the local planning authority shall, not earlier than twenty-one days after the date specified in the statement accompanying the application in accordance with paragraph (b) of the last

PART I
—cont.

preceding subsection, issue to the applicant a certificate stating either—

(a) that, in the opinion of the local planning authority, planning permission for development of one or more classes specified in the certificate (whether being classes of development specified in the application or not) might, in the relevant circumstances, reasonably have been expected to be granted in respect of the land in question, or

(b) that, in the opinion of the local planning authority, planning permission could not, in the relevant circumstances, reasonably have been expected to be granted for any development of the land in question, other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.

(5) Where, in the opinion of the local planning authority, planning permission might reasonably have been expected to be granted as mentioned in paragraph (a) of the last preceding subsection, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both of them, as the case may be, in addition to the other matters required to be contained in the certificate.

(6) For the purposes of the last preceding subsection, a local planning authority may formulate general requirements applicable to such classes of cases as may be described therein; and any conditions required to be specified in a certificate in accordance with that subsection may, if it appears to the local planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.

(7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development might, in the relevant circumstances, reasonably have been expected to be granted in respect of any land, the local planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.

(8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.

(9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority shall serve a copy of the certificate on the other of those parties.

PART I
—cont.

(10) In this section “in the relevant circumstances”, in relation to an application for a certificate, means if the land to which the application relates were not proposed to be acquired by any authority to whom the Act of 1919 applies; and in this and the three next following sections “the parties directly concerned”, in relation to an interest in land, means the person entitled to the interest and the authority by whom it is proposed to be acquired.

6.—(1) Where the local planning authority have issued a certificate under the last preceding section in respect of an interest in land,—

Appeals
against
certificates
under s. 5.

- (a) the person for the time being entitled to that interest, or
- (b) any public authority possessing compulsory purchase powers by whom that interest is proposed to be acquired,

may appeal to the Minister against that certificate.

(2) On any appeal under this section against a certificate the Minister shall consider the matters to which the certificate relates, as if the application for a certificate under the last preceding section had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate:

Provided that before determining any such appeal the Minister shall, if any such person or authority as is mentioned in paragraph (a) or paragraph (b) of the preceding subsection so desires, afford to each such person or authority and to the local planning authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) Where an application is made for a certificate under the last preceding section, and at the expiry of the time prescribed for the issue thereof (or, if an extended period is at any time agreed upon in writing by the parties directly concerned and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with that section, the preceding provisions of this section shall apply as if the local planning authority had issued such a certificate containing such a statement as is mentioned in paragraph (b) of subsection (4) of the last preceding section.

7.—(1) Where an interest in land is proposed to be acquired in the circumstances mentioned in subsection (1) of section five of this Act, and, by reason that the person entitled to the interest

Extension of
ss. 5 and 6 to
special cases.

PART I
—*cont.*

is absent from the United Kingdom or cannot be found, the compensation payable in respect of the interest falls to be determined by the valuation of a surveyor under section fifty-eight of the Lands Clauses Consolidation Act, 1845, or, in Scotland, of a valuator under section fifty-six of the Lands Clauses Consolidation (Scotland) Act, 1845, the surveyor or valuator, before carrying out his valuation, may apply to the local planning authority for a certificate under the said section five; and the provisions of sections five and six of this Act shall apply in relation to an application made by virtue of this subsection as they apply in relation to an application made by virtue of subsection (1) of the said section five.

(2) Where, in pursuance of an application made by virtue of the preceding subsection, the local planning authority issue a certificate to the surveyor or valuator, the authority shall serve copies of the certificate on both the parties directly concerned.

(3) Where an interest in land in Scotland is proposed to be acquired in the circumstances mentioned in subsection (1) of section five of this Act, and that interest is the dominium utile of the land, an application to the local planning authority for a certificate under that section may be made by any person entitled to any feu duty or ground annual or other annual or recurring payment or incumbrance out of the land (not being stipend or standard charge in lieu of stipend) in the like circumstances and in the like manner as such an application may be made by the person entitled to the interest.

(4) Where, in pursuance of an application made by virtue of the last preceding subsection, the local planning authority issue a certificate to the applicant, the authority shall serve copies of the certificate on both the parties directly concerned.

(5) An application for a certificate made by virtue of subsection (1) or subsection (3) of this section shall specify the matters referred to in paragraph (a) of subsection (3) of the said section five, and shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on each of the parties directly concerned; and, in relation to such an application, subsection (4) of the said section five shall have effect with the substitution, for the reference to the date specified in the statement accompanying the application in accordance with paragraph (b) of the said subsection (3), of a reference to the date specified in the statement accompanying the application in accordance with this subsection, or, where more than one date is so specified, the later of those dates.

(6) Where a certificate has been issued in pursuance of an application made by virtue of subsection (3) of this section, or in a case where an application for a certificate could have been made thereunder, the provisions of section six of this Act shall apply as if any reference to the person entitled to the interest

in question, or to the parties directly concerned, included a reference to the person who made or could have made that application, as the case may be.

PART I
—cont.

8.—(1) Without prejudice to any other matters for which provision may be made by development orders, provision may be made by a development order for regulating the manner in which applications under section five or section seven of this Act, and appeals under section six of this Act, are to be made and dealt with respectively, and in particular—

Supplementary provisions as to certification of appropriate alternative development.

- (a) for prescribing (subject to the provisions of subsection (4) of section five of this Act) the time within which a certificate is required to be issued under the said section five ;
- (b) for prescribing the manner in which notices of appeals under section six of this Act are to be given, and the time for giving any such notice ;
- (c) for requiring local planning authorities to furnish the Minister, and such other persons (if any) as may be prescribed by or under the order, with such information as may be so prescribed with respect to applications under section five or section seven of this Act, including information whether any such application has been made in respect of any particular land and information as to the manner in which any such application has been dealt with, together, in such cases as may be so prescribed, with copies of certificates issued under the said section five ;
- (d) for requiring a local planning authority, on issuing a certificate specifying conditions by reference to general requirements in accordance with subsection (6) of the said section five, to supply a copy of those requirements (or of so much thereof as is relevant to the certificate) with each copy of the certificate, unless, before the certificate is issued, the requirements in question have been made available to the public in such manner as may be specified in the development order.

(2) For the purposes of sections five and six of this Act, an interest in land shall be taken to be an interest proposed to be acquired by a public authority possessing compulsory purchase powers in the following (but no other) circumstances, that is to say,—

- (a) where, for the purposes of a compulsory acquisition by that authority of land consisting of or including the land in which that interest subsists, a notice required to be published or served in connection with that acquisition, either by an Act or by any Standing Order

PART I
—cont.

of either House of Parliament relating to petitions for private bills, has been published or served in accordance with that Act or Order; or

- (b) where a notice requiring the purchase of that interest has been served under any enactment (including any enactment contained in this Act) and in accordance with that enactment that authority are to be deemed to have served a notice to treat in respect of that interest; or
- (c) where an offer in writing has been made by or on behalf of that authority to negotiate for the purchase of that interest.

(3) For the purpose of determining whether an application can be made at any time in relation to any land under subsection (1) of section five or under section seven of this Act, any reference in the said subsection (1) to the current development plan shall be construed as a reference to a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan is in force at that time:

Provided that in any case where—

- (a) the interest in land in question is to be acquired in the circumstances mentioned in paragraph (b) of the last preceding subsection, or
- (b) the acquiring authority (otherwise than in those circumstances) have served a notice to treat in respect of that interest, or
- (c) the acquiring authority have entered into a contract for the purchase of that interest,

any such reference shall be construed as a reference to a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan was in force on the date of service of the notice to treat, or on the date of the contract, as the case may be, or, in a case where both dates are applicable, on the later of those dates.

(4) In the application of this section to Scotland, subsection (1) shall have effect as if after the words “to be made and dealt with respectively” there were inserted the words “and other procedural matters ancillary to such applications and appeals”, and as if there were added at the end thereof the following paragraphs, that is to say—

- “(e) for requiring a public authority possessing compulsory purchase powers who—
 - (i) propose to acquire the dominium utile of any land (where the land or part thereof does not consist

or form part of any such area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of section five of this Act), and

(ii) also propose to require the discharge of the land from any feu-duty or other incumbrance such as is mentioned in subsection (3) of section seven of this Act,

to serve, at such time as may be specified in the order, notice of the proposals on the person entitled to the feu-duty or other incumbrance ;

- (f) for requiring a public authority possessing compulsory purchase powers, when serving a notice to treat in relation to, or purchasing, the dominium utile of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of section five of this Act) to give notice of the fact that they have done so to such persons as may be prescribed in the order, being persons who might be entitled to apply under subsection (3) of section seven of this Act for a certificate relating to the land.”

9.—(1) In addition to the rules applicable in accordance with section two of the Act of 1919 (which prescribes rules for the assessment of compensation), the following provisions of this section shall have effect for the purpose of assessing the compensation payable in respect of compulsory acquisitions to which section one of this Act applies : Modification of rules for assessment of compensation.

Provided that, in cases falling within Part I of the First Schedule to this Act, those provisions shall have effect subject to the provisions of that Part of that Schedule.

(2) In each of the cases mentioned in the first column of the following table, no account shall be taken of any increase or diminution of the value of the relevant interest which is attributable—

- (a) to the carrying out of any such development as is mentioned in relation thereto in the second column of that table, or
- (b) to the prospect that any such development will or may be carried out,

in so far as any such development (whether actual or prospective) is or would be development arising from the circumstances of that case.

PART I
—cont.

TABLE

Case	Development
1. In the case of every acquisition for purposes involving development of any of the land authorised to be acquired.	Development of any of the land authorised to be acquired, other than the relevant land, being development for any of the purposes for which any part of the first-mentioned land (including any part of the relevant land) is to be acquired.
2. Where any of the relevant land forms part of an area defined in the current development plan as an area of comprehensive development.	Development of any land in that area, other than the relevant land, in the course of the development or redevelopment of the area in accordance with the plan.
3. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as the site of a new town by an order under the New Towns Act, 1946.	Development of any land in that area, other than the relevant land, in the course of the development of that area as a new town.
4. Where any of the relevant land forms part of an area defined in the current development plan as an area of town development.	Development of any land in that area, other than the relevant land, in the course of town development within the meaning of the Town Development Act, 1952.
5. Where any of the relevant land forms part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act, 1957, relates, being a scheme which is in operation on the date of service of the notice to treat.	Development of any land in that area, other than the relevant land, in the course of the execution of the scheme.

(3) The provisions of the next following subsection shall have effect where, on the date of service of the notice to treat, the person entitled to the relevant interest is also entitled in the same capacity to an interest in other land contiguous or adjacent to the relevant land (in this and the next following subsection referred to as "the interest in adjacent land"), and in any of

the cases mentioned in the first column of the table set out in the last preceding subsection there is an increase in the value of the interest in adjacent land which is attributable—

- (a) to the carrying out of any such development as is mentioned in relation to that case in the second column of that table, or
- (b) to the prospect that there will or may be carried out any such development as is mentioned in relation to that case in the second column of that table (modified, for the purposes of this paragraph, by the omission of the words “other than the relevant land” wherever those words occur),

in so far as any such development (whether actual or prospective) is or would be development arising from the circumstances of that case.

(4) Where the last preceding subsection applies, the increase in the value of the interest in adjacent land shall be taken into account, and the amount thereof shall be deducted from the amount of the compensation which apart from this subsection would be payable in respect of the compulsory acquisition.

(5) The provisions of Part II of the First Schedule to this Act shall have effect with respect to paragraph 3 of the said table.

(6) No account shall be taken of any depreciation of the value of the relevant interest which is attributable to the fact that (whether by way of designation, allocation or other particulars contained in the current development plan, or by any other means) an indication has been given that the relevant land is, or is likely, to be acquired by an authority to whom the Act of 1919 applies.

(7) Any reference in this section to development (whether actual or prospective) which is or would be development arising from the circumstances of a case mentioned in the first column of the table set out in subsection (2) of this section—

- (a) in relation to any acquisition for purposes involving development of any of the land authorised to be acquired, shall (subject to the next following paragraph) be construed as a reference to development (whether actual or prospective) which would not have been likely to be carried out if the acquiring authority had not acquired, and did not propose to acquire, any of that land, and
- (b) in relation to any acquisition falling within one or more of paragraphs 2 to 5 in the said first column, shall be construed as including (or, if the acquisition is not for purposes involving development of any of the land

PART I
—*cont.*

authorised to be acquired, shall be construed as) a reference to any development (whether actual or prospective) which would not have been likely to be carried out if the area or areas referred to in that paragraph or those paragraphs had not been defined or designated as therein mentioned or (in a case falling within paragraph 5) if the scheme therein mentioned had not come into operation.

(8) In this section “the current development plan” has the same meaning as in section four of this Act, and “the land authorised to be acquired”, in relation to the compulsory acquisition of an interest in land in pursuance of a notice to treat,—

- (a) where the compulsory acquisition was authorised by a compulsory purchase order or a special enactment, means the aggregate of the land comprised in that authorisation, and
- (b) where the compulsory acquisition does not fall within the preceding paragraph, but is effected under powers exercisable by virtue of any enactment for defence purposes (within the meaning of the Land Powers (Defence) Act, 1958), means the aggregate of the land comprised in the notice to treat and of any land contiguous or adjacent thereto which is comprised in any other notice to treat served under the like powers not more than one month before and not more than one month after the date of service of that notice,

and any reference to development of any land shall be construed as including a reference to the clearing of that land.

(9) In the application of this section to Scotland, subsection (4) shall have effect as if there were inserted at the end thereof the following proviso, that is to say,—

“Provided that nothing in this subsection shall affect the amount which is to be taken as the amount of the compensation for the purposes of section sixty-two of the Scottish Act of 1954 (which relates to the consideration payable for the discharge of land from feu-duty and other incumbrances)”.

Acquisition of
houses unfit
for human
habitation

10. The provisions of the Second Schedule to this Act shall have effect as to compensation in respect of the acquisition of land in the circumstances mentioned in that Schedule.

War-damaged
land.

11.—(1) Section fourteen of the War Damage Act, 1943 (which relates to war damage payments where partially damaged land is acquired by a public authority possessing compulsory purchase powers), section fifty-three of the Act of 1947 (which

relates to acquisitions attracting converted value payments under the War Damage Act, 1943), and the following provisions of section fifty-six of the Act of 1947 (which relates to war-damaged land in respect of which compensation is assessable on the basis of equivalent reinstatement) that is to say—

(a) in subsection (2) of that section, the words from “and the right to receive any value payment” to the end of the subsection, and

(b) subsection (3) of that section, shall not have effect (in so far as they would be applicable respectively apart from this section) in relation to a compulsory acquisition to which section one of this Act applies, or to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition.

(2) In the application of this section to Scotland, for references to sections fifty-three and fifty-six of the Act of 1947 there shall be substituted references respectively to sections fifty and fifty-three of the Scottish Act of 1947.

12.—(1) The provisions specified in the next following subsection shall cease to have effect, except (where applicable) for the purpose of assessing compensation in respect of compulsory acquisitions to which section one of this Act does not apply. Other special cases.

(2) The said provisions are—

- (a) subsection (5) of section eighty-two of the Act of 1947 (which relates to certain acquisitions of land held by local authorities for statutory purposes);
- (b) subsection (4) of section eighty-four of that Act (which relates to certain acquisitions of operational land of statutory undertakers);
- (c) subsection (4) of section eighty-five of that Act (which relates to certain acquisitions of land held on charitable trusts); and
- (d) the provisions of subsection (4) of section eighty-four of that Act as applied by regulations under section ninety of that Act (which relates to the National Coal Board).

(3) In relation to compulsory acquisitions of interests in land which has been acquired by statutory undertakers for the purposes of their undertaking, the provisions of this Part of this Act shall have effect subject to the provisions of subsection (5) of section forty-five of the Act of 1947 (which makes special provision as to the compensation payable in respect of certain acquisitions of land so acquired).

(4) In the application of this section to Scotland, for references to sections forty-five, eighty-two, eighty-four, eighty-five and ninety of the Act of 1947, there shall be substituted references respectively to sections forty-two, seventy-nine, eighty-one, eighty-two and eighty-six of the Scottish Act of 1947.

PART I
—cont.

Power to pay allowances to persons displaced.

13.—(1) In connection with any compulsory acquisition to which section one of this Act applies, and in connection with any sale of an interest in land by agreement in circumstances corresponding to such an acquisition, the acquiring authority—

- (a) may pay to any person displaced from a house or other building on that land such reasonable allowance as they think fit towards his expenses in removing therefrom; and
- (b) may pay to any person carrying on any trade or business in any such house or other building such reasonable allowance 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 upon his having to quit the house or building.

(2) In estimating loss, for the purposes of paragraph (b) of the preceding subsection, the authority shall have regard to the period for which the premises occupied by the person in question might reasonably have been expected to be available for the purpose of his trade or business, and to the availability of other premises suitable for that purpose.

(3) The preceding provisions of this section shall have effect without prejudice to the operation of any other enactments authorising the making of payments to or in respect of persons displaced or otherwise affected by acquisitions by public authorities possessing compulsory purchase powers.

Long-standing notices to treat.

14.—(1) This section applies to every notice to treat served before the sixth day of August, nineteen hundred and forty-seven, by a public authority possessing compulsory purchase powers, being a notice in respect of which the following conditions are fulfilled, that is to say,—

- (a) that the acquisition of the interest in land to which the notice relates has not before the commencement of this Act been completed by the vesting of that interest in the acquiring authority;
- (b) that the acquiring authority have not before the commencement of this Act exercised any right of entering upon and taking possession of land in pursuance of that notice;
- (c) that compensation in respect of the acquisition of that interest has not before the commencement of this Act been paid to and accepted by the person entitled to the interest, or any other person competent to give an effective discharge for such compensation;
- (d) that the amount of the compensation payable in respect of the acquisition of that interest has not before the commencement of this Act been determined by the

Lands Tribunal or by an official arbitrator appointed under the Act of 1919, or determined under section fifty-eight of the Lands Clauses Consolidation Act, 1845; and

(e) that the notice has not been withdrawn before the commencement of this Act.

(2) If a public authority possessing compulsory purchase powers intend to proceed with the compulsory acquisition of an interest in land, in pursuance of a notice to treat to which this section applies, they shall, before the end of the period of six months beginning with the commencement of this Act, serve on the person for the time being entitled to that interest a notice in the prescribed form (in this Act referred to as a "notice of intention to proceed") stating that fact; and if, at the end of that period, no notice of intention to proceed has been served in accordance with this subsection in respect of an interest to which such a notice to treat relates, the notice to treat shall thereupon cease to have effect in so far as it relates to that interest.

(3) The form prescribed under the last preceding subsection shall include such explanation of the provisions of this and the next following section as appears to the Minister to be requisite for informing recipients of notices of intention to proceed of their rights and obligations under those provisions.

(4) Where a notice of intention to proceed has been served, in respect of the compulsory acquisition of an interest in land, and, at the end of the period of one year beginning with the date of service of that notice, the compensation payable in respect of the acquisition of that interest has not been agreed, and no proceedings have been begun for the determination of any question relating to that compensation, the notice to treat, with respect to which the notice of intention to proceed was served, shall cease to have effect in so far as it relates to that interest:

Provided that this subsection shall not apply if, before the end of the said period of one year, the acquiring authority have exercised a right of entering upon and taking possession of land in pursuance of the notice to treat.

(5) The authority by whom a notice to treat to which this section applies has been served shall not be entitled after the commencement of this Act to exercise any rights or powers in pursuance of that notice, unless they have served a notice of intention to proceed in accordance with this section.

(6) Nothing in this section shall affect any question as to the validity of a notice to treat apart from the provisions of this section.

PART I
—cont.

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

- (a) for any reference to the sixth day of August, nineteen hundred and forty-seven there shall be substituted a reference to the thirteenth day of August, nineteen hundred and forty-seven;
- (b) for any reference to an official arbitrator there shall be substituted a reference to an official arbiter; and
- (c) for any reference to section fifty-eight of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section fifty-six of the Lands Clauses Consolidation (Scotland) Act, 1845.

Rights of
owner where
notice given of
intention to
proceed.

15.—(1) Where a notice of intention to proceed has been served under the last preceding section, in respect of the compulsory acquisition of an interest in land in pursuance of a notice to treat to which that section applies (in this section referred to as “the original notice to treat”), the person for the time being entitled to that interest may (subject to the following provisions of this section) elect that compensation in respect of the compulsory acquisition of that interest shall be assessed as if the original notice to treat had been served on the first day of January, nineteen hundred and fifty-eight.

(2) Any such election shall be signified in a notice of claim given in accordance with the provisions of subsection (2) of section five of the Act of 1919, and shall not have effect if that notice is given after the end of the period of six months beginning with the date of service of the notice of intention to proceed.

(3) A person who has become entitled to the interest in question in pursuance of a transaction effected for valuable consideration after the service of the original notice to treat, or who derives title to it from a person who so became entitled to it, shall not have any such right of election as is mentioned in subsection (1) of this section.

(4) Where such an election is signified in accordance with the preceding provisions of this section, the provisions of any enactment relating to the compulsory acquisition of interests in land or to compensation in respect of such acquisitions shall apply (subject to the next following subsection) as if the original notice to treat had been served on the first day of January, nineteen hundred and fifty-eight.

(5) If, after an election has been so signified by the person entitled to the relevant interest, the original notice to treat is withdrawn, the compensation payable to him under subsection (2) of section five of the Act of 1919, in respect of any loss or

expenses occasioned by that notice having been given to him and withdrawn, shall be limited to the aggregate of—

PART I
—cont.

- (a) any loss or expenses so occasioned after the service of the notice of intention to proceed, and
- (b) any expenses reasonably incurred by him, before the service of the last-mentioned notice, in preparing and supporting a claim for compensation in respect of the acquisition.

16.—(1) Where a notice to treat was served before the sixth day of August, nineteen hundred and forty-seven, by a public authority possessing compulsory purchase powers, and—

Recent entry
under long-
standing notice
to treat.

- (a) the conditions specified in paragraphs (a), (c), (d) and (e) of subsection (1) of section fourteen of this Act are fulfilled in relation to that notice, but
- (b) on a date after the twenty-ninth day of October, nineteen hundred and fifty-eight, and before the commencement of this Act, the acquiring authority exercised a right of entering upon and taking possession of land in pursuance of that notice,

the following provisions of this section shall have effect.

(2) It shall be the duty of the acquiring authority, before the end of the period of six months beginning with the commencement of this Act, to serve on the person for the time being entitled to the relevant interest a notice in the prescribed form.

(3) The form prescribed under the last preceding subsection shall include such explanation of the provisions applicable by virtue of this section as appears to the Minister to be requisite for informing recipients of notices under that subsection of their rights and obligations under those provisions.

(4) Where subsection (1) of this section applies, the provisions of section fifteen of this Act (except subsection (5) of that section) shall have effect as if the notice to treat had been a notice to which section fourteen of this Act applied, and the acquiring authority had served a notice of intention to proceed in respect of the compulsory acquisition of the relevant interest in pursuance of that notice to treat, and as if that notice of intention to proceed—

- (a) had been served on the date on which the acquiring authority served a notice under subsection (2) of this section in respect of the relevant interest, or
- (b) in default of service of such a notice under subsection (2) of this section, had been served at the end of the period of six months beginning with the commencement of this Act.

PART I
—cont.

(5) In the application of this section to Scotland, for the reference to the sixth day of August, nineteen hundred and forty-seven, there shall be substituted a reference to the thirteenth day of August, nineteen hundred and forty-seven.

Outstanding
right to
compensation
for refusal,
conditional
grant,
revocation or
modification
of planning
permission.

17.—(1) The provisions of this section shall have effect in relation to a compulsory acquisition to which section one of this Act applies where—

- (a) before the service of the notice to treat a planning decision or order has been made in such circumstances as to give rise to a claim for compensation for depreciation of the value of an interest in land, being land which consists of or includes the whole or part of the relevant land ;
- (b) whether such a claim has been made or not, no notice stating that compensation has become payable for depreciation of the value of that interest in consequence of that planning decision or order has been registered before the date of service of the notice to treat ; but
- (c) such a notice is registered on or after that date.

(2) Where the preceding subsection applies, the compensation payable in respect of the compulsory acquisition shall be assessed as if the notice referred to in paragraph (c) of the preceding subsection had been registered before the date of service of the notice to treat and had remained on the register of local land charges on that date.

(3) For the purposes of this section a planning decision or order shall be taken to give rise to a claim for compensation for depreciation of the value of an interest in land if (subject to the making and determination of a claim in accordance with the relevant provisions, and to the effect of any direction of the Minister under section twenty-three or section forty-five of the Act of 1954) a person is entitled to compensation for depreciation of the value of that interest in consequence of that decision or order.

(4) In this section any reference to compensation for depreciation of the value of an interest in land is a reference to compensation payable either—

- (a) under Part II or Part V of the Act of 1954 in respect of depreciation of the value of that interest, or
- (b) under subsection (1) of section twenty-two of the Act of 1947 in respect of loss or damage consisting of depreciation of the value of that interest ;

any reference to registration is a reference to registration in the register of local land charges under subsection (5) of section twenty-eight of the Act of 1954, or under the provisions of that

subsection as applied by section thirty-nine or section forty-six of that Act; and "the relevant provisions", in relation to compensation under Part II or Part V of the Act of 1954, means the provisions of the said Part II, or those provisions as applied by the said Part V, and, in relation to compensation under subsection (1) of section twenty-two of the Act of 1947, means the provisions of regulations made under the Act of 1947 with respect to claims for compensation under that subsection.

PART I
—cont.

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

- (a) for references to the Act of 1947 and section twenty-two of that Act there shall be substituted references respectively to the Scottish Act of 1947 and section twenty of that Act;
- (b) for references to the Act of 1954 and to the following provisions of that Act, that is to say, subsection (5) of section twenty-eight, the provisions of that subsection as applied by section thirty-nine, section forty-five and the provisions of the said subsection (5) as applied by section forty-six, there shall be substituted respectively references to the Scottish Act of 1954 and the following provisions of that Act, that is to say, subsection (1) of section twenty-nine, section forty-one, section forty-seven and the provisions of the said subsection (1) as applied by section forty-eight;
- (c) for any reference to the registration of a notice in the register of local land charges there shall be substituted a reference to the recording of a notice in the appropriate register of sasines; and
- (d) in subsection (2), the words from 'and had remained' to the end of the subsection shall be omitted.

18.—(1) The provisions of this section shall have effect where, by a planning decision made before the end of the period of five years beginning with the date of completion of—

- (a) a compulsory acquisition to which section one of this Act applies, or
- (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

Additional compensation for new planning permission in respect of land acquired.

permission is granted for the carrying out of additional development of any of the land which was comprised in the acquisition or sale.

(2) Subject to the following provisions of this section, if the principal amount of the compensation which was payable in respect of the compulsory acquisition, or, in the case of a sale by agreement, the amount of the purchase price, was less than the principal amount of the compensation which would

2 D*

PART I
—cont.

have been payable in respect of a compulsory acquisition of the interest in question with the benefit of the planning decision referred to in the preceding subsection, the person to whom the compensation or purchase price was payable shall, on a claim duly made by him, be entitled to compensation from the acquiring authority of an amount equal to the difference.

(3) In the last preceding subsection the reference to the compensation which would have been payable in respect of a compulsory acquisition of the interest in question with the benefit of the planning decision therein mentioned is a reference to the compensation which would have been payable in respect of a compulsory acquisition of that interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date, if that planning decision had been made before that date and the permission thereby granted had been in force on that date.

(4) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates—

- (a) to land which on the relevant date consisted or formed part of an area defined in a development plan as an area of comprehensive development; or
- (b) to land acquired by the acquiring authority, whether compulsorily or by agreement, under paragraph (a) of subsection (1) of section four of the New Towns Act, 1946 (which relates to the acquisition by development corporations of land within areas designated as the sites of new towns); or
- (c) to land acquired by the acquiring authority in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946 (whereby a development corporation can be required to purchase an interest in land in a new town); or
- (d) to land acquired by a local authority, whether compulsorily or by agreement, where on the relevant date the land consisted or formed part of an area defined in a development plan as an area of town development.

(5) If in accordance with the preceding provisions of this section the person referred to in subsection (2) of this section would be entitled to compensation as therein mentioned, but before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that

act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.

(6) The provisions of the Third Schedule to this Act shall have effect for the purposes of this section.

(7) In this section any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission for that development—

- (a) either unconditionally or subject to conditions, and
- (b) either in respect of that land taken by itself or in respect of an area including that land, and
- (c) either on an ordinary application or on an outline application,

and any reference to an area defined in a development plan is a reference to an area defined in such a plan in the form in which (whether as originally approved or made by the Minister or as subsequently amended) that plan was in force on the relevant date.

(8) In this section and in the following provisions of this Part of this Act “additional development”, in relation to an acquisition or sale of an interest in land, means any development of the land in question other than the following, that is to say—

- (a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;
- (b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;
- (c) development for which planning permission was in force on the relevant date; and
- (d) development for which—
 - (i) in the case of a compulsory acquisition, it was, for the purpose of assessing compensation in respect thereof, assumed (in accordance with the provisions of section three or section four of this Act) that planning permission would be granted, or
 - (ii) in the case of a sale by agreement, it would have been so assumed that planning permission would be granted if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date;

“date of completion”, in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring

PART I
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PART I
—cont.

authority ; and “ the relevant date ”, in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat, and, in relation to a sale of such an interest by agreement, means the date of the making of the contract in pursuance of which the sale was effected.

(9) In the application of this section to Scotland subsection (4) shall have effect as if for paragraph (d) thereof there were substituted the following paragraph, that is to say,—

“ (d) to land acquired by a local authority, whether compulsorily or by agreement, where on the relevant date the land consisted or formed part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act, 1957, related.”

and the following additional provisions shall have effect, that is to say—

(a) in calculating for the purposes of paragraph (a) of subsection (2) of section sixty-two of the Scottish Act of 1954 (which relates to the consideration payable for the discharge of land from feu-duty and other incumbrances) the amount of the compensation payable in respect of the acquisition or sale of the dominium utile in any land, that amount shall be increased by an amount equal to the compensation, if any, which would be payable under this section in respect of that acquisition or sale if subsection (6) of this section were disregarded ;

(b) in calculating for the purposes of paragraph (b) of the said subsection (2) the amount of the compensation which would have been so payable in the circumstances mentioned in that paragraph, that amount shall be increased by an amount equal to the compensation, if any, which would have been payable under this section in respect of that acquisition or sale if—

(i) those circumstances had existed, and

(ii) subsection (6) of this section were disregarded :

(c) where in respect of an acquisition or sale such as is mentioned in subsection (1) of this section any consideration has been paid under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Scottish Act of 1954), and a planning decision relating to the land in question is made thereafter in the circumstances mentioned in the said subsection (1), the person who has received the consideration shall, on a claim duly made by him, be entitled to receive from the

acquiring authority an amount (in this and the next following paragraph referred to as “additional consideration”) equal to the difference between—

(i) the amount of the consideration he has received, and

(ii) the amount of the consideration he would have received if that planning decision had been made before the date when the consideration which he has received was determined and the permission thereby granted had been in force before that date,

if the last mentioned amount is greater than the amount mentioned in sub-paragraph (i) of this paragraph ; and

- (d) if in accordance with the last preceding paragraph a person would be entitled to additional consideration in respect of an acquisition or sale, but before the planning decision in question that person has died, or any other act or event has occurred whereby the right to the additional consideration, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to the additional consideration shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the additional consideration shall be payable to the persons claiming under him accordingly.

19.—(1) For the purpose of facilitating the making of claims for compensation under the last preceding section—

Supplementary provisions as to compensation under s. 18.

- (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in subsection (1) of that section, or
- (b) any person claiming under him, as being a person who, if compensation under that section became payable, would be entitled thereto by virtue of subsection (5) of that section,

may give to the acquiring authority an address for service under this section.

(2) Where, at any time after a person has given to an acquiring authority an address for service under this section, a planning decision is made in the circumstances mentioned in subsection (1) of the last preceding section, whereby permission is granted for the carrying out of additional development as therein mentioned, it shall be the duty of the acquiring authority to give notice of the decision in the prescribed form to that person at that address :

Provided that an acquiring authority shall not be required by virtue of this subsection to give notice of a planning decision

PART I
—cont.

to the person mentioned in paragraph (a) of the preceding subsection at a time after an address for service has been given to them by such a person as is mentioned in paragraph (b) of that subsection, if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred such as is mentioned in subsection (5) of the last preceding section.

(3) A claim for compensation under the last preceding section in respect of a planning decision—

- (a) if made by a person who has not given the acquiring authority an address for service under this section, shall not have effect if made more than six months after the date of the decision ; and
- (b) if made by a person who has given the acquiring authority such an address, shall not have effect if made after the end of the period of six months beginning with the date on which notice of the decision is given to him in accordance with the last preceding subsection :

Provided that, in relation to a planning decision where there is an appeal (including any appeal made by virtue of subsection (3) of section sixteen of the Act of 1947), references in this subsection to the date of the decision shall be construed as references to the date of the decision on the appeal.

(4) Where a person has given to an acquiring authority an address for service under this section, and that authority, before the end of the period mentioned in subsection (1) of the last preceding section, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to a freehold interest in, or tenancy of, that land or that part thereof, as the case may be, they shall notify the local planning authority ; and thereafter it shall be the duty of the local planning authority to give notice to the acquiring authority of any planning decision made in the circumstances mentioned in subsection (1) of the last preceding section, whereby permission is granted for the carrying out of additional development as therein mentioned.

(5) Notice under the last preceding subsection of a planning decision—

- (a) in the case of a decision made by the local planning authority, shall be given within seven days after the making of the decision, and
- (b) in any other case, shall be given within seven days after the making of the decision has been notified to the local planning authority.

(6) Subject to the preceding provisions of this section, the provisions of the Act of 1919 (so far as applicable) shall apply in relation to the assessment of compensation under the last preceding section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

(7) In the application of this section to Scotland, for any reference to section sixteen of the Act of 1947 there shall be substituted a reference to section fourteen of the Scottish Act of 1947 and for any reference to a freehold interest in any land there shall be substituted a reference to the dominium utile in that land; and the preceding provisions of this section, except subsection (6), shall apply to claims for additional consideration such as is mentioned in paragraph (c) of subsection (9) of the last preceding section as they apply to claims for compensation payable under that section, with the substitution—

- (a) for any reference to the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in subsection (1) of that section, of a reference to any person who has received consideration under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Scottish Act of 1954) in respect of such an acquisition or sale,
- (b) for any reference to compensation under the last preceding section, of a reference to additional consideration as aforesaid, and
- (c) for any reference to subsection (5) of the last preceding section, of a reference to paragraph (d) of subsection (9) of that section.

20.—(1) The provisions of sections eighteen and nineteen of this Act (except subsection (2) of the said section nineteen) shall have effect in relation to any planning permission which, in accordance with any direction or provision given or made by or under an enactment, is deemed to be granted for any development, as if a planning decision granting that permission had been made at the time when, in accordance with the enactment in question, the permission is deemed to be granted: Extension of ss. 18 and 19 to planning permission where no planning decision made.

Provided that, in the case of a direction given under an enactment which contains no provision as to the time when the permission is deemed to be granted, those provisions shall have effect as if such a planning decision had been made at the time when the direction is given.

(2) The provisions of sections eighteen and nineteen of this Act (except subsection (2) of the said section nineteen) shall have

PART I
—cont.

effect in relation to any planning permission which is granted for any development by virtue of a development order, as if—

- (a) a planning decision granting that permission had been made at the time of the occurrence of the event in consequence of which (in accordance with the provisions of the order) the development is deemed to be sanctioned by a government department, or
- (b) in a case not falling within the preceding paragraph, such a planning decision had been made at the time when the development is initiated.

(3) Where the provisions of section eighteen of this Act have effect as applied by subsection (1) or subsection (2) of this section, then if—

- (a) before the time of the planning decision which is to be assumed in accordance with those provisions as so applied, a person who (in accordance with the provisions of subsection (1) of section nineteen of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority, and
- (b) the development is proposed to be carried out by the acquiring authority, or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,

it shall (subject to the next following subsection) be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the first-mentioned person at the address given by him to the authority.

(4) An acquiring authority shall not be required by virtue of the last preceding subsection to give notice of proposed development to the person mentioned in paragraph (a) of subsection (1) of section nineteen of this Act at a time after an address for service has been given to them by such a person as is mentioned in paragraph (b) of the said subsection (1), if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred such as is mentioned in subsection (5) of section eighteen of this Act.

(5) Any reference in this section to subsection (1) of section nineteen of this Act shall include a reference to that subsection as extended by subsection (7) of that section, and any reference in this section to subsection (5) of section eighteen of this Act shall accordingly include a reference to paragraph (d) of subsection (9) of the said section eighteen.

21.—(1) Where, before the end of the period of five years beginning with the date of completion of—

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—cont.

- (a) a compulsory acquisition to which section one of this Act applies, or
- (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

Extension of
s. 18 to Crown
development.

there is initiated any additional development of any of the land which was comprised in the acquisition or sale, and by reason of any such circumstances as are mentioned in the next following subsection the development in question is development for which planning permission is not required, the provisions of sections eighteen and nineteen of this Act (except subsection (2) of the said section nineteen) shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

(2) The said circumstances are either or both of the following, that is to say,—

- (a) that the development is initiated by or on behalf of the Crown ;
- (b) that there is a Crown or Duchy interest in the land and the development is initiated in right of that interest.

(3) Subject to the next following subsection, subsections (3) and (4) of section twenty of this Act shall apply where the provisions of section eighteen of this Act have effect as applied by subsection (1) of this section as they apply where those provisions have effect as applied by subsection (1) or subsection (2) of the said section twenty.

(4) Where, by virtue of the last preceding subsection, it is the duty of a government department to give notice of development initiated by or on behalf of that department, and the Minister or Board in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate, the department shall give notice of the development, but shall not be required to give any particulars of the nature thereof except to the extent specified in the certificate.

(5) In this section “ Crown or Duchy interest ” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.

PART II

ACQUISITION, APPROPRIATION AND DISPOSAL OF LAND BY LOCAL
AUTHORITIES AND OTHER PUBLIC BODIES

Exercise of
powers of
acquisition by
agreement.

22.—(1) Where by any enactment—

- (a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to acquire land by agreement, but
- (b) that power is so conferred subject to a provision (in whatever terms the provision is expressed, and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, with or without a further provision enabling conditions to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to acquisitions to which this section applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

(2) This section applies to every acquisition of land by agreement by an authority to whom this Part of this Act applies, in pursuance of a contract made after the commencement of this Act, where either—

- (a) the land is immediately required by the purchasing authority for the purpose for which it is to be acquired, or
- (b) if the land is not so required, it is land within the area of the purchasing authority.

(3) Subsection (1) of section eighteen of the Mineral Workings Act, 1951 (which confers on local authorities a right of reimbursement in respect of certain expenditure incurred by them) shall have effect subject to the modification that paragraph (c) of that subsection (which relates to expenditure incurred in acquiring land) shall not apply to any expenditure incurred in acquiring land by agreement without the consent of the Minister of Housing and Local Government.

(4) In this Part of this Act “ authority to whom this Part of this Act applies ”, in relation to England and Wales, means a body of any of the descriptions specified in Part I of the Fourth Schedule to this Act, and, in relation to Scotland, means a body of any of the descriptions specified in Part II of that Schedule; “ land ” includes any easement or servitude and any other interest in, or right over, land; “ Minister ” means a Minister of the Crown or a government department; and “ consent ” includes approval, sanction and authorisation.

(5) In the application of this section to Scotland subsection (2) shall have effect with the omission of the words from "where either" to the end of the subsection, and subsection (3) shall be omitted.

PART II
—cont.

23.—(1) Subject to the following provisions of this section, where by any enactment— Exercise of powers of appropriation.

(a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to appropriate land for any purpose, whether the purpose is defined in the enactment specifically or by reference to some other power exercisable by the authority or class of authorities in question, but

(b) that power is so conferred subject to a provision (in whatever terms the provision is expressed, and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, or for a purpose approved by a Minister so specified, with or without a further provision enabling conditions to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to any exercise of the power after the commencement of this Act by an authority to whom this Part of this Act applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

(2) The exercise after the commencement of this Act, by any authority to whom this Part of this Act applies, of any power of appropriation in relation to which the preceding subsection has effect shall be subject to the following provisions, that is to say,—

(a) land which consists or forms part of an open space (not being land which consists or forms part of a common or of a fuel or field garden allotment) shall not be appropriated except with the consent of the Minister of Housing and Local Government ;

(b) land which has been acquired (whether before or after the commencement of this Act) by an authority to whom this Part of this Act applies, and has been so acquired by that authority in the exercise (directly or indirectly) of compulsory powers, and has not subsequently been appropriated by that authority for any purpose other than that for which it was so acquired, shall not be appropriated by that authority for any other purpose except with the consent of the Minister who, at the time of the appropriation, is the Minister concerned with the function for the purposes of which the land was acquired by the authority.

PART II
—cont.

(3) Subsection (1) of this section shall not apply—

- (a) to any appropriation of land in pursuance of an order under section forty-two of the Act of 1947 or under section twenty-eight of the Land Settlement (Facilities) Act, 1919, or
- (b) to any appropriation of land which, immediately before the appropriation, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act ;

and shall not operate so as to dispense with any requirement for the consent of the Minister of Agriculture, Fisheries and Food—

- (i) under subsection (7) of section two of the Small Holdings and Allotments Act, 1926, as applied by section twelve of the Agricultural Land (Utilisation) Act, 1931 (whereby the consent of that Minister is required in certain cases in respect of transactions relating to cottage holdings), or
- (ii) in respect of any appropriation of land which, immediately before the appropriation, is land held for use as allotments ;

but, in relation to any appropriation of land by an authority to whom this Part of this Act applies, where the consent of that Minister is required under section eight of the Allotments Act, 1925, so much of that section as requires consultation with the Minister of Housing and Local Government shall not apply.

(4) Sub-paragraph (b) of paragraph (i) of the proviso to subsection (1) of section one hundred and sixty-three of the Local Government Act, 1933 (which prohibits a local authority from executing certain works on land appropriated by them, unless authorised to do so by the Minister of Housing and Local Government), shall cease to have effect.

(5) In the application of this section to Scotland, for subsections (2) and (3) there shall be substituted the following subsections, that is to say,—

“ (2) The exercise after the commencement of this Act, by any authority to whom this Part of this Act applies, of any power of appropriation in relation to which subsection (1) of this section has effect shall be subject to the following provisions, that is to say,—

- (a) land which consists or forms part of a common or open space, or is held for use as allotments, shall not be appropriated except with the consent of the Secretary of State ;
- (b) land which has been acquired (whether before or after the commencement of this Act) by an authority to whom this Part of this Act applies, and has

been so acquired by that authority in the exercise (directly or indirectly) of compulsory powers, and has not subsequently been appropriated by that authority for any purpose other than that for which it was so acquired, shall not be appropriated by that authority for any other purpose except with the consent of the Minister who, at the time of the appropriation, is the Minister concerned with the function for the purposes of which the land was acquired by the authority.

(3) Subsection (1) of this section shall not apply to any appropriation of land in pursuance of an order under section thirty-nine of the Scottish Act of 1947.”;

and subsection (4) shall be omitted.

24.—(1) On an appropriation of land for any purpose by an authority to whom this Part of this Act applies, other than an appropriation falling within the next following subsection, such adjustment shall be made in the accounts of the authority as may be requisite in the circumstances. Adjustment of accounts on appropriation of land.

(2) Where land is appropriated for any purpose by an authority to whom this Part of this Act applies, and—

(a) either the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function, or it is appropriated by the authority for the purposes of such a function, and

(b) apart from this section, a Minister would by virtue of any enactment have power to direct an adjustment to be made in the accounts of the authority in connection with that appropriation,

such adjustment shall be made in the accounts of the authority as the Minister of Housing and Local Government may direct.

(3) The preceding provisions of this section shall have effect in substitution for the provisions of any enactment in force immediately before the commencement of this Act whereby an adjustment is required to be made in the accounts of an authority to whom this Part of this Act applies on an appropriation of land by such an authority.

(4) In the application of this section to Scotland, for any reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State.

25. Section twenty-one of the Land Settlement (Scotland) Act, 1919 (which relates to the temporary use for allotments of land acquired by local authorities for other purposes) shall have effect with the omission of any reference to the consent of the Secretary of State. Amendment of s. 21 of Land Settlement (Scotland) Act, 1919.

PART II
—cont.

Exercise of
powers of
disposing of
land.

26.—(1) Subject to the following provisions of this section, where by any enactment—

- (a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to dispose of land, but
- (b) that power is so conferred subject to a provision (in whatever terms the provision is expressed and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, with or without a further provision enabling conditions to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to any exercise of the power after the commencement of this Act by an authority to whom this Part of this Act applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

(2) A disposal by an authority to whom this Part of this Act applies—

- (a) of land which consists or forms part of an open space (not being land which consists or forms part of a common or of a fuel or field garden allotment) or
- (b) of land which has been acquired (whether before or after the commencement of this Act) by that authority in the exercise (directly or indirectly) of compulsory powers, and has not subsequently been appropriated by that authority for any purpose other than that for which it was so acquired,

if (in either case) it is a disposal which, apart from this section, could not be effected except with the consent of a Minister, shall not be effected except with such consent as is mentioned in the next following subsection.

(3) The said consent—

- (a) in a case falling within paragraph (a) of the last preceding subsection, is the consent of the Minister of Housing and Local Government, and
- (b) in a case falling within paragraph (b) of that subsection, is the consent of the Minister who, at the time of the disposal, is the Minister concerned with the function for the purposes of which the land was acquired by the authority.

(4) Except with the consent of the Minister of Housing and Local Government, an authority to whom this Part of this Act applies shall not sell, exchange or let any land, in the exercise

of a power in relation to which subsection (1) of this section has effect, for a price, consideration or rent less than the best price, best consideration or best rent (as the case may be) that can reasonably be obtained, having regard to any restrictions or conditions (including conditions as to payment or the giving of security for payment) subject to which the land is sold, exchanged or let.

PART II
—cont.

(5) Subsection (1) of this section shall not apply—

- (a) to section forty-seven of the Housing Act, 1957 (which relates to land in, surrounded by or adjoining a clearance area) ;
- (b) to any exercise of the powers conferred by section one hundred and four of the Housing Act, 1957 (which confers powers of disposing of houses provided under Part V of that Act) in respect of any house, if in respect of that house any payment has been made (whether before or after the commencement of this Act) to a local authority under any of the enactments mentioned in subsection (2) of section fifty-eight of the Housing (Financial Provisions) Act, 1958, or under any enactment repealed by that Act or any earlier Act and re-enacted (with or without modifications) by any of the provisions mentioned in the said subsection (2) ;
- (c) to any exercise of the powers conferred by section nineteen of the Town and Country Planning Act, 1944 (which, as amended by the Act of 1947, relates to the disposal or appropriation by local authorities of land held by them for the purposes of Part IV of the Act of 1947) in respect of land falling within subsection (6) of the said section nineteen (which makes special provision as to land comprised in an area defined by a development plan as an area of comprehensive development and land contiguous or adjacent to any such area which is designated by the plan as subject to compulsory acquisition) ;
- (d) to any disposal of land which, immediately before the disposal, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act ;
- (e) to any local enactment in so far as it provides (in whatsoever terms) that, except with the consent of a Minister specified therein, land shall not be disposed of thereunder for a price, consideration or rent of a value less than the current market value of the interest disposed of ;

PART II
—cont

and subsection (1) of this section shall not operate so as to dispense with any requirement for the consent of the Minister of Agriculture, Fisheries and Food—

(i) under subsection (7) of section two of the Small Holdings and Allotments Act, 1926, as applied by section twelve of the Agricultural Land (Utilisation) Act, 1931, or under subsection (1) of section six of the said Act of 1926, or

(ii) in respect of any disposal of land which, immediately before the disposal, is land held for use as allotments; but in relation to any disposal of land by an authority to whom this Part of this Act applies, where the consent of that Minister is required under section eight of the Allotments Act, 1925, so much of that section as requires consultation with the Minister of Housing and Local Government shall not apply.

(6) In determining, for the purposes of subsection (2) of this section, whether a disposal of land under a local enactment is a disposal which apart from this section could not be effected except with the consent of a Minister, any such provision as is mentioned in paragraph (e) of the last preceding subsection shall be disregarded.

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

(a) for any reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State;

(b) for paragraph (a) of subsection (2) there shall be substituted the following paragraph, that is to say,—

“(a) of land which consists or forms part of a common or open space, or is held for use as allotments, or”;

(c) for subsections (4) and (5) there shall be substituted the following subsections, that is to say,—

“(4) Subject to the provisions of this Act, section one hundred and sixty-eight 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 an authority to whom this Part of this Act applies in the exercise of a power in relation to which subsection (1) of this section has effect (not being a power under Part VIII of the said Act of 1947) 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 the said Part VIII.

(5) Subsection (1) of this section shall not apply—

(a) to any exercise of the powers conferred by paragraph (d) of subsection (1) of section sixty-five of the Housing (Scotland) Act,

1950 (which confers powers of disposing of houses provided under Part V of that Act), in respect of any house, if in respect of the provision of that house 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 the Sixth Schedule to the said Act of 1950 ;

- (b) to any exercise of the powers conferred by section eighteen of the Town and Country Planning (Scotland) Act, 1945 (which, as amended by the Scottish Act of 1947, relates to the disposal or appropriation by local authorities of land held by them for the purposes of Part III of the Scottish Act of 1947), in respect of land falling within subsection (5) of the said section eighteen (which makes special provision as to land comprised in an area defined by a development plan as an area of comprehensive development) and that subsection as extended by section seventeen of the Housing and Town Development (Scotland) Act, 1957 ;
- (c) to any exercise of the powers conferred by subsection (2) of section one hundred and seventy-one of the Local Government (Scotland) Act, 1947 (which relates to the disposal in certain circumstances of land forming part of the common good of a burgh) ; or
- (d) to any local enactment in so far as it provides (in whatsoever terms) that, except with the consent of a Minister specified therein, land shall not be disposed of thereunder for a rent, price, feu duty or other consideration of a value less than the current market value thereof."

and

- (d) for any reference in subsection (6) to paragraph (e) of subsection (5) of this section there shall be substituted a reference to paragraph (d) of that subsection.

27.—(1) Where by any enactment—

- (a) provision is made as to the application of capital money received by an authority to whom this Part of this Act applies, or by any class of such authorities, in respect of land disposed of by them, but
- (b) it is provided (in whatsoever terms) that the application of capital money thereunder shall be effected only with

Application
of capital
money on
disposal of
land.

PART II
—cont.

the consent of a Minister specified therein or in a manner approved by a Minister so specified, the enactment shall have effect, in relation to the application after the commencement of this Act of capital money by an authority to whom this Part of this Act applies, in cases fulfilling any one or more of the conditions specified in the next following subsection, as if it made the provision referred to in paragraph (a) of this subsection without any such provision as is referred to in paragraph (b) of this subsection.

(2) The said conditions, in relation to capital money received by an authority in respect of land disposed of by them, are the following, that is to say,—

- (a) that the capital money received in respect of the disposal of that land does not exceed the relevant limit ;
- (b) that the capital money is to be applied by the authority in or towards the repayment of a debt incurred by them wholly or in part for the purpose of acquiring or developing that land or otherwise in connection with that land ;
- (c) that the capital money is to be applied by the authority in or towards the repayment of a debt of the authority which is repayable within a period of which, at the date of the application of the capital money, not less than fifteen years remain unexpired ;
- (d) that the capital money is to be applied by the authority for a purpose for which they have obtained the consent of a Minister, or have been authorised by a local enactment, to borrow money on terms providing for repayment within a period of not less than fifteen years ;
- (e) that the capital money is to be applied from a capital fund established under section one of the Local Government (Miscellaneous Provisions) Act, 1953, or established under a local enactment which includes a provision requiring moneys derived from the sale of land which are applied from the fund to be repaid to the fund from the account to which the moneys are advanced.

(3) For the purposes of paragraph (a) of the last preceding subsection the relevant limit shall be ascertained as follows, that is to say—

- (a) in the case of capital money received by the council of a county, county borough or metropolitan borough, or by the Common Council of the City of London, the relevant limit shall be the sum of one thousand pounds ;
- (b) in the case of capital money received by the council of a county district, or by the Council of the Isles of Scilly,

the relevant limit shall be whichever is the lesser of the two following amounts, that is to say, the sum of one thousand pounds, and the amount estimated for the purposes of subsection (2) of section nine of the Rating and Valuation Act, 1925, to be the product, for the financial year in which the capital money is to be applied, of a rate of one penny in the pound for the rating area consisting of that county district, or of the Isles of Scilly, as the case may be ;

(c) in the case of capital money received by any other authority to whom this Part of this Act applies, the relevant limit shall be the sum of five hundred pounds.

(4) On any application, by an authority to whom this Part of this Act applies, of capital money received by them as mentioned in paragraph (a) of subsection (1) of this section, other than an application falling within the next following subsection, such adjustment shall be made in the accounts of the authority as may be requisite in the circumstances.

(5) Where after the commencement of this Act any capital money falls to be applied by an authority to whom this Part of this Act applies, in respect of the disposal by the authority of any land held by the authority for the purposes of any of their functions, and the capital money is applied for the purposes of some other function of the authority (including the purposes of the repayment of any debt incurred by the authority for the purposes of that other function), then, if either of those functions is a grant-aided function, such adjustment shall be made in the accounts of the authority as the Minister of Housing and Local Government may direct.

(6) Nothing in the preceding provisions of this section shall be construed as affecting the operation of subsection (3) of section two of the Local Government (Miscellaneous Provisions) Act, 1953 (which provides, with respect to the application of capital money from a capital fund established under that Act, that the amount to be applied in any one transaction shall not exceed such sum as the Minister of Housing and Local Government may determine), or of any corresponding provision of a local enactment relating to the application of money from a capital fund.

(7) The foregoing provisions of this section shall not apply to Scotland ; but section one hundred and sixty-eight of the Local Government (Scotland) Act, 1947 (which makes provision, among other things, for the adjustment in certain cases of the accounts of local authorities in respect of capital money received on the disposal of land), shall have effect as if for the proviso to subsection (1) of that section there were substituted the following proviso, that is to say—

“ Provided that—

(a) on any application by a local authority of capital money received by them as mentioned in this subsection, other

PART II
—cont.

than an application falling within the next following paragraph, such adjustment shall be made in the accounts of the authority as may be requisite in the circumstances ;

- (b) where any capital money received by a local authority as mentioned in this subsection in respect of land held by them for the purposes of any of their functions is applied by them for the purposes of some other function of theirs (including the purposes of the repayment of any debt incurred by them for the purposes of that other function), then, if either of those functions is a grant-aided function, such adjustment shall be made in the accounts of the authority as the Secretary of State may direct."

Appropriation
of land by
parish councils
and parish
meetings.

28.—(1) Any land belonging to a parish council which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the council for any other purpose approved by the Minister of Housing and Local Government and the parish meeting.

(2) In the case of a rural parish not having a separate parish council, any land belonging to the parish meeting which is not required for the purposes for which it was acquired or has since been appropriated may, subject to the following provisions of this section, be appropriated by the parish meeting for any other purpose approved by the Minister of Housing and Local Government.

(3) A parish council or parish meeting shall not create or permit any nuisance on land appropriated by them under this section.

(4) The appropriation of land by a parish council or parish meeting under this section shall be without prejudice to any covenant or restriction affecting the use of the land in their hands.

(5) In the case of an appropriation under this section of land acquired under any enactment or order incorporating the Lands Clauses Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment or order under which the land was acquired.

(6) Where, by virtue of any enactment other than this section, a parish council have power, with or without the consent of a Minister, or may be authorised, to appropriate land for any purpose, the power conferred by subsection (1) of this section shall not be exercisable by the council for that purpose in relation to that land.

(7) The power conferred by subsection (2) of this section shall not be exercisable by a parish meeting in relation to any land for any purpose for which the parish meeting are or could be empowered (subject to the requisite consents) to appropriate that land under section twenty-two of the Land Settlement (Facilities) Act, 1919, or for which they may be authorised to appropriate that land under section forty-two of the Act of 1947.

PART II
—cont.

(8) Subsections (1) and (2) of section twenty-four of this Act shall apply in relation to an appropriation of land by virtue of this section, as if parish councils and parish meetings were authorities to whom this Part of this Act applies.

(9) This section shall not apply to Scotland.

29.—(1) Where after the commencement of this Act an authority to whom this Part of this Act applies purport to acquire, appropriate or dispose of land under an enactment whereby power to acquire, appropriate or dispose of land is conferred on that authority, or on a class of authorities to whom this Part of this Act applies, then—

Protection of
persons
deriving title
under
transactions
requiring
consent.

- (a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which (whether by virtue of this Part of this Act or otherwise) is required thereto has not been given, and
- (b) a person dealing with the authority, or with a person claiming under the authority, shall not be concerned to see or inquire whether any such consent has been given.

(2) In relation to Scotland the preceding subsection shall have effect in substitution for the provisions of subsection (2) of section one hundred and sixty-eight of the Local Government (Scotland) Act, 1947, in so far as those provisions relate to the consent of a Minister, but without prejudice to the operation of those provisions in cases to which the preceding subsection does not apply.

30.—(1) Any reference in this Part of this Act to a provision that a power is not to be exercised except with the consent of a Minister is a reference to a provision which either—

General
provisions
relating to
Part II.

- (a) requires such consent generally in respect of any exercise of the power, or
- (b) requires such consent in respect of the exercise of the power in such circumstances as may be specified therein.

PART II
—cont.

(2) For the purposes of this Part of this Act any provision whereby a power is to be exercised only if a Minister specified therein is satisfied as to any matters so specified shall be taken to be a provision that the power shall not be exercised except with the consent of that Minister.

(3) Any reference in this Part of this Act to an enactment whereby a power is conferred on an authority to whom this Part of this Act applies, or on a class of such authorities,—

(a) shall be taken to include any enactment whereby the power in question is conferred on local authorities generally, or on a class of local authorities which includes a class of authorities to whom this Part of this Act applies, or is conferred on a class of authorities to whom this Part of this Act applies together with any other class of local authorities, but

(b) shall not be taken to include any enactment whereby (without particular reference to local authorities, or to bodies of any description specified in the Fourth Schedule to this Act) a power is conferred generally on persons of a description specified in the enactment, notwithstanding that one or more authorities to whom this Part of this Act applies may fall within the description specified in the enactment.

(4) For the purposes of any provision of this Part of this Act whereby the consent of a Minister is required, or directions may be given by a Minister, for any purpose therein mentioned, the consent or directions may be given by that Minister either generally to all authorities to whom the provision relates, or to any class of such 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 Minister giving the consent or directions may consider appropriate.

(5) For the purposes of this Part of this Act land shall be taken to have been acquired by an 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 an enactment to acquire the land compulsorily:

Provided that land shall not be taken to have been acquired by an 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.

(6) Notwithstanding anything in the preceding provisions of this Part of this Act, nothing in those provisions in their application to England and Wales—

PART II
—cont.

- (a) shall affect any acquisition of corporate land, or
- (b) shall affect any appropriation of land which, immediately before the appropriation, is corporate land, or shall affect or require the making of any adjustment in the accounts of an authority to whom this Part of this Act applies in consequence of such an appropriation, or
- (c) shall affect any disposal of land which, immediately before the disposal, is corporate land, or affect the application of any capital money received in respect of any corporate land disposed of by an authority to whom this Part of this Act applies, or affect or require any adjustment in the accounts of such an authority in consequence of any such disposal.

PART III

ADMINISTRATIVE PROCEDURES AND RELATED PROCEEDINGS

31.—(1) If any person—

- (a) is aggrieved by any order to which this section applies and desires to question the validity of that order, on the grounds that the order is not within the powers of the Act of 1947, or that any of the relevant requirements have not been complied with in relation to that order, or
- (b) is aggrieved by any action on the part of the Minister to which this section applies and desires to question the validity of that action, on the grounds that the action is not within the powers of the Act of 1947, of the Act of 1954, or of this Act, as the case may be, or that any of the relevant requirements have not been complied with in relation to that action,

Proceedings
for challenging
validity of
certain orders
and decisions.

he may, within six weeks from the date on which the order is confirmed or the action is taken, as the case may be, make an application to the High Court under this section.

(2) Without prejudice to the preceding subsection, if—

- (a) the authority directly concerned with any order to which this section applies desire to question the validity of that order on any of the grounds mentioned in paragraph (a) of the preceding subsection, or
- (b) the authority directly concerned with any action on the part of the Minister to which this section applies desire

PART III
—*cont.*

to question the validity of that action on any of the grounds mentioned in paragraph (b) of the preceding subsection,

the authority may, within six weeks from the date on which the order is confirmed or the action is taken, as the case may be, make an application to the High Court under this section.

(3) This section applies to the following orders made after the commencement of this Act, that is to say—

- (a) any order under section twenty-one of the Act of 1947 (which relates to the revocation or modification of planning permission) or under the provisions of that section as applied by or under any other provision of that Act ;
- (b) any order under section twenty-six of that Act (which relates to orders requiring a use of land to be discontinued, or imposing conditions on the continuance of such a use) ;
- (c) any order under section twenty-eight of that Act (which relates to the preservation of trees and woodlands) ;
- (d) any order under section twenty-nine of that Act (which relates to the preservation of buildings of special architectural or historic interest) ;
- (e) any order made in pursuance of subsection (4) of section thirty-one of that Act (which relates to the definition of areas of special control for the purposes of the control of advertisements).

(4) This section applies to action on the part of the Minister, taken after the commencement of this Act, of any of the following descriptions, that is to say—

- (a) any decision of the Minister on an application for planning permission referred to him under section fifteen of the Act of 1947 ;
- (b) any decision of the Minister on an appeal under section sixteen of that Act (which relates to appeals against planning decisions of local planning authorities) ;
- (c) any decision of the Minister to confirm a notice under section nineteen of that Act (which relates to notices requiring the purchase of land by a local authority where permission to develop is refused) or under the provisions of that section as applied by or under any other provision of that Act or of the Act of 1954, and any decision of the Minister not to confirm such a notice (including any decision not to confirm such a notice in respect of part of the land to which it relates, and including any decision to grant any permission, or give any direction, in lieu of confirming such a notice, either wholly or in part) ;

- (d) any decision of the Minister relating to an application for consent under an order made by virtue of section twenty-eight or section twenty-nine of the Act of 1947 or under any regulations made under that Act in accordance with section thirty-one of that Act, or relating to any certificate or direction under such an order or under any such regulations, being either a decision of the Minister on appeal or a decision on an application referred to him for determination in the first instance ;
- (e) the giving by the Minister of any direction under section twenty-three of the Act of 1954 (which relates to the review of planning decisions where compensation is claimed) or under subsection (3) or subsection (4) of section forty-five of that Act (which relates to the review of past planning decisions and orders) ;
- (f) any decision of the Minister on an appeal under section six of this Act.
- (5) On any application under this section the High Court—
- (a) may by interim order suspend the operation of the order or action, the validity whereof is questioned by the application, until the final determination of the proceedings ;
- (b) if satisfied that the order or action in question is not within the powers of the Act of 1947, of the Act of 1954, or of this Act, as the case may be, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation thereto, may quash that order or action :

Provided that paragraph (a) of this subsection shall not apply to applications questioning the validity of orders under section twenty-eight or section twenty-nine of the Act of 1947.

(6) In relation to any such order as is mentioned in paragraph (c) or paragraph (e) of subsection (3) of this section, the powers conferred on the High Court by the last preceding subsection shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

(7) Subject to the preceding provisions of this section, the validity of an order to which this section applies, whether before or after it has been confirmed, and the validity of any action on the part of the Minister to which this section applies, shall not be questioned in any legal proceedings whatsoever.

(8) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Minister to take any action to which this section applies.

PART III
—cont.**(9) In relation to any action which—**

(a) apart from the provisions of the Fifth Schedule to the Act of 1947 (which contains special provisions relating to development by statutory undertakers) would fall to be taken by the Minister, and, if so taken, would be action to which this section applies, but

(b) by virtue of that Schedule is required to be taken by the Minister and the appropriate Minister,

the preceding provisions of this section shall have effect as if any reference in those provisions to the Minister were a reference to the Minister and the appropriate Minister :

Provided that where, by virtue of that Schedule, any such action is required to be embodied in an order, and that order is subject to special parliamentary procedure, then—

(i) if the order in which the action is embodied is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, the preceding provisions of this section shall not apply :

(ii) in any other case, subsections (1) and (2) of this section shall apply with the substitution, for any reference to the date on which the action is taken, of a reference to the date on which the order becomes operative under the said section six.

(10) References in this section to the confirmation of an order do not include the provisional confirmation of an order in pursuance of the proviso to subsection (4) of section twenty-eight or the proviso to subsection (4) of section twenty-nine of the Act of 1947, but (with that exception) include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.

(11) In this section “the relevant requirements”, in relation to any order or action to which this section applies, means any requirements of the Act of 1947, the Act of 1954, the Tribunals and Inquiries Act, 1958, or this Act, or of any order, regulations or rules made under any of those Acts, which are applicable to that order or action, and any reference to the authority directly concerned with any order or action to which this section applies—

(a) in relation to an order made by a local authority other than the local planning authority, and in relation to any decision of the Minister on appeal from a decision made by such a local authority, is a reference to that local authority ;

(b) in relation to any such decision as is mentioned in paragraph (c) of subsection (4) of this section, is a reference to the council on whom the notice in question was served, and, in a case where the Minister

has modified such a notice, wholly or in part, by substituting another local authority or statutory undertakers for that council, includes a reference to that local authority or those statutory undertakers ;

(c) in any other case, is a reference to the local planning authority :

Provided that if, in a case falling within paragraph (a) of this subsection, the order or decision in question was made in the exercise of functions delegated to the other local authority by the local planning authority, and it is agreed between the two authorities that the local planning authority shall act in the matter, the reference shall be construed as a reference to the local planning authority.

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

- (a) for references to the Act of 1947 and to the following provisions of that Act, that is to say, sections fifteen, sixteen, nineteen, twenty-one, twenty-six, twenty-eight, twenty-nine and thirty-one, and subsection (4) of the said section twenty-eight, there shall be substituted references respectively to the Scottish Act of 1947 and to the following provisions of that Act, that is to say, sections thirteen, fourteen, seventeen, nineteen, twenty-four, twenty-six, twenty-seven and twenty-nine, and subsection (5) of the said section twenty-six ;
- (b) for references to the Act of 1954 and to section forty-five of that Act there shall be substituted references respectively to the Scottish Act of 1954 and to section forty-seven of that Act ;
- (c) for any reference to the High Court there shall be substituted a reference to the Court of Session ;
- (d) in the proviso to subsection (9), in paragraph (i), the reference to section six of the Statutory Orders (Special Procedure) Act, 1945, shall be construed as including a reference to subsection (4) of section two of that Act ; and in paragraph (ii), for the words “ the said section six ” there shall be substituted the words “ the said Act of 1945 ; ” and
- (e) notwithstanding anything in subsection (11) any reference to the authority directly concerned with any order or action to which this section applies shall be construed as a reference to the local planning authority, and in relation to any such decision as is mentioned in paragraph (c) of subsection (4) of this section, being a decision confirming the notice in question subject to the substitution of another local authority or statutory undertakers for the local planning authority, shall be construed as including a reference to that other local authority or those statutory undertakers.

PART III
—*cont.*
Appeals from
certain
decisions under
Town and
Country
Planning Acts.

32.—(1) Subsection (1) of section nine of the Tribunals and Inquiries Act, 1958 (which relates to appeals from certain tribunals), shall have effect in relation to any decision of the Minister to which this section applies as it has effect in relation to a decision of any of the tribunals mentioned in that subsection, but with the substitution, for the reference to a party to proceedings before such a tribunal, of a reference to either of the following, that is to say, the person who made the application to which the Minister's decision relates and the local planning authority.

(2) This section applies to any decision of the Minister made after the commencement of this Act—

(a) on an application under section seventeen of the Act of 1947 (which relates to applications to determine whether proposed operations or changes of use involve development or require planning permission) which is referred to the Minister under the provisions of section fifteen of that Act as applied by that section ; or

(b) on an appeal from a decision of the local planning authority under the said section seventeen, being an appeal brought under the provisions of section sixteen of that Act as so applied.

(3) Where an application under section seventeen of the Act of 1947 is made as part of an application for planning permission, the preceding provisions of this section shall have effect in relation to that application in so far as it is an application under the said section seventeen, but not in so far as it is an application for planning permission.

(4) Subsection (3) of section nine of the said Act of 1958 (which relates to the power to make rules of court) shall have effect, in relation to proceedings brought by virtue of subsection (1) of that section as applied by this section, as if in the said subsection (3) any reference to the tribunal were a reference to the Minister.

(5) Without prejudice to the last preceding subsection, the power to make rules of court in relation to proceedings in the High Court or the Court of Appeal brought by virtue of the said subsection (1) as applied by this section shall include power to make rules providing for the Minister, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

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

(a) for references to sections fifteen, sixteen and seventeen of the Act of 1947 there shall be substituted references respectively to sections thirteen, fourteen and fifteen of the Scottish Act of 1947 ; and

(b) for any reference to the High Court or the Court of Appeal there shall be substituted a reference to the Court of Session ;

PART III
—cont.

and any reference to subsection (1) of section nine of the said Act of 1958 shall be construed as including a reference to subsection (6) of that section.

33. In the Tribunals and Inquiries Act, 1958, the following section shall be inserted after section seven :—

Procedure in
connection
with statutory
inquiries.

“ 7A.—(1) The Lord Chancellor, after consultation with the Council, may make rules for regulating the procedure to be followed in connection with statutory inquiries held by or on behalf of Ministers ; and different provision may be made by any such rules in relation to different classes of such inquiries.

(2) Any rules made by the Lord Chancellor under this section shall have effect, in relation to any statutory inquiry, subject to the provisions of the enactment under which the inquiry is held, and of any rules or regulations made under that enactment.

(3) Subject to the last foregoing subsection, rules made under this section may regulate procedure in connection with matters preparatory to such statutory inquiries as are mentioned in subsection (1) of this section, and in connection with matters subsequent to such inquiries, as well as in connection with the conduct of proceedings at such inquiries.

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

(5) In the application of this section to inquiries held in Scotland, for any reference to the Lord Chancellor there shall be substituted a reference to the Lord President of the Court of Session, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing rules made by the Lord President of the Court of Session under this section in like manner as if the Lord President of the Court of Session were a Minister of the Crown ; and the Council, in exercising their functions under this section in relation to rules to be made by the Lord President of the Court of Session, shall consult with the Scottish Committee.”

34. Subsection (5) of section one hundred and sixty-eight of the Local Government Act, 1933 (which restricts the hearing of counsel and of expert witnesses at inquiries relating to compulsory purchases under that section) shall not have effect in relation to any inquiry begun after the commencement of this Act.

Inquiries as to
compulsory
purchase of
land for
parish
councils.

PART III
—*cont.*
**Provisions as
to purchase
notices.**

35.—(1) Section nineteen of the Act of 1947 (which relates to purchase notices) shall have effect, in relation to any purchase notice served after the commencement of this Act, as if the following subsections were inserted after subsection (1) of that section:—

“(1A) The council on whom a purchase notice is served under this section shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—

- (a) that the council are willing to comply with the purchase notice ; or
- (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place ; or
- (c) that, for reasons specified in the notice under this subsection, the council are not willing to comply with the purchase notice, and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have transmitted a copy of the purchase notice to the Minister, on a date specified in the notice under this subsection, together with a statement of the reasons so specified.

(1B) Where the council upon whom a purchase notice is served under this section have served on the owner by whom the purchase notice was served a notice in accordance with paragraph (a) or paragraph (b) of the last foregoing subsection, the council, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under the last foregoing subsection.”

(2) In relation to any purchase notice served after the commencement of this Act, section nineteen of the Act of 1947 shall have effect with the substitution, for subsection (2A) of that section, of the following subsection:—

“(2A) Where, for the purpose of determining whether the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are fulfilled in relation to any land, any question arises as to what is or would in any particular circumstances be a reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any prospective use of that land which would involve the carrying out of development of any class not specified in the Third Schedule to this Act.”

(3) In its application to purchase notices served after the commencement of this Act, the said section nineteen shall have effect as if, after subsection (5) of that section, there were added the following subsections:—

“(6) In the last foregoing subsection, any reference to the taking of action in lieu of confirming a purchase notice includes a reference to the taking of a decision not to confirm the notice on the grounds that any of the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are not fulfilled.

(7) Where the Minister has given notice under subsection (5) of this section of his proposed action, and any of the persons, authorities and statutory undertakers concerned have appeared before and been heard by a person appointed by the Minister for the purpose, and it then appears to the Minister to be expedient to take action under this section otherwise than in accordance with the notice given by him, the Minister may take that action accordingly.”

(4) Where the Minister has notified the owner by whom a purchase notice has been served of any such decision on his part as is mentioned in paragraph (c) of subsection (4) of section thirty-one of this Act, and that decision of the Minister is quashed under that section, the purchase notice shall be treated as cancelled, but the owner may serve a further purchase notice in its place.

(5) For the purposes of any regulations made under the Act of 1947 as to the time within which a purchase notice may be served, the service of a purchase notice under the last preceding subsection shall not be treated as out of time if the notice is served within the period which would be applicable in accordance with those regulations if the planning decision, in consequence of which the notice is served, had been made on the date on which the decision of the Minister was quashed as mentioned in the last preceding subsection.

(6) In the application of this section to Scotland, for references to the Act of 1947 and section nineteen of that Act there shall be substituted references respectively to the Scottish Act of 1947 and section seventeen of that Act; subsection (1) of this section shall have effect as if, in the subsections (1A) and (1B) inserted thereby, for any reference to the council there were substituted a reference to the local planning authority, as if, in the said subsection (1A), for any reference to the Minister there were substituted a reference to the Secretary of State and as if, in the said subsection (1B), for the words “Part IV” there were substituted the words “Part III”; and subsection (2) of this section shall be omitted; and subsection (3) of this section shall have effect as if, in the subsection (7) inserted thereby, for any reference to the Minister there were substituted a reference to the Secretary of State.

PART III

—cont.

Publication
of notice of
applications
for planning
permission.

36.—(1) An application made after the commencement of this Act for planning permission for development of any class to which this section applies—

(a) shall not be entertained by the local planning authority unless it is accompanied by a copy of a notice of the application, in such form as may be prescribed by a development order, and by such evidence as may be so prescribed that the notice has been published in a local newspaper circulating in the locality in which the land to which the application relates is situated; and

(b) shall not be determined by the local planning authority before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which the notice was published as mentioned in the preceding paragraph.

(2) Any such notice as is mentioned in paragraph (a) of the preceding subsection shall (in addition to any other matters required to be contained therein) name a place within the locality where a copy of the application, and of all plans and other documents submitted therewith, will be open to inspection by the public at all reasonable hours during such period (not being less than twenty-one days, beginning with the date of publication of the notice) as may be specified in the notice.

(3) Provision may be made by a development order for designating the classes of development to which this section applies, and this section shall apply accordingly to any class of development which is for the time being so designated.

(4) In determining any such application for planning permission as is mentioned in subsection (1) of this section, the local planning authority shall take into account any representations relating to that application which are received by them before the end of the period of twenty-one days mentioned in paragraph (b) of subsection (1) of this section.

(5) Subsection (1) of this section and the last preceding subsection shall apply, with the necessary modifications, in relation to applications referred to the Minister under section fifteen of the Act of 1947, or made to the Minister in pursuance of regulations made under subsection (3) of section thirty-five of that Act (which relates to applications for planning permission by local planning authorities), as they apply in relation to applications for planning permission which fall to be determined by the local planning authority.

(6) Any reference in this section to the local planning authority includes a reference to any local authority to whom any of the functions of the local planning authority under Part III of the Act of 1947 have been delegated.

(7) In the application of this section to Scotland, for references to sections fifteen and thirty-five of the Act of 1947 there shall be substituted references respectively to sections thirteen and thirty-two of the Scottish Act of 1947, and subsection (6) shall be omitted.

PART III
—cont.

37.—(1) Without prejudice to the last preceding section, a local planning authority shall not entertain any application for planning permission made after the commencement of this Act unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

- (a) a certificate stating that, in respect of every part of the land to which the application relates, the applicant is either the estate owner in respect of the fee simple or is entitled to a tenancy thereof ;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice ;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding paragraph as are specified in the certificate (setting out their names, the addresses at which the notice of the application was given to them respectively, and the date of the service of each such notice) and that he does not know the names and addresses of the remainder of those persons ;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) of this subsection, and that he does not know the names and addresses of any of the persons mentioned in paragraph (b) of this subsection.

(2) Any such certificate as is mentioned in paragraph (c) or paragraph (d) of the preceding subsection shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (b) of the preceding subsection) been published in a local newspaper circulating in the locality in which the land in question is situated.

PART III
—cont.

(3) In addition to any other matters required to be contained in a certificate issued for the purposes of this section, every such certificate shall contain one or other of the following statements, that is to say,—

- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding ;
- (b) a statement that the applicant has given the requisite notice of the application to every person who, at the beginning of the period of twenty-one days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

(4) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of subsection (1) of this section, or by a certificate containing a statement in accordance with paragraph (b) of the last preceding subsection,—

- (a) the local planning authority shall not determine the application before the end of the period of twenty-one days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later ;
- (b) the local planning authority, in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period specified in the preceding paragraph, by any person who satisfies them that he is an owner of any of the land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land ;
- (c) the local planning authority shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the last preceding paragraph.

(5) The preceding provisions of this section shall apply, with the necessary modifications,—

- (a) in relation to an application for planning permission which is referred to the Minister under section fifteen of the Act of 1947 or is made to the Minister in pursuance of regulations made under subsection (3) of section thirty-five of that Act, and

(b) in relation to an appeal to the Minister under section sixteen of that Act from a decision of the local planning authority,

as they apply in relation to an application for planning permission which falls to be determined by the local planning authority.

(6) If any person issues any certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(7) Any certificate issued for the purposes of this section shall be in such form as may be prescribed by a development order; and any reference in any provision of this section to the requisite notice, where a form of notice is prescribed by a development order for the purposes of that provision, is a reference to a notice in that form.

(8) In this section “owner” in relation to any land means a person who is for the time being the estate owner in respect of the fee simple thereof or is entitled to a tenancy thereof granted or extended for a term of years certain of which not less than ten years remain unexpired, and “agricultural holding” has the same meaning as in the Agricultural Holdings Act, 1948; and any reference to the local planning authority includes a reference to any local authority to whom any of the functions of the local planning authority under Part III of the Act of 1947 have been delegated.

(9) In the application of this section to Scotland for references to sections fifteen, sixteen and thirty-five of the Act of 1947 there shall be substituted references respectively to sections thirteen, fourteen and thirty-two of the Scottish Act of 1947; for paragraph (a) of subsection (1) there shall be substituted the following paragraph, that is to say—

“(a) a certificate stating that in respect of every part of the land to which the application relates the applicant is the proprietor of the dominium utile or is the lessee under a lease thereof;”

and for subsection (8) there shall be substituted the following subsection, that is to say,—

“(8) In this section “owner” in relation to any land, means any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and any person entitled to

PART III
—cont.

possession of the land as lessee under a lease the unexpired period of which is not less than ten years, and "agricultural holding" has the same meaning as in the Agricultural Holdings (Scotland) Act, 1949."

Enforcement
of limitations
imposed by
development
orders.

38.—(1) Where by a development order (whether made before or after the commencement of this Act) permission is granted for any development subject to limitations specified in the order, sections twenty-three and twenty-four of the Act of 1947 (which relate to the enforcement of planning control) shall, subject to the provisions of this section, have effect in relation to any non-compliance with those limitations as they have effect in relation to non-compliance with any conditions subject to which permission is granted for any development.

(2) For the purposes of this section and of the Act of 1947, any provision of a development order (whether made before or after the commencement of this Act) whereby permission is granted for the use of land for any purpose on a limited number of days in a period specified in that provision shall (without prejudice to the generality of references to limitations in this section or in that Act) be taken to be a provision granting permission for the use of land for any purpose subject to the limitation that the land shall not be used for any one purpose in pursuance of that permission on more than that number of days in that period.

(3) The validity of a notice purporting to be an enforcement notice under the said section twenty-three (whether served before or after the commencement of this Act) shall not depend on whether any non-compliance to which the notice relates was a non-compliance with conditions, or with limitations, or with both; and any reference in such a notice to non-compliance with conditions or limitations (whether both expressions are used in the notice or only one of them) shall be construed as a reference to non-compliance with conditions, or with limitations, or both with conditions and limitations, as the case may require.

(4) In the application of this section to Scotland, for references to the Act of 1947 and to sections twenty-three and twenty-four of that Act there shall be substituted references respectively to the Scottish Act of 1947 and sections twenty-one and twenty-two of that Act.

PART IV

OBLIGATION TO PURCHASE INTERESTS OF OWNER-OCCUPIERS
AFFECTED BY PLANNING PROPOSALS

39.—(1) The provisions of this Part of this Act shall have effect in relation to land which—

Notice
requiring
purchase of
owner-
occupier's
interest.

- (a) is land designated by a development plan as subject to compulsory acquisition, or
- (b) is land allocated by a development plan for the purposes of any functions of a government department, local authority or statutory undertakers, or of the National Coal Board, or is land defined in such a plan as the site of proposed development for the purposes of any such functions, or
- (c) is land indicated in a development plan (otherwise than by being allocated or defined as mentioned in the last preceding paragraph) as land on which a highway is proposed to be constructed or land to be included in a highway as proposed to be improved or altered, or
- (d) is land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable, or
- (e) is land on or adjacent to the line of a highway proposed to be constructed, improved or altered, as indicated in an order or scheme which has come into operation under the provisions of Part II of the Highways Act, 1959, relating to trunk roads or special roads, being land in relation to which a power of compulsory acquisition conferred by any of the provisions of Part X of that Act may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme, or
- (f) is land shown on plans approved by a resolution of a local highway authority as land comprised in the site of a highway as proposed to be constructed, improved or altered by that authority.

(2) Where the whole or part of a hereditament or agricultural unit is comprised in land of any of the specified descriptions, and a person claims that—

PART IV
—cont.

- (a) he is entitled to an interest in that hereditament or unit, and
- (b) the interest is one which qualifies for protection under this Part of this Act, and
- (c) since the relevant date he has made reasonable endeavours to sell that interest, and
- (d) he has been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were comprised in land of any of the specified descriptions,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, the following provisions of this Part of this Act.

(3) The last preceding subsection shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the entirety of a hereditament or agricultural unit:

Provided that this subsection shall not enable any person—

- (a) if he is entitled to an interest in the entirety of a hereditament or agricultural unit, to make any claim or serve any notice under the last preceding subsection in respect of his interest in part of the hereditament or unit, or
- (b) if he is entitled to an interest only in part of a hereditament or agricultural unit, to make or serve any such claim or notice in respect of his interest in less than the entirety of that part.

(4) An interest in the whole or part of a hereditament shall be taken to be an interest qualifying for protection under this Part of this Act if, on the date of service of a notice under this section in respect thereof, either—

- (a) the annual value of the hereditament does not exceed the prescribed limit, and the interest in question is the interest of an owner-occupier of the hereditament, or
- (b) in a case not falling within the preceding paragraph, the interest in question is the interest of a resident owner-occupier of the hereditament.

(5) An interest in the whole or part of an agricultural unit shall be taken to be an interest qualifying for protection under this Part of this Act if, on the date of service of a notice under this section in respect thereof, it is the interest of an owner-occupier of the unit.

PART IV
—cont.

(6) In the following provisions of this Part of this Act “the claimant”, in relation to a notice served under this section, means the person who served that notice, and any reference to the interest of the claimant, in relation to such a notice, is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in subsection (2) of this section.

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

- (a) for any reference to the provisions of Part II of the Highways Act, 1959, relating to trunk roads or special roads, there shall be substituted a reference to the provisions of the Trunk Roads Act, 1946, or the Special Roads Act, 1949;
- (b) for any reference to any of the provisions of Part X of the said Act of 1959, there shall be substituted a reference to section thirteen of the Restriction of Ribbon Development Act, 1935, as read with any of the following enactments, that is to say section four of the Trunk Roads Act, 1936, section five of the Trunk Roads Act, 1946, and sections nine, ten and fourteen of the Special Roads Act, 1949; and
- (c) for any reference to a highway there shall be substituted a reference to a road.

40.—(1) Where a notice has been served under the last preceding section in respect of a hereditament or agricultural unit, the appropriate authority at any time before the end of the period of two months beginning with the date of service of that notice, may serve on the claimant a counter-notice in the prescribed form objecting to the notice. Objection to notice requiring purchase of claimant's interest.

(2) The grounds on which objection may be made in a counter-notice to a notice served under the last preceding section are:—

- (a) that no part of the hereditament or agricultural unit to which the notice relates is comprised in land of any of the specified descriptions;
- (b) that the appropriate authority (unless compelled to do so by virtue of this Part of this Act) do not propose to acquire any part of the hereditament, or (in the case of an agricultural unit) any part of the affected area, in the exercise of any relevant powers;

PART IV
—cont.

- (c) that (in the case of an agricultural unit) the appropriate authority propose in the exercise of relevant powers to acquire a part of the affected area specified in the counter-notice, but (unless compelled to do so by virtue of this Part of this Act) do not propose to acquire any other part of that area in the exercise of any such powers ;
- (d) that, on the date of service of the notice under the last preceding section, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates ;
- (e) that (for reasons specified in the counter-notice) the interest of the claimant is not an interest qualifying for protection under this Part of this Act ;
- (f) that the conditions specified in paragraphs (c) and (d) of subsection (2) of the last preceding section are not fulfilled.

(3) Any counter-notice served under this section in respect of a notice under the last preceding section shall specify the grounds (being one or more of the grounds mentioned in the last preceding subsection) on which the appropriate authority object to the notice.

(4) In this section “ relevant powers ”, in relation to any land falling within any of the specified descriptions, means any powers under which the appropriate authority are or could be authorised—

- (a) to acquire that land compulsorily as being land falling within that description, or
- (b) to acquire that land compulsorily for any of the relevant purposes ;

and “ the relevant purposes ”, in relation to any such land, means the purposes for which, in accordance with the circumstances by virtue of which that land falls within the description in question, it is liable to be acquired or is indicated as being proposed to be acquired.

Reference of
objection to
Lands
Tribunal.

41.—(1) Where a counter-notice has been served under the last preceding section, objecting to a notice served under section thirty-nine of this Act, the claimant, at any time before the end of the period of two months beginning with the date of service of the counter-notice, may require the objection to be referred to the Lands Tribunal.

(2) On any such reference, if the objection is not withdrawn, the Lands Tribunal shall consider the matters set out in the notice served by the claimant and the grounds of the objection specified in the counter-notice ; and, subject to the next following subsection, unless it is shown to the satisfaction of the Tribunal

that the objection is not well-founded, the Tribunal shall uphold the objection.

PART IV
—cont.

(3) An objection on the grounds mentioned in paragraph (b) or paragraph (c) of subsection (2) of the last preceding section shall not be upheld by the Tribunal unless it is shown to the satisfaction of the Tribunal that the objection is well-founded.

(4) If the Tribunal determines not to uphold the objection, the Tribunal shall declare that the notice to which the counter-notice relates is a valid notice.

(5) If the Tribunal upholds the objection, but only on the grounds mentioned in paragraph (c) of subsection (2) of the last preceding section, the Tribunal shall declare that the notice is a valid notice in relation to the part of the affected area specified in the counter-notice as being the part which the appropriate authority propose to acquire as therein mentioned, but not in relation to any other part of the affected area.

(6) In any case falling within subsection (4) or subsection (5) of this section, the Tribunal shall give directions specifying the date on which notice to treat (as mentioned in the next following section) is to be deemed to have been served.

42.—(1) Where a notice has been served under section thirty-nine of this Act and either—

Effect of valid notice requiring purchase of claimant's interest.

(a) no counter-notice objecting to that notice is served in accordance with the preceding provisions of this Part of this Act, or

(b) where such a counter-notice has been served, the objection is withdrawn, or, on a reference to the Lands Tribunal, is not upheld by the Tribunal,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in the hereditament, or (in the case of an agricultural unit) the interest of the claimant in so far as it subsists in the affected area, and to have served a notice to treat in respect thereof on the date mentioned in the next following subsection.

(2) The said date—

(a) in a case where, on a reference to the Lands Tribunal, the Tribunal determines not to uphold the objection, is the date specified in directions given by the Tribunal in accordance with subsection (6) of the last preceding section ;

(b) in any other case, is the date on which the period of two months beginning with the date of service of the notice under section thirty-nine of this Act comes to an end.

PART IV
—cont.

(3) Where the notice under section thirty-nine of this Act relates to an agricultural unit, and the appropriate authority have served a counter-notice objecting to that notice on the grounds mentioned in paragraph (c) of subsection (2) of section forty of this Act, then if either—

- (a) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired, gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area specified in the counter-notice, and withdraws his claim as to the remainder of that area, or
- (b) on a reference to the Lands Tribunal, the Tribunal makes a declaration in accordance with subsection (5) of the last preceding section in respect of that part of the affected area,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the part of the affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area) and to have served a notice to treat in respect thereof on the date mentioned in the next following subsection.

(4) The said date—

- (a) in a case falling within paragraph (a) of the last preceding subsection, is the date on which notice is given in accordance with that paragraph, and
- (b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Lands Tribunal in accordance with subsection (6) of the last preceding section.

Supplementary
provisions
relating to
Part IV.

43.—(1) The provisions of the Fifth Schedule to this Act shall have effect for the purposes of this Part of this Act.

(2) Subject to the provisions of that Schedule, in this Part of this Act “owner-occupier”, in relation to a hereditament, means a person who—

- (a) occupies the whole or part of the hereditament in right of an owner’s interest therein, and has so occupied the hereditament or that part thereof during the whole of the period of six months ending with the date of service, or
- (b) occupied, in right of an owner’s interest, the whole or part of the hereditament during the whole of a period of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.

(3) Subject to the provisions of the said Schedule, in this Part of this Act “owner-occupier”, in relation to an agricultural unit, means a person who—

- (a) occupies the whole of that unit, and has occupied it during the whole of the period of six months ending with the date of service, or
- (b) occupied the whole of that unit during the whole of a period of six months ending not more than six months before the date of service,

and, at all times material for the purposes of paragraph (a) or paragraph (b) of this subsection, as the case may be, has been entitled to an owner’s interest in the whole or part of that unit.

(4) In this Part of this Act “resident owner-occupier”, in relation to a hereditament, means an individual who—

- (a) occupies the whole or part of the hereditament as a private dwelling in right of an owner’s interest therein, and has so occupied the hereditament or that part thereof, as the case may be, during the whole of the period of six months ending with the date of service, or
- (b) occupied, in right of an owner’s interest, the whole or part of the hereditament as a private dwelling during the whole of a period of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.

(5) Subject to the provisions of the said Schedule, in this Part of this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“the affected area”, in relation to an agricultural unit, means so much of that unit as, on the date of service, consists of land falling within any of the specified descriptions;

“agricultural unit” means land which is occupied as a unit for agricultural purposes, including any dwelling-house or other building occupied by the same person for the purpose of farming the land;

“annual value”, in relation to a hereditament, means the value which, on the date of service, is shown in the valuation list as the rateable value of that hereditament, except that, where the rateable value differs from the net annual value, it means the value which on that date is shown in the valuation list as the net annual value thereof;

“the appropriate authority”, in relation to any land, means the government department, local authority or other

PART IV
—cont.

body by whom, in accordance with the circumstances by virtue of which the land falls within any of the specified descriptions, the land is liable to be acquired or is indicated as being proposed to be acquired ;

“ the appropriate enactment ”, in relation to land falling within any of the specified descriptions, means the enactment which provides for the compulsory acquisition of land as being land falling within that description ;

“ hereditament ” means the aggregate of the land which forms the subject of a single entry in the valuation list for the time being in force for a rating area ;

“ the prescribed limit ” means such amount as may be prescribed for the purposes of paragraph (a) of subsection (4) of section thirty-nine of this Act by an order made by the Minister ;

“ the relevant date ”—

(a) in relation to land designated, allocated, defined or indicated as mentioned in any of paragraphs (a) to (c) of subsection (1) of section thirty-nine of this Act, means the date (whether before or after the commencement of this Act) on which the development plan, or the amendment of the development plan, by virtue of which the land was first so designated, allocated, defined or indicated came into operation ;

(b) in relation to any such land as is mentioned in paragraph (d) of that subsection, means the date (whether before or after the commencement of this Act) on which the special enactment in question came into operation ;

(c) in relation to land falling within paragraph (e) of that subsection, means the date (whether before or after the commencement of this Act) of the coming into operation of the order or scheme by virtue of which it falls within that paragraph ;

(d) in relation to land falling within paragraph (f) of that subsection, means the date (whether before or after the commencement of this Act) of the passing of the resolution by virtue of which it falls within that paragraph ;

“ the specified descriptions ” means the descriptions contained in paragraphs (a) to (f) of subsection (1) of section thirty-nine of this Act.

(6) Any reference in this Part of this Act to a development plan is a reference to such a plan in the form in which (whether

as originally made or approved by the Minister or as subsequently amended) that plan is for the time being in force.

PART IV
—cont.

(7) In this section “date of service”, in relation to a hereditament or agricultural unit, means the date of service of a notice in respect thereof under section thirty-nine of this Act, and “owner’s interest”, in relation to a hereditament or agricultural unit or part thereof, means a freehold interest therein or a tenancy thereof granted or extended for a term of years certain of which, on the date of service, not less than three years remain unexpired.

(8) In the application of this section to Scotland, for any reference to a rating area there shall be substituted a reference to a valuation area, and, in relation to a valuation area, for any reference to the valuation list there shall be substituted a reference to the valuation roll; and for the definitions of “hereditament” and “owner’s interest” in subsections (5) and (7) respectively there shall be substituted the following definitions, that is to say,—

“hereditament” means the aggregate of the lands and heritages (not being agricultural lands and heritages within the meaning of section seven of the Valuation and Rating (Scotland) Act, 1956) which form the subject of a single entry in the valuation roll for the time being in force for a valuation area; and

“owner’s interest” in relation to a hereditament or agricultural unit or part thereof includes the interest of the lessee under a lease thereof, being a lease the unexpired period of which on the date of service is not less than three years.

PART V

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

44.—(1) Where by virtue of paragraph 17 of the Tenth Schedule to the Act of 1947 (which relates to land declared by an order under section one of the Town and Country Planning Act, 1944, to be subject to compulsory purchase) the provisions of Part IV of the Act of 1947 apply in relation to any land as mentioned in that paragraph,—

Land declared (otherwise than by development plan) to be subject to compulsory purchase.

(a) the provisions of Part IV of, and the Fifth Schedule to, this Act, and

(b) subject to the following provisions of this section, subsection (3) of section six of the Act of 1947 (which empowers the Minister to amend development plans) and subsection (1) of section nine of that Act (which

PART V
—cont.

relates to land which has for a long period been designated by a development plan as subject to compulsory acquisition),

shall have effect in relation to that land as if it were land designated by a development plan as subject to compulsory acquisition.

(2) For the purposes of the application to any land, by virtue of the preceding subsection, of subsection (1) of section nine of the Act of 1947, the reference in the said subsection (1) to the date therein mentioned shall be construed as a reference to the date of the coming into operation of the order under section one of the Town and Country Planning Act, 1944, whereby the land was declared to be subject to compulsory purchase.

(3) Notwithstanding anything in subsection (1) of this section, no notice shall be served under subsection (1) of the said section nine as applied by that subsection before the end of the period of twelve months beginning with the commencement of this Act.

(4) In relation to any land to which subsection (1) of this section applies, subsections (2) and (3) of section nine of the Act of 1947 shall have effect with the substitution, in subsection (2) of that section, for the words "the development plan shall have effect, after the expiration of the said six months, as if the land were not designated as subject to compulsory acquisition", of the words "on the expiration of the said six months paragraph 17 of the Tenth Schedule to this Act shall cease to apply to the land".

(5) Any reference in this section to subsection (1) of section nine of the Act of 1947 shall be construed as including a reference to that subsection as modified by subsection (5) of that section (which, in the case of agricultural land, substitutes a period of eight years for the period of twelve years mentioned in subsection (1)).

(6) In the application of this section to Scotland, for any reference to the Town and Country Planning Act, 1944, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1945; and for references to the Act of 1947, section six of that Act, section nine of that Act and Part IV of that Act there shall be substituted references respectively to the Scottish Act of 1947, section four of that Act, section seven of that Act and Part III of that Act.

Compensation
for damage to
requisitioned
land.

45.—(1) In relation to compensation accruing due after the twenty-ninth day of October, nineteen hundred and fifty-eight, by virtue of paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939 (which relates to compensation payable in respect of damage occurring to requisitioned land during the period of requisition), section fifty-three of the Act of

1954 (which limits the amount of that compensation) shall have effect as if any reference to the price which, at the relevant time and in the relevant circumstances, would be the compulsory purchase price of the land were a reference to the value which, at that time and in those circumstances, would be the value of such an interest in the land as is mentioned in paragraph (a) of subsection (2) of the said section fifty-three (that is to say, a freehold interest free from incumbrances but subject to any easement or other restriction affecting the land at the relevant time).

(2) In this section “ the relevant time ” means the time when the compensation accrues due, and “ in the relevant circumstances ” means if the land were at the relevant time in the state in which it was when possession of the land was taken in the exercise of emergency powers.

(3) In the application of this section to Scotland, for any reference to section fifty-three of the Act of 1954 there shall be substituted a reference to section fifty-five of the Scottish Act of 1954 ; and for the words from “ a freehold interest ” to the end of subsection (1) there shall be substituted the words “ the dominium utile in the land, subject to any feu duty, any ground annual and any servitude or other restriction affecting the land at the relevant time, but otherwise free from burdens ”.

46.—(1) Any power of the Minister under section six of the Town Development Act, 1952, to authorise the compulsory acquisition of land for purposes connected with town development shall, subject to the provisions of this section, be exercisable notwithstanding that the land is not immediately required for those purposes. Acquisition of land in connection with town development in England and Wales.

(2) The compulsory acquisition of land shall not be authorised by virtue of the preceding subsection unless the Minister is satisfied that the land is likely to be required for the purposes therein mentioned within ten years from the date on which he confirms the compulsory purchase order.

(3) In this section “ town development ” has the same meaning as in the said Act of 1952.

(4) This section shall not apply to Scotland.

47.—(1) The power of the Minister under subsection (1) of section thirteen of the Housing and Town Development (Scotland) Act, 1957, to authorise a receiving authority to acquire land compulsorily for purposes connected with a town development scheme under Part II of that Act shall, subject to the provisions of this section, be exercisable notwithstanding that it is not immediately necessary for the proper execution of the town development scheme that the land should be so acquired. Acquisition of land in connection with town development schemes in Scotland.

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—cont.

(2) The compulsory acquisition of land shall not be authorised by virtue of the preceding subsection unless the Minister is satisfied that it is likely to become, within ten years from the date on which he confirms the compulsory purchase order, necessary for the purpose mentioned in subsection (1) of this section that the land should be acquired as therein mentioned.

(3) In this section “town development scheme” and “receiving authority” have the same meanings respectively as in the said Act of 1957.

(4) This section shall apply to Scotland only.

**Acquisition
of land for
highways.**

48.—(1) Any power of the Minister of Transport and Civil Aviation under any enactment contained in Part X of the Highways Act, 1959, to acquire by agreement land required for a purpose mentioned in that enactment shall be exercisable in respect of any land which, in the opinion of that Minister, may be required for that purpose, notwithstanding that the land is not immediately required for that purpose.

(2) In the application of this section to Scotland, for any reference to the Minister of Transport and Civil Aviation there shall be substituted a reference to the Minister and for any reference to any enactment contained in Part X of the Highways Act, 1959, there shall be substituted a reference to section thirteen of the Restriction of Ribbon Development Act, 1935, as read with any of the following enactments, that is to say, section four of the Trunk Roads Act, 1936, section five of the Trunk Roads Act, 1946, and sections nine, ten and fourteen of the Special Roads Act, 1949.

**Advances to
highway
authorities in
respect of land
acquired for
highways.**

49.—(1) The power of the Minister of Transport and Civil Aviation under section two hundred and thirty-five of the Highways Act, 1959, to make advances to highway authorities shall include power to make such advances in respect of the acquisition of land by a highway authority, where that Minister is satisfied that the land has been or is to be acquired by that authority with a view to the construction of a new highway or the improvement of an existing highway.

(2) Where any land is acquired by a highway authority, and the Minister of Transport and Civil Aviation is satisfied as mentioned in the preceding subsection, the power of that Minister to make advances under the said section two hundred and thirty-five shall also include power to make such advances in respect of either or both of the following, that is to say,—

- (a) any amount by which the annual expenditure incurred by the authority in maintaining the land, during the period between its acquisition and the construction or improvement of the highway in question, and in the payment of loan charges accruing due during that period

in respect of any debt incurred by the authority for the purpose of acquiring the land, exceeds the annual income accruing to the authority from the land during that period; and

- (b) any loan charges accruing due after the end of that period in respect of any money borrowed by the authority for the purpose of acquiring the land.

(3) In this section "loan charges", in relation to any borrowed money, means the sums required for the payment of interest on that money and for the repayment thereof either by instalments or by means of a sinking fund.

(4) In the application of this section to Scotland, for any reference to the Minister of Transport and Civil Aviation there shall be substituted a reference to the Minister; for any reference to section two hundred and thirty-five of the Highways Act, 1959, there shall be substituted a reference to section eight of the Development and Road Improvement Funds Act, 1909; for any reference to a highway (except in the expression "highway authority") there shall be substituted a reference to a road; and expressions used in this section and in the said section eight shall have the same meanings in this section as in that section.

50.—(1) Section eighty-one of the Lands Clauses Consolidation (Scotland) Act, 1845 (which relates to expenses of conveyances) shall, in relation to any conveyance of lands granted after the commencement of this Act, have effect as if any reference therein to the charges and expenses of establishing the title to the lands included a reference to any expenses necessarily incurred by the seller in taking any action he may be requested by the promoters of the undertaking to take in connection with the conveyance in question.

Amendment
of s. 81 of
Lands Clauses
Consolidation
Act, 1845.

(2) In this section "conveyance", "seller" and "promoters of the undertaking" have the same meanings as in the said section eighty-one.

51.—(1) Section fifty-two of the Act of 1954 (which relates to the recovery from acquiring authorities of certain sums payable under Part I of that Act in respect of land acquired under compulsory powers) shall have effect, and shall be deemed always to have had effect, with the substitution, in subsection (2) of that section (which specifies cases in which no sum is to be recoverable thereunder), of the following paragraph for paragraph (b) (which relates to interests in land acquired for the purposes of the development or re-development of an area as a whole):—

Recovery
of certain
sums from
acquiring
authorities.

- "(b) the interest was acquired under Part I of the Town and Country Planning Act, 1944, or under Part IV of the

PART V
—cont.

principal Act, or in accordance with the provisions of the said Part IV as applied by section nineteen of the principal Act, and was so acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, for the purposes of the development or re-development of any area as a whole, or was acquired in pursuance of such a notice to treat or contract under powers conferred by a local Act, and for purposes, which are certified by the Minister to have been powers and purposes similar respectively to those mentioned in the preceding provisions of this paragraph; or ”

(2) Section fifty-two of the Act of 1954 shall also have effect, and shall be deemed always to have had effect, as if the following subsection were inserted after subsection (2) of that section :—

“ (2A) Without prejudice to the last preceding subsection, where the interest was acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, and on the date of service of the notice to treat, or on the date on which the contract was made, as the case may be, the land in which the interest subsisted was used wholly or mainly for agricultural purposes, subsection (1) of this section shall not apply to so much of any payment referred to in that subsection as is attributable to any part of the land in respect of which it is certified by the Minister that he is satisfied that the acquiring authority have no intention—

- (a) of using it (otherwise than temporarily) for purposes other than agricultural purposes, or
- (b) of disposing of it by way of sale, exchange or letting with a view to its being so used ”.

(3) In relation to compulsory acquisitions to which section one of this Act applies, and in relation to any sale of an interest in land by agreement in circumstances corresponding to such an acquisition, section fifty-two of the Act of 1954 shall have effect with the substitution, for subsection (6) of that section, of the following subsections :—

“ (6) Where, in the case of a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies, or of a sale of an interest in land which (within the meaning of that Act) is a sale thereof by agreement in circumstances corresponding to such an acquisition, any of the land comprised in the acquisition or sale is land in respect of which a notice under subsection (5) of section twenty-eight of this Act, or under the provisions of that subsection as applied by section thirty-nine or section forty-six of this Act, is registered (whether before or after the

completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Minister shall be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with subsection (6) of section twenty-eight of this Act) is to be treated as attributable to that land:

Provided that—

- (a) if, immediately after the completion of the acquisition or sale, there is outstanding some interest in that land to which a person other than the acquiring authority is entitled, the said sum shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority;
- (b) no sum shall be recoverable under this subsection in the case of a compulsory acquisition or sale where the Minister is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

(6A) Where by virtue of the last preceding subsection the Minister recovers a sum in respect of any land, by reason that it is land in respect of which a notice is registered under subsection (5) of section twenty-eight of this Act as applied by section thirty-nine of this Act, subsections (2) and (3) of section forty-one of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the said section forty-one."

(4) In subsection (4) of section sixty-four of the Act of 1954 (which provides for the payment into the Exchequer of certain sums received by the Minister or the Central Land Board under that Act) the references to subsections (1) to (5) of section fifty-two of that Act, and to subsection (6) of that section, shall be construed as including references respectively to subsections (1) to (5) and to subsection (6) of that section as amended by the preceding provisions of this section.

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

- (a) for references to the Act of 1954 and to sections fifty-two and sixty-four of that Act there shall be substituted references respectively to the Scottish Act of 1954 and to sections fifty-four and sixty-four of that Act; and
- (b) subsection (1) of this section shall have effect as if for the paragraph (b) set out therein there were substituted the following paragraph, that is to say—

“(b) the interest was acquired under Part I of the Town and Country Planning (Scotland) Act, 1945, or

PART V
—cont.

under Part III of the principal Act, or in accordance with the provisions of the said Part III as applied by section seventeen of the principal Act, and was so acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, for the purposes of the development or re-development of any area as a whole, or was acquired in pursuance of such a notice to treat or contract under powers conferred by a local Act, and for purposes, which are certified by the Secretary of State to have been powers and purposes similar respectively to those mentioned in the preceding provisions of this paragraph; or”; and

- (c) subsection (2) of this section shall have effect as if, in the subsection (2A) set out therein, for the words “the Minister”, there were substituted the words “the Secretary of State”; and
- (d) subsection (3) of this section shall have effect as if for the subsections (6) and (6A) set out therein there were substituted the following subsections, that is to say—

“(6) Where in the case of a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies, or of a sale of an interest in land which (within the meaning of that Act) is a sale thereof by agreement in circumstances corresponding to such an acquisition, any of the land comprised in the acquisition or sale is land in respect of which a notice under subsection (1) of section twenty-nine, or subsection (4) of section forty-one, of this Act or under the provisions of the said subsection (1) as applied by section forty-eight of this Act is recorded (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Secretary of State shall be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with subsection (2) of section twenty-nine of this Act) is to be treated as attributable to that land:

Provided that—

- (a) if, immediately after the completion of the acquisition or sale, there is outstanding some interest in that land to which a person other than the

acquiring authority is entitled, the said sum shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority ;

PART V
—cont.

- (b) no sum shall be recoverable under this subsection in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

(6A) Where by virtue of the last preceding subsection the Secretary of State recovers a sum in respect of any land, by reason that it is land in respect of which a notice is recorded under subsection (4) of section forty-one of this Act, subsections (2) and (3) of section forty-three of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the said section forty-three."

52.—(1) The provisions of Part I of this Act, and of the First, Second, Third and Sixth Schedules thereto, apply in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments, being public authorities possessing compulsory purchase powers, as they apply in relation to the acquisition of interests in land by such authorities which are not government departments ; and any reference in this Act to a compulsory acquisition to which section one of this Act applies, or to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be construed accordingly.

Application
of Act to
Crown.

(2) The provisions of sections thirty-six and thirty-seven of this Act shall apply in relation to any application for planning permission relating to Crown land as they apply in relation to applications for planning permission relating to any other land.

(3) The rights conferred by Part IV of this Act shall be exercisable by a person who (within the meaning of that Part of this Act) is an owner-occupier of a hereditament or agricultural unit which is Crown land, or is a resident owner-occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and the provisions of Part IV of this Act, and of the Fifth Schedule to this Act, shall apply accordingly.

(4) In so far as any power conferred by section six of the Town Development Act, 1952, is exercisable in respect of Crown

PART V
—cont.

land, that power as extended by section forty-six of this Act shall be exercisable in respect of Crown land to the like extent.

(5) Paragraph 2 of the Sixth Schedule to this Act shall apply in relation to an interest in land which is a Duchy interest as it applies in relation to an interest in land which is a private interest.

(6) In this section "Crown land" has the same meaning as in section eighty-seven of the Act of 1947, and "Duchy interest" and "private interest" have the same meanings as in section sixty-one of the Act of 1954.

(7) In the application of this section to Scotland, for any reference to section six of the Town Development Act, 1952, there shall be substituted a reference to section thirteen of the Housing and Town Development (Scotland) Act, 1957, for any reference to section forty-six of this Act there shall be substituted a reference to section forty-seven of this Act, for any reference to section eighty-seven of the Act of 1947 there shall be substituted a reference to section eighty-three of the Scottish Act of 1947, and for any reference to the Act of 1954 there shall be substituted a reference to the Scottish Act of 1954.

Special provisions as to ecclesiastical property in England.

53.—(1) Where the fee simple of any ecclesiastical property, not being property in Wales or Monmouthshire, is in abeyance, it shall be treated for the purposes of this Act as being vested in the Church Commissioners.

(2) In this section "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

(3) This section shall not apply to Scotland.

Adjustment of unexpended balances of established development value.

54. The provisions of the Sixth Schedule to this Act shall have effect as to the reduction or extinguishment of unexpended balances of established development value (within the meaning of the Act of 1954 or the Scottish Act of 1954, as the case may be) in consequence of compulsory acquisitions to which section one of this Act applies, and of sales of interests in land by agreement in circumstances corresponding to such acquisitions.

Provisions as to inquiries, notices, regulations and orders.

55.—(1) Section one hundred and four of the Act of 1947 (which authorises the Minister to hold local inquiries for the purposes of that Act) and section one hundred and five of that Act (which relates to the service of notices) shall apply for the purposes of this Act.

(2) The Minister may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act.

(3) Any power conferred by this Act to make an order shall include power to vary or revoke the order by a subsequent order.

(4) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument.

(5) Any statutory instrument containing regulations or an order made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In the application of this section to Scotland, for references to sections one hundred and four and one hundred and five of the Act of 1947 there shall be substituted references respectively to sections one hundred and one hundred and one of the Scottish Act of 1947.

56. There shall be paid out of moneys provided by **Financial Parliament—** provisions.

- (a) any administrative expenses incurred by the Minister in consequence of the passing of this Act ;
- (b) any sums necessary to enable any government department to make payments in pursuance of section thirteen of this Act ;
- (c) any sums necessary to enable any government department to pay any compensation or additional consideration becoming payable by them under the provisions of section eighteen of this Act, or under those provisions as extended by section twenty-one of this Act ;
- (d) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

57.—(1) In this Act, except in so far as the context otherwise **Interpretation.** requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired ;

“the Act of 1919” means the Acquisition of Land (Assessment of Compensation) Act, 1919 ;

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—cont.

- “ the Act of 1947 ” means the Town and Country Planning Act, 1947 ;
- “ the Act of 1954 ” means the Town and Country Planning Act 1954 ;
- “ authority to whom the Act of 1919 applies ” means a government department or local or public authority within the meaning of that Act, or a person or body of persons to whom that Act applies as it applies to such a department or authority ;
- “ compulsory acquisition ” and “ public authority possessing compulsory purchase powers ”, in relation to England and Wales, have the same meanings as in the Act of 1954, and, in relation to Scotland, have the same meanings as in the Scottish Act of 1954 ;
- “ corporate land ” has the same meaning as in the Local Government Act, 1933 ;
- “ disposal ” means disposal by way of sale, exchange, excambion or lease, or by way of the creation of any easement, servitude, right or privilege, or in any other manner, except by way of appropriation, gift, mortgage or the creation of a heritable security, and “ dispose of ” shall be construed accordingly ;
- “ function ” means a power or a duty, and “ grant-aided function ”, in relation to a body, means a function in respect of which a grant or contribution (other than any grant under the Local Government Act, 1958, or the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, and any Exchequer subsidy under the Housing (Financial Provisions) Act, 1958, or any of the enactments specified in Part I of the Sixth Schedule to the Housing (Scotland) Act, 1950) is payable to that body by a government department out of moneys provided by Parliament ;
- “ government department ” includes a Minister of the Crown ;
- “ highway ” has the same meaning as in the Highways Act, 1959 ;
- “ local enactment ” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;
- “ the Minister ”, except in Part II of this Act, in relation to England and Wales means the Minister of Housing and Local Government and in relation to Scotland means the Secretary of State ;

- “outline application” means an application for planning permission subject to subsequent approval on any matters ;
- “planning decision”, in relation to England and Wales, means a decision made on an application under Part III of the Act of 1947, and, in relation to Scotland, means a decision made on an application under Part II of the Scottish Act of 1947 ;
- “planning permission”, in relation to England and Wales, means permission under Part III of the Act of 1947 and, in relation to Scotland, means permission under Part II of the Scottish Act of 1947 ;
- “prescribed” (except in relation to matters required or authorised by this Act to be prescribed by an order) means prescribed by regulations under this Act ;
- “the Scottish Act of 1947” means the Town and Country Planning (Scotland) Act, 1947 ;
- “the Scottish Act of 1954” means the Town and Country Planning (Scotland) Act, 1954 ;
- “special enactment” means a local enactment, or a provision contained in an Act other than a local or private Act, being a local enactment or provision authorising the compulsory acquisition of land specifically identified therein ;
- “tenancy”, in relation to England and Wales, has the same meaning as in the Landlord and Tenant Act, 1954.

(2) In this Act, in relation to a compulsory acquisition in pursuance of a notice to treat, “the relevant interest” means the interest acquired in pursuance of that notice, “the relevant land” means the land in which the relevant interest subsists, and “the notice to treat” means the notice to treat in pursuance of which the relevant interest is acquired.

(3) Subject to the preceding subsections, and except in so far as the context otherwise requires,—

- (a) in relation to England and Wales, expressions used in this Act and in the Act of 1947 have the same meanings in this Act as in that Act ;
- (b) in relation to Scotland, expressions used in this Act and in the Scottish Act of 1947 have the same meanings in this Act as in that Act.

(4) Subsections (3), (6) and (7) of section sixty-nine of the Act of 1954 (which relates to the interpretation of that Act) shall apply for the purposes of this Act in relation to England and Wales as they apply for the purposes of that Act ; and in relation to Scotland subsections (3), (4), (6), (7) and (9) of section

PART V
—cont.

sixty-nine of the Scottish Act of 1954 (which relates to the interpretation of that Act) shall apply for the purposes of this Act as they apply for the purposes of that Act.

(5) Subsections (2) and (3) of section one hundred and twelve of the Act of 1947, and subsections (2) and (3) of section one hundred and eight of the Scottish Act of 1947, shall apply respectively for the purposes of the construction of references in this Act to the Third Schedule to the Act of 1947 and to the Third Schedule to the Scottish Act of 1947.

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

- (a) to both of them beneficially, or
- (b) to both of them as trustee of one particular trust, or
- (c) to both of them as personal representative of one particular person ;

and in this subsection “trustee”, as respects Scotland, has the same meaning as in the Trusts (Scotland) Act, 1921.

(7) In this Act, in relation to Scotland, any reference to a sale or purchase includes a reference to a sale or purchase by way of feu, and any reference to the price in relation to a sale or purchase includes a reference to grassum, feu-duty and ground annual.

(8) Any reference in this Act to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which section one of this Act applies is a reference to a sale thereof to a public authority possessing compulsory purchase powers, being a sale in pursuance of a contract made after the twenty-ninth day of October, nineteen hundred and fifty-eight.

(9) For the purposes of this Act development of land shall be taken to be initiated—

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun ;
- (b) if the development consists of a change in use, at the time when the new use is instituted ;
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.

(10) Any reference in this Act to any provisions of the Highways Act, 1959, shall be construed as including a reference to any corresponding enactment repealed by that Act.

(11) In the application of this Act to London—

- (a) without prejudice to the operation of the last preceding subsection, any reference in this Act to provisions of the Highways Act, 1959, which extend to London subject to modifications shall be construed as a reference to those provisions as so modified ;
- (b) any reference in this Act to provisions of the Highways Act, 1959, which do not extend to London shall be construed as mentioned in the last preceding subsection notwithstanding that the repeal of the corresponding enactment by that Act does not extend to London ; and
- (c) any reference to a highway authority or a local highway authority includes a reference to the London County Council.

In this subsection " London " means the administrative county of London.

(12) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

58.—(1) Subject to the following provisions of this section, and without prejudice to any amendments having effect by virtue of the preceding provisions of this Act,—

Minor and consequential amendments and repeals.

- (a) the enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule ; and
- (b) the enactments specified in the Eighth Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.

(2) The amendments of section nineteen of the Act of 1947 and of section seventeen of the Scottish Act of 1947 specified in the Seventh Schedule to this Act shall not have effect in relation to any purchase notice served before the commencement of this Act ; but those amendments, and the amendments made by section thirty-five of this Act, shall have effect in relation to any purchase notice served after the commencement of this Act—

- (a) under the provisions of the said section nineteen or section seventeen as applied by any other provision of either of those Acts or of the Act of 1954 or the Scottish Act of 1954, or
- (b) under any order made (whether before or after the commencement of this Act) under any other provision of the Act of 1947 or the Scottish Act of 1947, except in so far as a contrary intention is expressed in any such order made after the commencement of this Act.

PART V
—const.

(3) The amendments of, and repeals in, section fifty-three of the Act of 1954 and section fifty-five of the Scottish Act of 1954 specified in the Seventh and Eighth Schedules to this Act shall not have effect in relation to any compensation accruing due on or before the twenty-ninth day of October, nineteen hundred and fifty-eight.

(4) The amendment of the Second Schedule to the Housing Act, 1957, specified in the Seventh Schedule to this Act shall not have effect in relation to compulsory acquisitions to which section one of this Act does not apply.

(5) The repeals specified in the Eighth Schedule to this Act shall not affect the operation of any enactment in relation to compulsory acquisitions to which section one of this Act does not apply, or in relation to sales of interests in land by agreement, not being sales in circumstances corresponding to compulsory acquisitions to which section one of this Act applies.

(6) In accordance with subsections (1) to (3) of section thirty-five of this Act, and with the preceding provisions of this section, section nineteen of the Act of 1947 shall have effect, in relation to purchase notices served after the commencement of this Act, as set out in the Ninth Schedule to this Act.

(7) In accordance with subsections (1), (3) and (6) of section thirty-five of this Act, and with the preceding provisions of this section, section seventeen of the Scottish Act of 1947 shall have effect, in relation to purchase notices served after the commencement of this Act, as set out in the Tenth Schedule to this Act.

Short title,
citation,
commence-
ment and
extent.

59.—(1) This Act may be cited as the Town and Country Planning Act, 1959; and the Town and Country Planning Acts, 1947 to 1954, and this Act, except Part II thereof, may be cited together as the Town and Country Planning Acts, 1947 to 1959, and the Town and Country Planning (Scotland) Acts, 1947 to 1954, and this Act, except Part II thereof, may be cited together as the Town and Country Planning (Scotland) Acts, 1947 to 1959.

(2) This Act shall come into operation at the end of the period of one month beginning with the day on which it is passed.

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

SCHEDULES

Sections 9, 52.

FIRST SCHEDULE

SPECIAL PROVISIONS RELATING TO SECTION NINE

PART I

*Provisions for taking account of increases in value of
contiguous or adjacent land*

1. Subsection (4) of section nine of this Act shall not apply to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any of the following enactments (which contain provisions for taking account in certain cases of increases in the value of contiguous or adjacent land), that is to say,—

- (a) section thirteen of the Light Railways Act, 1896 ;
- (b) sub-paragraph (C) of paragraph (2) of the Schedule to the Development and Road Improvement Funds Act, 1909 ;
- (c) subsection (6) of section two hundred and twenty-two of the Highways Act, 1959 ;
- (d) paragraph 4 of Part III of the Third Schedule to the Housing Act, 1957.

2. Subsection (4) of section nine of this Act shall also not apply to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any local enactment which provides (in whatsoever terms) that, in assessing compensation in respect of a compulsory acquisition thereunder, account shall be taken of any increase in the value of an interest in contiguous or adjacent land which is attributable to any of the works authorised by that enactment.

3. Where any such local enactment as is mentioned in the last preceding paragraph includes a provision restricting the assessment of the increase in value thereunder by reference to existing use (that is to say, by providing, in whatsoever terms, that the increase in value shall be assessed on the assumption that planning permission in respect of the contiguous or adjacent land in question would be granted for development of any class specified in the Third Schedule to the Act of 1947, but would not be granted for any other development thereof), the enactment shall have effect, in relation to compulsory acquisitions to which section one of this Act applies, as if it included no such provision restricting the assessment of the increase in value.

4.—(1) Where, for the purpose of assessing compensation in respect of a compulsory acquisition of an interest in land, an increase in the value of an interest in other land has, in any of the cases mentioned in the table, been taken into account by virtue of subsection (4) of section nine of this Act or any corresponding enactment, then, in connection with any subsequent acquisition to which this paragraph applies, that increase shall not be left out of account by virtue of subsection (2) of section nine of this Act, or taken into account by virtue of subsection (4) of that section or any corresponding enactment, in so far as it was taken into account in connection with the previous acquisition.

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—cont.

(2) Where, in connection with a compulsory acquisition of an interest in land, a diminution in the value of an interest in other land has, in any of the cases mentioned in the table, been taken into account in assessing compensation for injurious affection, then, in connection with any subsequent acquisition to which this paragraph applies, that diminution shall not be left out of account, by virtue of subsection (2) of section nine of this Act, in so far as it was taken into account in connection with the previous acquisition.

(3) This paragraph applies to any subsequent acquisition where either—

- (a) the interest acquired by the subsequent acquisition is the same as the interest previously taken into account (whether the acquisition extends to the whole of the land in which that interest previously subsisted or only to part of that land), or
- (b) the person entitled to the interest acquired is, or derives title to that interest from, the person who at the time of the previous acquisition was entitled to the interest previously taken into account ;

and in this sub-paragraph any reference to the interest previously taken into account is a reference to the interest the increased or diminished value whereof was taken into account as mentioned in sub-paragraph (1) or sub-paragraph (2) of this paragraph.

(4) Where, in connection with a sale of an interest in land by agreement, the circumstances were such that, if it had been a compulsory acquisition, an increase or diminution of value would have fallen to be taken into account as mentioned in sub-paragraph (1) or sub-paragraph (2) of this paragraph, the preceding provisions of this paragraph shall apply, with the necessary modifications, as if that sale had been a compulsory acquisition and that increase or diminution of value had been taken into account accordingly.

(5) In this paragraph “corresponding enactment” means any such enactment as is mentioned in paragraph 1 or paragraph 2 of this Schedule, and any reference to a case mentioned in the table is a reference to a case mentioned in the first column of the table set out in subsection (2) of section nine of this Act.

5. In the application of this Schedule to Scotland, for any reference to the Act of 1947 there shall be substituted a reference to the Scottish Act of 1947, for any reference to paragraph 4 of Part III of the Third Schedule to the Housing Act, 1957, there shall be substituted a reference to paragraph 5 of the Fourth Schedule to the Housing (Scotland) Act, 1950, and for sub-paragraph (c) of paragraph 1 there shall be substituted the following sub-paragraph, that is to say—

“(c) paragraph (a) of the proviso to subsection (1) of section thirteen of the Restriction of Ribbon Development Act, 1935.”

PART II

Special provisions as to new towns

6.—(1) The provisions of this Part of this Schedule shall have effect with respect to paragraph 3 of the table set out in subsection (2) of section nine of this Act.

1ST SCH.
—cont.

(2) In this Part of this Schedule "the transfer date", in relation to a new town, means the date on which, by virtue of any enactment contained in any Act relating to new towns, whether passed before or after this Act, the development corporation established for the purposes of that new town ceases to act, except for purposes of or incidental to the winding up of its affairs.

7. Land shall not be treated as falling within the case described in the said paragraph 3 by reason that it forms part of an area which has been designated as therein mentioned, if the notice to treat is served on or after the transfer date.

8. In determining whether the relevant land forms part of such an area as is mentioned in the said paragraph 3,—

(a) in the case of an area designated as the site of a new town by an order which became operative on or before the twenty-ninth day of October, nineteen hundred and fifty-eight, regard shall be had to that order in the form in which, whether as originally made or as subsequently varied, it was in force on that day, and any variation becoming operative after that day shall be disregarded ;

(b) in the case of an area designated as the site of a new town by an order which became operative after the said twenty-ninth day of October, whether before or after the passing of this Act, regard shall be had to the order in its original form, and any variation of the order shall be disregarded.

9. For the purpose of determining whether any development, of which there is a prospect on the date of service of the notice to treat, would be such development as is described in the said paragraph 3, it is immaterial whether the time when that development will or may take place is a time before, on or after the transfer date.

10. This Part of this Schedule, except paragraph 8 thereof, shall not apply to Scotland.

SECOND SCHEDULE

Sections 10, 52.

ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

PART I

Provisions for England and Wales

1.—(1) Where, in the case of a compulsory acquisition to which section one of this Act applies,—

(a) the acquisition is under the Housing Act, 1957 (in this Part of this Schedule referred to as "the Act of 1957") in such circumstances that, apart from section one of this Act, any of the provisions of that Act as to compulsory purchase at site value would have effect in relation to the acquisition, or

(b) it is an acquisition in relation to which, by virtue of an order made and confirmed under the next following paragraph, any of those provisions would so have effect, nothing in section one of this Act shall be construed as excluding the operation of those provisions of the Act of 1957, but

2ND SCH.
—cont.

those provisions shall apply in addition to the provisions of Part I of this Act.

(2) Subject to the provisions of paragraph 3 of this Part of this Schedule, the compensation payable in respect of a compulsory acquisition falling within the preceding sub-paragraph shall not in any event exceed the amount of the compensation which would have been payable in respect thereof if—

- (a) none of the provisions of the Act of 1957 as to compulsory purchase at site value had applied to the acquisition, and
- (b) in a case where any of the relevant land is in an area which has been declared under Part III of that Act to be a clearance area, or which constitutes a re-development area within the meaning of that Part of that Act, that area had not been declared to be a clearance area or did not constitute such a re-development area, as the case may be,

but in all other respects the acquisition had been effected in the circumstances in which it actually is effected.

2.—(1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition being—

- (a) an acquisition under Part IV of the Act of 1947, or
- (b) an acquisition under section six of the Town Development Act, 1952, or
- (c) an acquisition in pursuance of Part IV of this Act, or
- (d) an acquisition of land within the area designated by an order under section one of the New Towns Act, 1946, as the site of a new town, or
- (e) an acquisition by a development corporation or a local highway authority or the Minister of Transport and Civil Aviation under the New Towns Act, 1946, or under any enactment as applied by any provision of that Act,

and being (in any such case) an acquisition where the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation.

(2) The local authority may make and submit to the Minister an order, in such form as may be prescribed by regulations made under section one hundred and seventy-eight of the Act of 1957, declaring the house to be in the state referred to in the preceding sub-paragraph ; and if—

- (a) that order is confirmed by the Minister, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
- (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section nineteen of the Act of 1947 or the provisions of that section as applied by or under any other enactment, or in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946, or under Part IV of this Act, the order is made

before the date on which the notice to treat is deemed to have been served and, having been so made, is subsequently confirmed by the Minister,

2ND SCH.
—cont.

the provisions of subsections (2) and (3) of section fifty-nine of the Act of 1957, and the provisions of sections sixty and sixty-one of that Act and the Second Schedule thereto (which relate to certain payments in respect of houses purchased or demolished under that Act) shall apply as if the house had been purchased under section fifty-seven of that Act as being in the state referred to in the preceding subparagraph, and as if any reference in those sections or in that Schedule to the local authority were a reference to the acquiring authority.

(3) Before submitting to the Minister an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on every mortgagee, of the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.

(4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(5) Section four of the Act of 1957 (which specifies matters to be taken into account in determining whether a house is unfit) and sections one hundred and fifty-nine and one hundred and sixty of that Act (which relate to entry on land for the purposes of that Act) shall apply for the purposes of this paragraph as they apply for the purposes of that Act.

(6) In this paragraph "appropriate local authority" means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part III of the Act of 1957 relating to clearance areas.

3.—(1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition to which section one of this Act applies where—

(a) the relevant land consists of or includes the whole or part of a house (in this paragraph referred to as "the relevant house") and, on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected, the person then entitled to the relevant interest was, in right of that interest, in occupation of the relevant house or part thereof as a private dwelling, and

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2ND SCH.
—cont.

- (b) that person either continues, on the date of service of the notice to treat, to be entitled to the relevant interest, or, if he has died before that date, continued to be entitled to that interest immediately before his death, and
- (c) the acquisition is under the Act of 1957, in such circumstances that any of the provisions of that Act as to compulsory purchase at site value have effect in relation to the acquisition, or is an acquisition in connection with which an order is made and confirmed under the last preceding paragraph in respect of the relevant house.

In the following provisions of this paragraph any reference to "the dwelling" is a reference to so much of the relevant house as the person referred to in head (a) of this sub-paragraph occupied as therein mentioned.

(2) Subject to the next following sub-paragraph, if the amount of the compensation payable in respect of the acquisition of the relevant interest would, apart from this paragraph, be less than the gross value of the dwelling, the amount of the compensation payable in respect of the acquisition of that interest shall be an amount equal to the gross value of the dwelling.

(3) Where any payment to which this sub-paragraph applies is payable, any reference in the last preceding sub-paragraph to the amount of the compensation payable in respect of the acquisition of the relevant interest shall be construed as a reference to the aggregate of that amount and of the amount of the payment (or, if more than one, of the amounts of the payments) to which this sub-paragraph applies.

(4) The last preceding sub-paragraph applies—

- (a) to any payment under section thirty or section sixty of the Act of 1957, in so far as it falls to be made to the person entitled to the relevant interest and is attributable to the relevant house;
- (b) to any payment which falls to be made in respect of the relevant interest under Part II of the Second Schedule to the Act of 1957.

(5) For the purposes of this paragraph the gross value of the dwelling shall be determined as follows :—

- (a) if the dwelling constitutes the whole of the relevant house, the gross value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation list then in force as the gross value of that house for rating purposes;
- (b) if the dwelling is only part of the relevant house, an apportionment shall be made by the valuation officer of the gross value of the relevant house for rating purposes, as shown in the valuation list in force on the date of service of the notice to treat, and the gross value of the dwelling shall be taken to be the amount certified by the valuation officer as being the amount which, on such an apportionment, is properly attributable to the dwelling.

(6) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.

(7) In this paragraph "the valuation officer" has the same meaning as in Part III of the Local Government Act, 1948.

4. The following provisions of the Act of 1957, that is to say, paragraph 2 of Part III of the Third Schedule and sub-paragraph (3) of paragraph 2 of the Seventh Schedule (which make special provision as to the assessment of compensation in the case of premises which are purchased under that Act otherwise than at site value, but are in a state of defective sanitation or not in reasonably good repair) shall cease to have effect, except for the purpose of assessing compensation (where applicable) in respect of compulsory acquisitions to which section one of this Act does not apply.

5.—(1) Where, in the case of a compulsory acquisition to which section one of this Act applies,—

- (a) the acquisition is under the Act of 1957, in such circumstances that any of the provisions of that Act as to compulsory purchase at site value have effect in relation to the acquisition, or is an acquisition in connection with which an order is made and confirmed under paragraph 2 of this Part of this Schedule, and
- (b) the relevant land consists of or includes a hereditament, or part of a hereditament, which has sustained war damage, and any of that damage has not been made good at the date of service of the notice to treat,

there shall be added to the compensation which, apart from this paragraph, would be payable in respect of the acquisition an amount calculated in accordance with the next following sub-paragraph.

(2) The said amount shall be an amount equal to the value, as at the date of service of the notice to treat, of the prospective right to receive such payment (if any) under the War Damage Act, 1943, in respect of that hereditament, or part of a hereditament, as might reasonably have been expected to become payable if the relevant land had not been compulsorily acquired.

6.—(1) Where a local authority have before the commencement of this Act made and submitted to the Minister an order under paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944 (which contains provisions similar to those of paragraph 2 of this Part of this Schedule), but the Minister has not confirmed that order before the commencement of this Act, sub-paragraphs (2), (4) and (5) of paragraph 2 of this Part of this Schedule shall apply in relation to that order as if—

- (a) the order had been made under paragraph 2 of this Part of this Schedule, and
- (b) the reference in sub-paragraph (4) of paragraph 2 of this Part of this Schedule to persons on whom notices are required to be served were a reference to persons on whom notices are required to be served under sub-paragraph (2) of the said paragraph 9.

2ND SCH.
—cont.

(2) Any reference in paragraph 1, paragraph 3 or paragraph 5 of this Part of this Schedule to an order made and confirmed under paragraph 2 of this Part of this Schedule shall be construed as including a reference to an order—

- (a) made and confirmed under the said paragraph 9, or
- (b) made under the said paragraph 9 and confirmed under the provisions of paragraph 2 of this Part of this Schedule applied by the preceding sub-paragraph.

(3) In this paragraph any reference to the said paragraph 9 includes a reference to the provisions of that paragraph as extended or applied by or under any other enactment.

7. In this Part of this Schedule “house” has the meaning assigned to it by section one hundred and eighty-nine of the Act of 1957, and any reference to the provisions of the Act of 1957 as to compulsory purchase at site value is a reference to the following provisions of that Act, that is to say,—

- (a) subsection (4) of section twelve (which relates to the purchase of houses found on appeal not to be capable of repair at a reasonable expense);
- (b) subsection (2) of section twenty-nine (which relates to the purchase of condemned houses); and
- (c) subsections (2) and (3) of section fifty-nine (which relate respectively to the purchase of land comprised in a clearance area and to the purchase, in connection with re-development plans, of houses as being unfit for human habitation).

8. This Part of this Schedule shall not apply to Scotland.

PART II

Provisions for Scotland

1.—(1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition, being—

- (a) an acquisition under Part III of the Scottish Act of 1947, or
- (b) an acquisition under section thirteen of the Housing and Town Development (Scotland) Act, 1957, or
- (c) an acquisition in pursuance of Part IV of this Act, or
- (d) an acquisition of land within the area designated by an order under section one of the New Towns Act, 1946, as the site of a new town, or
- (e) an acquisition by a development corporation or a local highway authority or the Secretary of State under the New Towns Act, 1946, or under any enactment as applied by any provision of that Act,

and being (in any such case) an acquisition where the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation.

2ND SCH.
—cont.

(2) The local authority may make and submit to the Minister an order, in such form as may be prescribed by regulations made under section one hundred and seventy-two of the Act of 1950, declaring the house to be in the state referred to in the preceding sub-paragraph ; and if—

- (a) that order is confirmed by the Minister, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
- (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section seventeen of the Scottish Act of 1947 or the provisions of that section as applied by or under any other enactment, or in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946, or under Part IV of this Act, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Minister,

the provisions of subsection (2) of section thirty-six of the Act of 1950, and the provisions of section forty of that Act as read with section twenty of the Housing and Town Development (Scotland) Act, 1957 (which relate to certain payments in respect of houses purchased or demolished under the Act of 1950) shall apply as if the house had been purchased under Part III of the Act of 1950 as being in the state referred to in the preceding sub-paragraph, and as if any reference in those sections to the local authority were a reference to the acquiring authority.

(3) Before submitting to the Minister an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on the superior of, and the holder of every heritable security over, the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.

(4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order ; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(5) Subsection (2) of section one hundred and eighty-four of the Act of 1950 shall have effect in determining for the purposes of this paragraph whether a house is fit for human habitation as it has effect in so determining for the purposes of that Act.

(6) In this paragraph “ appropriate local authority ” means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part III of the Act of 1950 relating to clearance areas.

2ND SCH.
—cont.

2.—(1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition to which section one of this Act applies where—

- (a) the relevant land consists of or includes the whole or part of a house (in this paragraph referred to as “the relevant house”) and, on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected, the person then entitled to the relevant interest was, in right of that interest, in occupation of the relevant house or part thereof as a private dwelling, and
- (b) that person either continues, on the date of service of the notice to treat, to be entitled to the relevant interest, or, if he has died before that date, continued to be entitled to that interest immediately before his death, and
- (c) the acquisition is under the Act of 1950, in such circumstances that any of the following provisions of that Act, that is to say, subsection (2) of section twelve, subsection (4) of section seventeen, and subsection (2) of section thirty-six (which relate to compensation at site value) have effect in relation to the acquisition, or is an acquisition in connection with which an order is made and confirmed under the last preceding paragraph in respect of the relevant house.

In the following provisions of this paragraph any reference to “the dwelling” is a reference to so much of the relevant house as the person referred to in head (a) of this sub-paragraph occupied as therein mentioned.

(2) Subject to the next following sub-paragraph, if the amount of the compensation payable in respect of the acquisition of the relevant interest would, apart from this paragraph, be less than the gross annual value of the dwelling, the amount of the compensation payable in respect of the acquisition of that interest shall be an amount equal to the gross annual value of the dwelling.

(3) Where a payment falls to be made under section forty of the Act of 1950 to the person entitled to the relevant interest, and that payment is attributable to the relevant house, any reference in the last preceding sub-paragraph to the amount of the compensation payable in respect of the acquisition of the relevant interest shall be construed as a reference to the aggregate of that amount and of the amount of the payment.

(4) For the purposes of this paragraph the gross annual value of the dwelling shall be determined as follows:—

- (a) if the dwelling constitutes the whole of the relevant house, the gross annual value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation roll then in force as the gross annual value of that house for rating purposes;
- (b) if the dwelling is only part of the relevant house, an apportionment shall be made of the gross annual value of the relevant house for rating purposes, as shown in the valuation

roll in force on the date of service of the notice to treat, and the gross annual value of the dwelling shall be taken to be the amount which, on such an apportionment, is properly attributable to the dwelling.

(5) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.

(6) Nothing in this paragraph shall affect the amount which is to be taken for the purposes of section sixty-two of the Scottish Act of 1954 (which relates to the consideration payable for the discharge of land from feu duty and other incumbrances) as the amount of the compensation payable in respect of the acquisition of the relevant interest.

3. Paragraph 3 of the Fourth Schedule to the Act of 1950 (which makes special provision as to the assessment of compensation in the case of premises which are purchased under that Act otherwise than at site value, but are in a state of defective sanitation or not in reasonably good repair) shall cease to have effect, except for the purpose of assessing compensation (where applicable) in respect of compulsory acquisitions to which section one of this Act does not apply.

4.—(1) Where, in the case of a compulsory acquisition to which section one of this Act applies,—

(a) the acquisition is under the Act of 1950, in such circumstances that any of the following provisions of that Act, that is to say, subsection (2) of section twelve, subsection (4) of section seventeen, and subsection (2) of section thirty-six (which relate to compensation at site value) have effect in relation to the acquisition, or is an acquisition in connection with which an order is made and confirmed under paragraph 1 of this Part of this Schedule, and

(b) the relevant land consists of or includes a hereditament, or part of a hereditament, which has sustained war damage, and any of that damage has not been made good at the date of service of the notice to treat,

there shall be added to the compensation which, apart from this paragraph, would be payable in respect of the acquisition an amount calculated in accordance with the next following sub-paragraph.

(2) The said amount shall be an amount equal to the value, as at the date of service of the notice to treat, of the prospective right to receive such payment (if any) under the War Damage Act, 1943, in respect of that hereditament or part of a hereditament, as might reasonably have been expected to become payable if the relevant land had not been compulsorily acquired.

(3) In this paragraph “hereditament” has the same meaning as in the War Damage Act, 1943.

5.—(1) Where a local authority have before the commencement of this Act made and submitted to the Minister an order under paragraph 8 of the Fifth Schedule to the Town and Country

2ND SCH.
—cont.

Planning (Scotland) Act, 1945 (which contains provisions similar to those of paragraph 1 of this Part of this Schedule), but the Minister has not confirmed that order before the commencement of this Act, sub-paragraphs (2), (4) and (5) of paragraph 1 of this Part of this Schedule shall apply in relation to that order as if—

- (a) the order had been made under paragraph 1 of this Part of this Schedule, and
- (b) the reference in sub-paragraph (4) of paragraph 1 of this Part of this Schedule to persons on whom notices are required to be served were a reference to persons on whom notices are required to be served under sub-paragraph (2) of the said paragraph 8.

(2) Any reference in paragraph 2 or paragraph 4 of this Part of this Schedule to an order made and confirmed under paragraph 1 of this Part of this Schedule shall be construed as including a reference to an order—

- (a) made and confirmed under the said paragraph 8, or
- (b) made under the said paragraph 8 and confirmed under the provisions of paragraph 1 of this Part of this Schedule applied by the preceding sub-paragraph.

(3) In this paragraph any reference to the said paragraph 8 includes a reference to the provisions of that paragraph as extended or applied by or under any other enactment.

6. In this Part of this Schedule “ Act of 1950 ” means the Housing (Scotland) Act, 1950, and “ house ” has the meaning assigned to it by section one hundred and eighty-four of that Act.

7. This Part of this Schedule shall apply to Scotland only.

Sections 18, 52.

THIRD SCHEDULE

APPLICATION OF SECTION EIGHTEEN TO SPECIAL CASES

Disturbance, severance and injurious affection

1. The provisions of the next following paragraph shall have effect for the purposes of the application of section eighteen of this Act to cases where the compensation or purchase price in respect of the interest acquired or purchased—

- (a) included an amount attributable to disturbance, or attributable to damage sustained in respect of an interest in land held with the land comprised in the acquisition or sale (in this Schedule referred to as “ the interest affected ”) by reason that the land so held was severed from the land comprised in the acquisition or sale, or was injuriously affected, or
- (b) would have included such an amount if the planning decision referred to in subsection (1) of that section had been made before the relevant date, and the planning permission there-by granted had been in force on that date.

2.—(1) Subject to the next following sub-paragraph,—

3RD SCH.
—cont.

- (a) any reference in subsection (2) of that section to the principal amount of the compensation which was payable in respect of the compulsory acquisition, or, in the case of a sale by agreement, the amount of the purchase price, shall be construed as including any amount which was included therein as mentioned in sub-paragraph (a) of the preceding paragraph ; and
- (b) any reference in subsection (2) of that section to the principal amount of the compensation which would have been payable as therein mentioned shall be construed as including any amount which would have been included therein as mentioned in sub-paragraph (b) of the preceding paragraph.

(2) If, at the time of the planning decision in question, the person entitled to the compensation under section eighteen of this Act is not entitled to the interest affected, either in respect of the whole of the land in which that interest subsisted at the time of the acquisition or sale or in respect of part of that land, any such reference as is mentioned in the preceding sub-paragraph shall be construed as excluding so much of the compensation or purchase price in question as was or would have been attributable to severance or injurious affection of the land in which the interest affected subsisted, or of the part thereof in respect of which that person is not entitled to the interest affected, as the case may be.

Increase in value of contiguous or adjacent land

3. The provisions of the next following paragraph shall have effect for the purposes of the application of section eighteen of this Act to cases where the compensation or purchase price in respect of the interest acquired or purchased—

- (a) was reduced (whether by virtue of subsection (4) of section nine of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land (in this Schedule referred to as “ the interest in adjacent land ”) being an interest belonging to the person who on the relevant date was entitled to the interest acquired or purchased, or
- (b) would have been so reduced if the planning decision referred to in subsection (1) of the said section eighteen had been made before the relevant date, and the planning permission thereby granted had been in force on that date.

4.—(1) Subject to the following provisions of this paragraph—

- (a) any reference in subsection (2) of section eighteen of this Act to the principal amount of the compensation which was payable in respect of the compulsory acquisition, or, in the case of a sale by agreement, the amount of the purchase price, shall be construed as a reference to that amount as reduced as mentioned in sub-paragraph (a) of the last preceding paragraph ; and

3RD SCH.
—cont.

(b) any reference in subsection (2) of that section to the principal amount of the compensation which would have been payable as therein mentioned shall be construed as a reference to that amount as it would have been reduced in the circumstances mentioned in sub-paragraph (b) of the last preceding paragraph.

(2) If, at the time of the planning decision in question, the person entitled to the compensation under section eighteen of this Act is not entitled to the interest in adjacent land, any such reference as is mentioned in the preceding sub-paragraph shall be construed as a reference to the amount which would have been the principal amount of the compensation or the amount of the purchase price, as mentioned in subsection (2) of the said section eighteen, if the circumstances, by reason of which the compensation or purchase price was or would have been reduced, had not existed.

(3) If, at the time of the planning decision in question, the person entitled to the compensation under section eighteen of this Act is entitled to the interest in adjacent land, but only in respect of part of the land in which that interest subsisted at the time of the acquisition or sale, any such reference shall be construed as a reference to the amount which would have been the principal amount of the compensation or the amount of the purchase price, as mentioned in subsection (2) of the said section eighteen, if the interest in adjacent land had subsisted only in that part of that land.

Mortgaged land

5. Subject to the provisions of this Schedule relating to settled land, where, in a case falling within subsection (1) of section eighteen or subsection (1) of section twenty-one of this Act, the interest in land which was acquired or sold was subject to a mortgage, any reference in section eighteen of this Act to the person to whom the compensation or purchase price was payable, or to the person referred to in subsection (2) of the said section eighteen, and any reference in section nineteen of this Act to the person entitled to receive the compensation or purchase price, shall be construed as a reference to the person who, subject to the mortgage, was entitled to that interest, and not as a reference to the mortgagee.

6. For the purposes of the application of section eighteen or section twenty-one of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the last preceding paragraph, any reference to the principal amount of the compensation which was payable in respect of the compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable in respect thereof if the interest in question had not been subject to a mortgage; and any reference to the principal amount of the compensation which would in any particular circumstances have been payable in respect of a compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would in those circumstances have been payable in respect of such a compulsory acquisition if the interest in question had not been subject to a mortgage.

7. No compensation shall be payable by virtue of section eighteen of this Act, or by virtue of the provisions of that section as extended by section twenty-one of this Act, in respect of a compulsory acquisition or sale by agreement, where the interest acquired or sold was the interest of a mortgagee (as distinct from an interest subject to a mortgage).

3RD SCH
—cont.

Settled land

8.—(1) Where, in a case falling within subsection (1) of section eighteen or subsection (1) of section twenty-one of this Act, the interest in land which was acquired or sold was subject to a settlement, and accordingly the compensation or purchase price was payable to the trustees of that settlement, any reference in section eighteen of this Act to the person to whom the compensation or purchase price was payable, and any reference in section nineteen of this Act to the person entitled to receive the compensation or purchase price, shall be construed as a reference to the trustees for the time being of the settlement.

(2) Where the preceding sub-paragraph applies, subsection (5) of section eighteen of this Act shall not apply.

(3) Any compensation paid to the trustees of a settlement by virtue of section eighteen of this Act, or by virtue of the provisions of that section as extended by section twenty-one of this Act, in respect of a compulsory acquisition or sale by agreement, shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.

(4) In this paragraph “settlement” means a settlement within the meaning of the Settled Land Act, 1925, or a trust for sale within the meaning of the Law of Property Act, 1925.

General provisions

9. In any case where the conditions mentioned both in paragraph 1 and in paragraph 3 of this Schedule are fulfilled in respect of the same interest in land, other than the interest acquired or purchased (whether by reason that the case falls within sub-paragraph (a) of paragraph 1 of this Schedule and within sub-paragraph (b) of paragraph 3 thereof, or falls within sub-paragraph (b) of paragraph 1 and within sub-paragraph (a) of paragraph 3), the provisions of paragraphs 2 and 4 of this Schedule, so far as applicable, shall apply with the necessary modifications.

10.—(1) The provisions of this Schedule shall have effect, in relation to any planning permission which, in accordance with any direction or provision given or made by or under an enactment, is deemed to have been granted, as if a planning decision granting that permission had been made at the time when, by virtue of that direction or provision, the permission is deemed to have been granted.

(2) Subsection (1) of section twenty-one of this Act shall apply for the purposes of this Schedule as it applies for the purposes of section eighteen of this Act.

11. In this Schedule “the relevant date” has the same meaning as in section eighteen of this Act.

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Application to Scotland

12. In the application of the foregoing provisions of this Schedule to Scotland—

- (a) for any reference to a mortgage there shall be substituted a reference to a heritable security, and for any reference, in relation to such a security, to the mortgagee there shall be substituted a reference to the heritable creditor;
- (b) any reference to a settlement shall, notwithstanding anything in the foregoing provisions of this Schedule, be construed as a reference to a trust within the meaning of the Trusts (Scotland) Act, 1921; and
- (c) any reference to settled land shall be construed as a reference to land subject to such a trust.

13.—(1) Where in a case falling within paragraph (c) of subsection (9) of section eighteen of this Act, or that paragraph as extended by subsection (1) of section twenty-one of this Act, the consideration under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Scottish Act of 1954) was paid to the trustees of a trust within the meaning of the Trusts (Scotland) Act, 1921, any reference in the said paragraph (c) or in subsection (7) of section nineteen of this Act to the person who has received the consideration shall be construed as a reference to the trustees for the time being of the trust.

(2) Where the preceding sub-paragraph applies, paragraph (d) of subsection (9) of section eighteen of this Act shall not apply.

(3) Any additional consideration paid to the trustees of a trust by virtue of section eighteen of this Act, or by virtue of the provisions of that section as extended by section twenty-one of this Act, in respect of a compulsory acquisition or sale by agreement, shall be applicable by the trustees as if it were consideration received by them under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845, as read with section sixty-two of the Scottish Act of 1954.

(4) This paragraph shall apply to Scotland only.

Section 22.

FOURTH SCHEDULE

AUTHORITIES TO WHOM PART II APPLIES

PART I

Authorities in England and Wales

1. The council of a county, county borough or county district, or of a metropolitan borough.
2. The Common Council of the City of London.
3. The Council of the Isles of Scilly.
4. A joint education board constituted under Part I of the First Schedule to the Education Act, 1944.

5. A joint planning board constituted under subsection (2) of section four of the Act of 1947.

4TH SECT.
—cont.

6. A joint board constituted under any of the provisions of the Public Health Act, 1936, or under sections two hundred and seventy-nine and two hundred and eighty of the Public Health Act, 1875, or under any enactment (not contained in either of those Acts) relating to the drainage of any locality by means of sewers or the disposal of sewage.

7. A coast protection board constituted under section two of the Coast Protection Act, 1949.

8. A combined police authority within the meaning of the Police Act, 1946.

9. A fire authority constituted by a combination scheme under section six of the Fire Services Act, 1947.

10. A river board established under the River Boards Act, 1948.

11. A drainage authority (other than a river board) within the meaning of the Land Drainage Act, 1930.

12. Any body of persons (not falling within any of the preceding paragraphs) being statutory water undertakers within the meaning of the Water Act, 1945.

13. Any joint board established by or under a local enactment for the provision of crematoria.

PART II

Authorities in Scotland

1. A local authority within the meaning of the Local Government (Scotland) Act, 1947.

2. A joint board or joint committee constituted for the purpose of performing all or any of the functions of two or more local authorities within the meaning of the said Act of 1947 under that Act or any of the following enactments, that is to say—

the Burial Ground (Scotland) Act, 1855 ;
the Cremation Act, 1902 ;
the Fire Services Act, 1947 ;
the Scottish Act of 1947 ;
the National Health Service (Scotland) Act, 1947 ;
the Children Act, 1948 ;
the Civil Defence Act, 1948 ;
the Police (Scotland) Act, 1956.

3. A local water authority within the meaning of the Water (Scotland) Act, 1946.

4. A river purification board established under the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

5. Any authority constituted under a local enactment.

Sections 43, 44.

FIFTH SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO PURCHASE OF
OWNER-OCCUPIER'S INTEREST*Interpretation of Part IV of Act*

1.—(1) If any question arises—

- (a) whether the appropriate authority in relation to any land for the purposes of Part IV of this Act is the Minister of Transport and Civil Aviation or a local highway authority, or
 - (b) which of two or more local highway authorities is the appropriate authority in relation to any land for those purposes,
- that question shall be referred to the Minister of Transport and Civil Aviation, whose decision shall be final.

(2) Subject to the preceding sub-paragraph, if any question arises as to which of two or more local authorities is the appropriate authority in relation to any land for the purposes of Part IV of this Act, that question shall be referred to the Minister, whose decision shall be final.

2.—(1) The definition of “the appropriate enactment” in Part IV of this Act shall have effect subject to the following provisions of this paragraph.

(2) In relation to land falling within the description contained in paragraph (b) of subsection (1) of section thirty-nine of this Act, an enactment shall, for the purposes of that definition, be taken to be an enactment which provides for the compulsory acquisition of land as being land falling within that description if—

- (a) the enactment provides for the compulsory acquisition of land for the purposes of the functions which are indicated in the development plan as being the functions for the purposes of which the land is allocated or is proposed to be developed, or
- (b) where no particular functions are so indicated in the development plan, the enactment provides for the compulsory acquisition of land for the purposes of any of the functions of the government department, local authority or other body for the purposes of whose functions the land is allocated or is defined as the site of proposed development.

(3) Where, in accordance with the circumstances by virtue of which any land falls within any of the specified descriptions, it is indicated that the land is proposed to be acquired for highway purposes, any enactment under which a highway authority are or (subject to the fulfilment of the relevant conditions) could be authorised to acquire that land compulsorily for highway purposes shall, for the purposes of the said definition, be taken to be an enactment providing for the compulsory acquisition of that land as being land falling within the description in question.

(4) In the last preceding sub-paragraph the reference to the fulfilment of the relevant conditions is a reference to such one or more of the following as are applicable to the circumstances in question, that is to say,—

- (a) the coming into operation of any requisite order under the provisions of Part II of the Highways Act, 1959, relating to trunk roads;

(b) the coming into operation of any requisite scheme or order under the provisions of the said Part II relating to special roads ;

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—cons.

(c) the making or approval of any requisite plans.

(5) If, apart from this sub-paragraph, two or more enactments would be the appropriate enactment in relation to any land for the purposes of Part IV of this Act, the appropriate enactment for those purposes shall be taken to be that one of those enactments under which, in the circumstances in question, it is most likely that (apart from the provisions of Part IV of this Act) the land would have been acquired by the appropriate authority.

(6) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of Part IV of this Act, that question shall be referred—

(a) where the appropriate authority are a government department, to the Minister or Board in charge of that department ;

(b) where the appropriate authority are a local highway authority, to the Minister of Transport and Civil Aviation ;

(c) where the appropriate authority are statutory undertakers, to the appropriate Minister ; and

(d) in any other case, to the Minister,

and the decision of the Minister or Board to whom a question is referred under this sub-paragraph shall be final.

3.—(1) The provisions of this paragraph shall have effect in relation to the definition of “hereditament” in Part IV of this Act.

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

(a) different parts of that land form the subject of single entries in the valuation lists for the time being in force for those areas respectively, but

(b) if the whole of that land had been in one of those areas, it would have formed the subject of a single entry in the valuation list for that area,

the whole of that land shall be treated, for the purposes of that definition, as if it formed the subject of a single entry in the valuation list for a rating area.

(3) Land which forms the subject of an entry in the valuation list by reason only that it is land over which any shooting, fishing or other sporting rights are exercisable, or that it is land over which a right of exhibiting advertisements is let out or reserved, shall not be taken to be a hereditament within the said definition.

4. Where, in accordance with the last preceding paragraph, land whereof different parts form the subject of single entries in the valuation lists for the time being in force for two or more rating areas is treated as if it formed the subject of a single entry in the valuation list for a rating area, the definition of “annual value” in Part IV of this Act shall apply as if any reference therein to a value shown in the valuation list were a reference to the aggregate

5TH SCH.
—cont.

of the values shown (as rateable values or as net annual values, as the case may be) in those valuation lists in relation to the different parts of that land.

5.—(1) For the purposes of the application of Part IV of this Act to a hereditament or agricultural unit occupied for the purposes of a partnership firm—

(a) occupation for the purposes of the firm shall be treated as occupation by the firm, and not as occupation by any one or more of the partners individually, and the definitions of “owner-occupier” in Part IV of this Act shall apply in relation to the firm accordingly ; and

(b) if, after the service by the firm of a notice under section thirty-nine of this Act, any change occurs (whether by death or otherwise) in the constitution of the firm, any proceedings, rights or obligations consequential upon that notice may be carried on or exercised by or against, or (as the case may be) shall be incumbent upon, the partners for the time being constituting the firm.

(2) Nothing in Part IV of this Act or in this paragraph shall be construed as indicating an intention to exclude the operation of section nineteen of the Interpretation Act, 1889 (whereby, unless the contrary intention appears, “person” includes any body of persons corporate or unincorporate) in relation to any of the provisions of Part IV of this Act or this Schedule.

(3) Sub-paragraph (1) of this paragraph shall not affect the definition of “resident owner-occupier” in Part IV of this Act.

Compensation for compulsory acquisition in pursuance of notice under Part IV of Act

6. The compensation payable in respect of a compulsory acquisition in pursuance of a notice served under section thirty-nine of this Act in respect of a hereditament—

(a) shall not include any amount attributable to damage sustained by reason that the hereditament is severed from other land held therewith, and

(b) shall not include any amount attributable to disturbance :

Provided that sub-paragraph (a) of this paragraph shall not apply to an amount attributable to damage sustained by reason that the hereditament is severed from agricultural land held therewith.

7. The compensation payable in respect of a compulsory acquisition in pursuance of a notice served under section thirty-nine of this Act in respect of an agricultural unit shall not include any amount attributable to disturbance.

Withdrawal of notice under Part IV of Act

8. Subject to the next following paragraph, the person by whom a notice has been served under section thirty-nine of this Act may withdraw the notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the notice has been determined by the Lands Tribunal, or at any time before the

end of the period of six weeks beginning with the date on which the compensation is so determined; and, where such a notice is withdrawn by virtue of this paragraph, any notice to treat deemed to have been served in consequence thereof shall be deemed to have been withdrawn.

9. A person shall not be entitled by virtue of the last preceding paragraph to withdraw a notice after the appropriate authority have exercised a right of entering upon and taking possession of land in pursuance of a notice to treat deemed to have been served in consequence of that notice.

10. No compensation shall be payable in respect of the withdrawal of a notice to treat which is deemed to have been withdrawn by virtue of paragraph 8 of this Schedule.

Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire

11.—(1) The provisions of this paragraph shall have effect where the grounds of objection specified in a counter-notice served under section forty of this Act consist of or include the grounds mentioned in paragraph (b) of subsection (2) of that section, and either—

- (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
- (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred.

(2) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes the whole or part of the hereditament or agricultural unit to which the counter-notice relates, or if the land in question falls within paragraph (d) of subsection (1) of section thirty-nine of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in the hereditament or agricultural unit or any part thereof shall cease to have effect.

(3) If the land in question falls within paragraph (a) of subsection (1) of section thirty-nine of this Act, then (without prejudice to the effect of any subsequent designation) the development plan shall have effect as if no part of the hereditament, or (in the case of an agricultural unit) no part of the affected area, were designated therein as land subject to compulsory acquisition.

12.—(1) The provisions of this paragraph shall have effect where the grounds of objection specified in a counter-notice under section forty of this Act consist of or include the grounds mentioned in paragraph (c) of subsection (2) of that section, and either—

- (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
- (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred.

In the following provisions of this paragraph any reference to "the part of the affected area not required" is a reference to the whole of that area except the part specified in the counter-notice as being the part which the appropriate authority propose to acquire as therein mentioned.

5TH SCH.
—cont.

(2) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes any of the part of the affected area not required, or if the land in question falls within paragraph (d) of subsection (1) of section thirty-nine of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in any land comprised in the part of the affected area not required shall cease to have effect.

(3) If the land in question falls within paragraph (a) of subsection (1) of section thirty-nine of this Act, then (without prejudice to the effect of any subsequent designation) the development plan shall have effect as if no land comprised in the part of the affected area not required were designated therein as land subject to compulsory acquisition.

Supplementary and general provisions

13.—(1) In relation to any time after the death of a person who has served a notice under section thirty-nine of this Act, subsection (1) of section forty, subsection (1) of section forty-one and subsection (3) of section forty-two of this Act shall apply subject to the following provisions of this paragraph.

(2) In the application of those subsections to England and Wales, any reference to the claimant shall be construed as a reference to the claimant's personal representatives.

(3) In the application of those subsections to Scotland, any reference to the claimant shall be construed as a reference to the person who, on the claimant's death, has succeeded to his interest in the hereditament or agricultural unit in question.

14. Without prejudice to the provisions of paragraph 8 of this Schedule, the power conferred by subsection (2) of section five of the Act of 1919 to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of Part IV of this Act.

15. Expressions used in this Schedule and in Part IV of this Act have the same meanings in this Schedule as in that Part of this Act.

16. Where by any provision of this Schedule power is conferred to determine any question for the purposes of Part IV of this Act, any exercise of that power shall have effect for the purposes of this Schedule as well as for the purposes of that Part of this Act.

17. In the application of this Schedule to Scotland, for any reference to the Minister of Transport and Civil Aviation there shall be substituted a reference to the Minister; for any reference to a highway (except in the expression "highway authority") there shall be substituted a reference to a road; for any reference to a rating area there shall be substituted a reference to a valuation area, and, in relation to a valuation area, for any reference to the valuation list there shall be substituted a reference to the valuation roll; and for references to the provisions of Part II of the Highways Act, 1959, relating to trunk roads and special roads there shall be substituted references respectively to the Trunk Roads Act, 1946, and the Special Roads Act, 1949.

SIXTH SCHEDULE

Sections 52, 54.

REDUCTION OR EXTINGUISHMENT OF UNEXPENDED BALANCE OF
ESTABLISHED DEVELOPMENT VALUE

PART I

GENERAL PROVISIONS

1.—(1) Where in the case of—

- (a) a compulsory acquisition to which section one of this Act applies, or
- (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

any of the land in which the interest acquired or sold subsisted had an unexpended balance of established development value immediately before the relevant date (in this paragraph referred to as "the relevant balance"), the following provisions of this paragraph shall have effect for the purpose of determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time.

(2) Unless, immediately after the acquisition or sale, there is outstanding some interest (other than an excepted interest) in that land to which some person other than the acquiring authority is entitled, the original unexpended balance of established development value of that land shall be treated for the purposes of the Act of 1954 as having been extinguished immediately before that subsequent time.

(3) If, immediately after the acquisition or sale, there is such an outstanding interest (other than an excepted interest) as is mentioned in the last preceding sub-paragraph, there shall be deducted from the said original balance an amount equal to any part of the relevant balance which is not attributable to any such outstanding interest, and the original balance of established development value of that land or that part thereof shall be treated for the purposes of the Act of 1954 as having been reduced or extinguished accordingly immediately before that subsequent time.

(4) For the purposes of this paragraph any question as to the portion of the relevant balance which is attributable to an interest in land—

- (a) in relation to a compulsory acquisition to which section one of this Act applies, shall be determined in accordance with the provisions of Part II of this Schedule, and
- (b) in relation to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be determined in accordance with the provisions of Part II of this Schedule as those provisions would apply if the sale had been a compulsory acquisition in pursuance of a notice to treat served on the relevant date.

2.—(1) Where, in connection with a compulsory acquisition to which section one of this Act applies, compensation is payable in respect of an interest in land other than the relevant land, for damage sustained by reason that the relevant land is severed from other land held therewith, or that any other land (whether held with the relevant land or not) is injuriously affected, then, for the purpose of determining whether that other land or any part thereof has an unexpended

6TH SCH.
—cont.

balance of established development value at any subsequent time, there shall be deducted from the original unexpended balance of established development value (if any) of that other land an amount calculated in accordance with the next following sub-paragraph, and the original balance of that land, or of the part thereof in question, as the case may be, shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

(2) The amount referred to in the preceding sub-paragraph is the amount (if any) by which the compensation payable as mentioned in that sub-paragraph exceeds the compensation which would have been so payable if the extent of the damage sustained in respect of the other land in question had fallen to be ascertained on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to the Act of 1947, but would not be granted for any other development of that land.

3. The last preceding paragraph shall have effect in relation to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which section one of this Act applies as that paragraph has effect in relation to such an acquisition, but subject to the modification that—

- (a) any reference to the relevant land shall be construed as a reference to the land sold, and
- (b) any reference to compensation payable in respect of an interest in land shall be construed as a reference to an amount included in the purchase price in respect of that interest.

4. In this Schedule “interest in land”, “unexpended balance of established development value” and “original unexpended balance of established development value” have the same meanings as in the Act of 1954; “excepted interest” means the interest of any such person as is mentioned in section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which relates to persons having no greater interest than as tenant for a year or from year to year); and “the relevant date” means the date of service of the notice to treat or the date of the contract in pursuance of which the interest was sold, as the case may be.

5. In the application of this Part of this Schedule to Scotland—

- (a) for any reference to the Act of 1954 there shall be substituted a reference to the Scottish Act of 1954;
- (b) for any reference to the Act of 1947 there shall be substituted a reference to the Scottish Act of 1947;
- (c) for any reference to section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section one hundred and fourteen of the Lands Clauses Consolidation (Scotland) Act, 1845; and
- (d) for any reference to Part II of this Schedule there shall be substituted a reference to Part III of this Schedule.

PART II

6TH SCH.
—cont.

SPECIAL PROVISIONS FOR APPORTIONMENT IN ENGLAND AND WALES

Determination of relevant area

6.—(1) Where, in the case of a compulsory acquisition to which section one of this Act applies, any area of the relevant land which, immediately before the service of the notice to treat, has an unexpended balance of established development value does not satisfy the conditions set out in the next following sub-paragraph, that area shall be treated as divided into as many separate areas as may be requisite to ensure that each of those separate areas satisfies those conditions.

(2) The conditions referred to in the preceding sub-paragraph are—

- (a) that all the interests (other than excepted interests) subsisting in the area in question subsist in the whole thereof; and
- (b) that any rentcharge charged on the area in question is charged on the whole thereof.

(3) Any area of the relevant land which has an unexpended balance of established development value and which complies with the conditions set out in the last preceding sub-paragraph is in this Part of this Schedule referred to, in relation to the interests subsisting therein, as “the relevant area”, and the subsequent provisions of this Part of this Schedule shall have effect separately in relation to each relevant area.

Preliminary calculations

7. There shall be calculated the amount referable to the relevant area of the rent which might reasonably be expected to be reserved if the relevant land were to be let on terms prohibiting the carrying out of any new development but permitting the carrying out of any other development; and the amount so calculated is in this Part of this Schedule referred to as “the existing use rent”.

8.—(1) If in the case of an interest in fee simple which is subject to a rentcharge, or in the case of a tenancy, so much of the rent reserved under the rentcharge or tenancy as is referable to the relevant area exceeds the existing use rent, there shall be calculated the capital value of the right to receive, for the period of the remainder of the term of the rentcharge or tenancy, an annual payment equal to the excess; and any amount so calculated in the case of any interest is in this Part of this Schedule referred to as “the rental liability” of that interest.

(2) Where the interest in fee simple is subject to more than one rentcharge, then, for the purposes of the preceding sub-paragraph, as respects any period included in the term of two or more of those rentcharges, those two or more rentcharges shall be treated as a single rentcharge charged on the relevant area for the duration of that period with a rent reserved thereunder of an amount equal to the aggregate of so much of their respective rents as is referable to the relevant area.

6TH SCH.
—cont.

9. In the case of any interest in reversion—

- (a) there shall be calculated the capital value, as at the time immediately before the service of the notice to treat, of the right to receive a sum equal to the unexpended balance of established development value of the relevant area at that time, but payable at the end of the tenancy upon the termination of which the interest in question is immediately expectant; and the amount so calculated in the case of any interest is in this Part of this Schedule referred to as “the reversionary development value” of that interest;
- (b) if so much of the rent reserved under the said tenancy as is referable to the relevant area exceeds the existing use rent, there shall also be calculated the capital value as at the said time of the right to receive, for the period of the remainder of the term of that tenancy, an annual payment equal to the excess; and any amount so determined in the case of any interest is in this Part of this Schedule referred to as “the rental increment” of that interest.

Apportionment of unexpended balance between interests

10. Where two or more interests (other than excepted interests) subsist in the relevant area, the portion of the unexpended balance of established development value of the relevant area attributable to each respectively of those interests shall be taken to be the following, that is to say—

- (a) in the case of the interest in fee simple, an amount equal to the reversionary development value of that interest, less the amount (if any) by which any rental liability of that interest exceeds any rental increment thereof;
- (b) in the case of a tenancy in reversion, an amount equal to the reversionary development value of that tenancy, less the aggregate of—
 - (i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy, and
 - (ii) the amount (if any) by which any rental liability of that tenancy exceeds any rental increment thereof;
- (c) in the case of a tenancy other than a tenancy in reversion, the remainder (if any) of the said balance after the deduction of the aggregate of—
 - (i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy, and
 - (ii) any rental liability of that tenancy.

Interpretation

11. In this Part of this Schedule—

- (a) “tenancy” does not include an excepted interest;
- (b) any reference to an interest or tenancy in reversion does not include an interest or tenancy in reversion immediately expectant upon the termination of an excepted interest;

(c) "new development" means any development other than development of a class specified in the Third Schedule to the Act of 1947.

6TH SCH.
—cont.

12. This Part of this Schedule shall not apply to Scotland.

PART III

SPECIAL PROVISIONS FOR APPORTIONMENT IN SCOTLAND

Determination of relevant area

13.—(1) Where, in the case of a compulsory acquisition to which section one of this Act applies, any area of the relevant land which, immediately before the service of the notice to treat, had an unexpended balance of established development value does not satisfy the condition set out in the next following sub-paragraph, that area shall be treated as divided into as many separate areas as may be requisite to ensure that each of those separate areas satisfies that condition.

(2) The condition referred to in the preceding sub-paragraph is that all the interests (other than excepted interests) subsisting in the area in question subsist in the whole thereof.

(3) Any area of the relevant land which has an unexpended balance of established development value and which complies with the condition set out in the last preceding sub-paragraph is in this Part of this Schedule referred to in relation to the interests subsisting therein as "the relevant area", and the subsequent provisions of this Part of this Schedule shall have effect separately in relation to each relevant area.

Preliminary calculations

14. In the case of the interest of the lessor under any lease there shall be calculated the capital value as at the time immediately before the service of the notice to treat of the right to receive a sum equal to the unexpended balance of established development value of the relevant area at that time, but payable at the expiration of the lease; and the amount so calculated in the case of any such interest is in this Part of this Schedule referred to as "the reversionary development value" of that interest.

Apportionment of unexpended balance between interests

15. Where two or more interests other than excepted interests, subsist in the relevant area, the portion of the unexpended balance of established development value of the relevant area attributable to each respectively of those interests shall be taken to be the following, that is to say—

(a) in the case of the interest of the lessor under any lease, so much, if any, of the reversionary development value of that interest, as remains after the deduction therefrom of the aggregate of—

(i) the reversionary development value of the interest of the person, if any, to whom that lessor stands in the relationship of lessee; and

6TH SCH.
—cont.

- (ii) in a case where the restricted value of the first-mentioned interest is a minus quantity, an amount equal to that minus quantity ;
- (b) in the case of the interest of the lessee under any lease which is not subject to a sub-lease, so much, if any, of the said balance as remains after the deduction therefrom of the aggregate of—
- (i) the reversionary development value of the interest of the lessor under the lease, and
- (ii) in a case where the restricted value of the first-mentioned interest is a minus quantity, an amount equal to that minus quantity.

Interpretation

16. In this Part of this Schedule the expression "lease" does not include any lease in the case of which the interest of the lessee is an excepted interest.

17. This Part of this Schedule shall apply to Scotland only.

Section 58

SEVENTH SCHEDULE

ENACTMENTS AMENDED

The Agriculture Act, 1947

In section fifty-eight, in paragraph (b) of subsection (7), for the words from "as a condition of consenting" to the end of the paragraph, there shall be substituted the words "where any of the land to which estimates submitted under this section relate is subsequently sold, exchanged, let or appropriated otherwise than in accordance with the proposals on which the estimates were based, to require the smallholdings authority to furnish the Minister with such particulars of the sale, exchange, letting or appropriation as may be determined by or under the regulations, and may empower the Minister to adjust contributions as he may think fit having regard to those particulars".

The Town and Country Planning Act, 1947

In section eighteen, after subsection (5), there shall be inserted the following subsection:—

"(6) Where permission to develop land is granted by a development order subject to limitations, nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the use of that land which (apart from its use in accordance with that permission) is the normal use of that land, unless the last-mentioned use was begun in contravention of the provisions of this Part of this Act or was begun before the appointed day in contravention of previous planning control within the meaning of section seventy-five of this Act".

In section nineteen, in subsection (2), for the words "that council shall forthwith transmit a copy of the notice to the Minister" there shall be substituted the words "and that council propose to serve

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on the owner a notice in accordance with paragraph (c) of subsection (1A) of this section, they shall transmit a copy of the purchase notice to the Minister, together with a statement of their reasons”, for the words “the foregoing subsection” there shall be substituted the words “subsection (1) of this section”, and in paragraph (c) of the proviso to that subsection, after the word “authority” there shall be inserted the words “or statutory undertakers”; in subsection (3), for the words “the date on which a purchase notice is served under this section”, there shall be substituted the words “the end of the period specified in subsection (1A) of this section, or the date on which a copy of the purchase notice is transmitted to the Minister, whichever is the earlier”, and for the words “last foregoing subsection” there shall be substituted the words “proviso to subsection (2) of this section”; and in subsection (5), after the word “authority” in paragraph (d), there shall be inserted the words “or statutory undertakers”, for the words “or authority” there shall be substituted the words “authority or statutory undertakers”, and for the words “and authorities” there shall be substituted the words “authorities and undertakers”.

In section twenty, in subsections (3) and (4), for the words “compulsory purchase value”, in each place where they occur, there shall be substituted the words “existing use value”; and at the end of subsection (4) there shall be added the words “and the purchase were not a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies”.

In section twenty-three, in subsections (1), (2) and (4), after the word “conditions”, in each place where that word occurs, there shall be inserted the words “or limitations”, and in subsection (1), after the words “non-compliance with a condition”, there shall be inserted the words “or limitation”.

In section twenty-four, in subsection (3), after the word “conditions” there shall be inserted the words “or limitations”.

In section twenty-seven, in paragraph (a) of subsection (3), for the words “the foregoing subsection” there shall be substituted the words “subsection (1) of this section”.

In section fifty-four, after subsection (2), there shall be inserted the following subsection:—

“(2A) Where, in the case of a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies,—

(a) Part VIII of the Requisitioned Land and War Works Act, 1945, applies to the acquisition, and

(b) the land is requisitioned land and the period of requisition had begun before the appointed day,

subsections (3) and (4) of section three of the said Act of 1959 shall have effect as if for any reference to the appointed day in the Third Schedule to this Act there were substituted a reference to the beginning of the period of requisition”;

and in subsection (3), after the words “paragraph (a)”, there shall be inserted the words “of subsection (2) of this section or by virtue”.

7TH SCH.
—cont.

The Town and Country Planning (Scotland) Act, 1947

In section sixteen, after subsection (5), there shall be inserted the following subsection:—

“(6) Where permission to develop land is granted by a development order subject to limitations, nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the use of that land which (apart from its use in accordance with that permission) is the normal use of that land, unless the last-mentioned use was begun in contravention of the provisions of this Part of this Act or was begun before the appointed day in contravention of previous planning control within the meaning of section seventy-two of this Act.”

In section seventeen, in subsection (2), for the words “that authority shall forthwith transmit a copy of the notice to the Secretary of State” there shall be substituted the words “and that authority propose to serve on the owner a notice in accordance with paragraph (c) of subsection (1A) of this section, they shall transmit a copy of the purchase notice to the Secretary of State, together with a statement of their reasons”; for the words “the foregoing subsection” there shall be substituted the words “subsection (1) of this section;” and in paragraph (c) of the proviso to that subsection, after the word “authority”, in the first place where it occurs, there shall be inserted the words “or statutory undertakers” and after the word “authority” in the second place where it occurs, there shall be inserted the words “or, as the case may be, those statutory undertakers”; in subsection (3), for the words “the date on which a purchase notice is served under this section”, there shall be substituted the words “the end of the period specified in subsection (1A) of this section, or the date on which a copy of the purchase notice is transmitted to the Secretary of State, whichever is the earlier”, and in subsection (5), after the word “authority” in paragraph (c), there shall be inserted the words “or statutory undertakers”, for the words “or authority” there shall be substituted the words “authority or statutory undertakers”, and for the words “and authorities” there shall be substituted the words “authorities and undertakers”.

In section eighteen, in subsections (3) and (4) for the words “compulsory purchase value”, in each place where they occur, there shall be substituted the words “existing use value”; and at the end of subsection (4) there shall be added the words “and the purchase were not a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies”.

In section twenty-one, in subsections (1), (2) and (4), after the word “conditions”, in each place where that word occurs, there shall be inserted the words “or limitations”.

In section twenty-two, in subsection (3), after the word “conditions” there shall be inserted the words “or limitations”.

In section twenty-five, in paragraph (a) of subsection (3), for the words “the foregoing subsection” there shall be substituted the words “subsection (1) of this section”.

In section fifty-one, after subsection (2), there shall be inserted the following subsection :—

7TH SCH.
—cont.

“(2A) Where, in the case of a compulsory acquisition to which section one of the Town and Country Planning Act, 1959, applies,—

(a) Part VIII of the Requisitioned Land and War Works Act, 1945, applies to the acquisition, and

(b) the land is requisitioned land and the period of requisition had begun before the appointed day,

subsections (3) and (4) of section three of the said Act of 1959 shall have effect as if for any reference to the appointed day in the Third Schedule to this Act there were substituted a reference to the beginning of the period of requisition ” ;

and in subsection (3), after the words “ paragraph (a) ” there shall be inserted the words “ of subsection (2) of this section or by virtue ” .

The Town and Country Planning Act, 1954

In section twenty-nine, in subsection (6), after the words “ section fifty-two of this Act ” there shall be inserted the words “ (either as originally enacted or as amended by section fifty-one of the Town and Country Planning Act, 1959) ”, and for the words “ that section ” there shall be substituted the words “ the said section fifty-two ” .

In section fifty-three, in subsection (1), for the word “ price ” there shall be substituted the word “ value ” ; and in subsection (2), for the words “ value and price ” there shall be substituted the word “ values ”, and for paragraph (b) there shall be substituted the following paragraph :—

“(b) the value which such a freehold interest (free from incumbrances but subject as mentioned in the preceding paragraph) would have at that time if the land were then in the state in which it was when possession thereof was taken in the exercise of emergency powers ” .

The Town and Country Planning (Scotland) Act, 1954

In section thirty, in subsection (6), after the words “ section fifty-four of this Act ” there shall be inserted the words “ (either as originally enacted or as amended by section fifty-one of the Town and Country Planning Act, 1959) ”, and for the words “ that section ” there shall be substituted the words “ the said section fifty-four ” .

In section fifty-five, in subsection (1), for the word “ price ” there shall be substituted the word “ value ” ; and in subsection (2) for the words “ value and price ” there shall be substituted the word “ values ”, and for paragraph (b) there shall be substituted the following paragraph :—

“(b) the value which such dominium utile (subject as mentioned in the preceding paragraph but otherwise free from burdens) would have at that time if the land were then in the state in which it was when possession thereof was taken in the exercise of emergency powers.”

7TH SCH.
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In section sixty-two, in subsection (8), at the end, there shall be inserted the following proviso, that is to say,—

“ Provided that, where the acquisition in question is a transaction in relation to which the repeal of the said subsection (4) by section fifty-eight of the Town and Country Planning Act, 1959, has effect, this subsection shall have effect as if for the words from ‘the dominium utile in question’ to the word ‘applied’ (in the second place where that word occurs) there were substituted the words ‘the said Rule (5) had not applied’.”

The Housing Act, 1957

In section forty-seven, for subsection (2) there shall be substituted the following subsection:—

“(2) Land shall not, except with the consent of the Minister, be sold, exchanged or leased under this section for a price, consideration or rent less than the best price, best consideration or best rent (as the case may be) that can reasonably be obtained, having regard to any restrictions or conditions (including conditions as to payment or the giving of security for payment) subject to which it is sold, exchanged or let.”

In the Second Schedule, in the proviso to sub-paragraph (1) of paragraph 2, for the words “the difference between” there shall be substituted the words “the amount (if any) by which”, and for the word “and”, where it occurs immediately before the words “the site value”, there shall be substituted the word “exceeds”.

Section 58

EIGHTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In section one hundred and sixty-three, in subsection (1), in the proviso, sub-paragraph (b) of paragraph (i). In section one hundred and sixty-eight, subsection (5), except in relation to any inquiry begun before the commencement of this Act. Section fourteen.
6 & 7 Geo. 6. c. 21.	The War Damage Act, 1943.	
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	The Fifth Schedule.
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	The Fifth Schedule.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	In section forty-four, subsection (4). Sections fifty-one to fifty-three.

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 51.—cont.	The Town and Country Planning Act, 1947 —cont.	<p>In section fifty-four, in subsection (1), the words “in accordance with the foregoing provisions of this Part of this Act” and the words from “and in particular” to the end of the subsection.</p> <p>Section fifty-five.</p> <p>In section fifty-six, in subsection (2), the words from “and the right to receive any value payment” to the end of the subsection, and subsections (3) and (4).</p> <p>In section eighty-two, subsection (5).</p> <p>In section eighty-four, subsection (4).</p> <p>In section eighty-five, subsection (4).</p> <p>In section one hundred and ten, subsections (2) and (3).</p> <p>The Fifth Schedule to the Town and Country Planning Act, 1944, as reprinted in the Eleventh Schedule.</p>
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	<p>In section forty-one, subsection (3).</p> <p>Sections forty-eight to fifty.</p> <p>In section fifty-one, in subsection (1), the words “in accordance with the foregoing provisions of this Part of this Act” and the words from “and in particular” to the end of the subsection.</p> <p>Section fifty-two.</p> <p>In section fifty-three, in subsection (2), the words from “and the right to receive any value payment” to the end of the subsection, and subsections (3) and (4).</p> <p>In section seventy-nine, subsection (5).</p> <p>In section eighty-one, subsection (4).</p> <p>In section eighty-two, subsection (4).</p> <p>In section one hundred and five, subsections (2) and (3).</p> <p>The Fifth Schedule to the Town and Country Planning (Scotland) Act, 1945, as reprinted in the Eleventh Schedule.</p>

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
14 Geo. 6. c. 34.	The Housing (Scotland) Act, 1950.	In the Fourth Schedule, paragraph 3.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 54.	The Town Development Act, 1952.	In section six, in subsection (6), the words from "and the reference to subsection (2)" to the end of the subsection.
2 & 3 Eliz. 2. c. 72.	The Town and Country Planning Act, 1954.	Part III. In section forty-eight, in subsection (2), the words from "being such a department" to "section thirty of this Act". In section fifty-two, paragraph (c) of subsection (8). In section fifty-three, subsection (5). In section sixty-one, subsection (3). In section sixty-seven, subsection (4).
2 & 3 Eliz. 2. c. 73.	The Town and Country Planning (Scotland) Act, 1954.	The Fifth and Sixth Schedules. In section thirty-one, subsection (2). Sections thirty-two to thirty-eight. In section thirty-nine, in subsection (2), the words "otherwise than by virtue of section thirty-two of this Act and". In section fifty-four, paragraph (c) of subsection (8). In section fifty-five, subsection (5). In section sixty-one, subsection (3). In section sixty-seven, subsection (4).
4 & 5 Eliz. 2. c. 57.	The Slum Clearance (Compensation) Act, 1956.	The Fifth and Sixth Schedules. The whole Act.
5 & 6 Eliz. 2. c. 38.	The Housing and Town Development (Scotland) Act, 1957.	In section thirteen, in subsection (3), the words from "and the reference to subsection (2)" to the end of the subsection.
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957.	In section one hundred and five, subsection (3). In the Third Schedule, in Part III, paragraph 2. In the Seventh Schedule, subparagraph (3) of paragraph 2.

NINTH SCHEDULE

Section 58.

SECTION NINETEEN OF THE TOWN AND COUNTRY PLANNING
ACT, 1947, AS AMENDED

19.—(1) Where permission to develop any land is refused, whether by the local planning authority or by the Minister, on an application in that behalf made under this Part of this Act, or is granted by that authority or by the Minister subject to conditions, then if any owner of the land claims—

Obligation to purchase land on refusal of permission in certain cases.

- (a) that the land has become incapable of reasonably beneficial use in its existing state; and
- (b) in a case where permission to develop the land was granted as aforesaid subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions;
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been or is deemed to be granted under this Part of this Act, or for which the local planning authority or the Minister have undertaken to grant such permission,

he may, within the time and in the manner prescribed by regulations made under this Act, serve on the council of the county borough or county district in which the land is situated a notice (hereinafter referred to as a "purchase notice") requiring that council to purchase his interest in the land in accordance with the provisions of this section.

(1A) The council on whom a purchase notice is served under this section shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—

- (a) that the council are willing to comply with the purchase notice; or
- (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place; or
- (c) that, for reasons specified in the notice under this subsection, the council are not willing to comply with the purchase notice, and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have transmitted a copy of the purchase notice to the Minister, on a date specified in the notice under this subsection, together with a statement of the reasons so specified.

9TH SCH.
—cont.

(1B) Where the council upon whom a purchase notice is served under this section have served on the owner by whom the purchase notice was served a notice in accordance with paragraph (a) or paragraph (b) of the last foregoing subsection, the council, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under the last foregoing subsection.

(2) Where a purchase notice is served on any council under this section and that council propose to serve on the owner a notice in accordance with paragraph (c) of subsection (1A) of this section, they shall transmit a copy of the purchase notice to the Minister, together with a statement of their reasons; and subject to the following provisions of this section the Minister shall, if he is satisfied that the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are fulfilled, confirm the notice, and thereupon the council shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served a notice to treat in respect thereof on such date as the Minister may direct:

Provided that—

- (a) if it appears to the Minister to be expedient so to do, he may, in lieu of confirming the purchase notice, grant permission for the development in respect of which the application was made or, where permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;
 - (b) if it appears to the Minister that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that such permission shall be so granted in the event of an application being made in that behalf;
 - (c) if it appears to the Minister, having regard to the probable ultimate use of the land, that it is expedient so to do, he may, if he confirms the notice, modify it, either in relation to the whole or in relation to any part of the land to which it relates, by substituting any other local authority or statutory undertakers for the council on whom the notice is served, and in any such case the foregoing provisions of this subsection shall have effect accordingly.
- (2A) Where, for the purpose of determining whether the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are fulfilled in relation to any land, any question arises as to what is or would in any particular circumstances be a

reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any prospective use of that land which would involve the carrying out of development of any class not specified in the Third Schedule to this Act.

9TH SCH.
—cont.

(3) If within the period of six months from the end of the period specified in subsection (1A) of this section, or the date on which a copy of the purchase notice is transmitted to the Minister, whichever is the earlier, the Minister has neither confirmed the notice nor taken any such other action as is mentioned in paragraph (a) or paragraph (b) of the proviso to subsection (2) of this section, nor notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the council on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served notice to treat in respect thereof at the expiration of the said period.

(4) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(5) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Minister shall give notice of his proposed action—

- (a) to the person by whom the notice was served ;
- (b) to the council on whom the notice was served ;
- (c) to the local planning authority for the area in which the land is situated ; and
- (d) to any other local authority or statutory undertakers whom the Minister proposes, under the foregoing provisions of this section, to substitute for the said council ;

and if within the period prescribed by the notice under this subsection (not being less than twenty-eight days from the service thereof) any person, authority or statutory undertakers on whom that notice is served so require, the Minister shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons, authorities and undertakers an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(6) In the last foregoing subsection, any reference to the taking of action in lieu of confirming a purchase notice includes a reference to the taking of a decision not to confirm the notice on the grounds that any of the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are not fulfilled.

(7) Where the Minister has given notice under subsection (5) of this section of his proposed action, and any of the persons, authorities and statutory undertakers concerned have appeared before and been heard by a person appointed by the Minister for

9TH SCH.
—cont.

the purpose, and it then appears to the Minister to be expedient to take action under this section otherwise than in accordance with the notice given by him, the Minister may take that action accordingly.

TENTH SCHEDULE

Section 58.

SECTION SEVENTEEN OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1947, AS AMENDED

Obligation to purchase land on refusal of planning permission in certain cases.

17.—(1) Where planning permission is refused, whether by the local planning authority or by the Secretary of State, or is granted by that authority or by the Secretary of State subject to conditions, then if any owner or lessee of the land concerned claims—

- (a) that the land has become incapable of reasonably beneficial use in its existing state; and
- (b) in a case where planning permission was granted as aforesaid subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions;
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been or is deemed to be granted or for which the local planning authority or the Secretary of State have undertaken to grant such permission,

he may, within the time and in the manner prescribed by regulations made under this Act, serve on the local planning authority in whose district the land is situated a notice (hereinafter referred to as a “purchase notice”) requiring that authority to purchase his interest in the land in accordance with the provisions of this section.

(1A) The local planning authority on whom a purchase notice is served under this section shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—

- (a) that the local planning authority are willing to comply with the purchase notice; or
- (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place; or
- (c) that, for reasons specified in the notice under this subsection, the local planning authority are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have transmitted a copy of the purchase notice to the Secretary of State, on a date specified in the notice under this subsection, together with a statement of the reasons so specified.

10TH SCH.
—cont.

(1B) Where the local planning authority upon whom a purchase notice is served under this section have served on the owner by whom the purchase notice was served a notice in accordance with paragraph (a) or paragraph (b) of the last foregoing subsection, the local planning authority, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part III of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under the last foregoing subsection.

(2) Where a purchase notice is served on any local planning authority under this section and that authority propose to serve on the owner a notice in accordance with paragraph (c) of subsection (1A) of this section, they shall transmit a copy of the purchase notice to the Secretary of State, together with a statement of their reasons; and subject to the following provisions of this section the Secretary of State shall, if he is satisfied that the conditions specified in subsection (1) of this section are fulfilled, confirm the notice, and thereupon the authority shall be deemed to be authorised to acquire the interest of that person compulsorily in accordance with the provisions of Part III of this Act, and to have served a notice to treat in respect thereof on such date as the Secretary of State may direct:

Provided that—

- (a) if it appears to the Secretary of State to be expedient so to do, he may, in lieu of confirming the purchase notice, grant planning permission for the development in respect of which the application was made or, where planning permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;
- (b) if it appears to the Secretary of State that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that such permission shall be so granted in the event of an application being made in that behalf;
- (c) if it appears to the Secretary of State to be expedient that another local authority or statutory undertakers should acquire the interest for the purpose of any of their functions, he may, if he confirms the notice, modify it either in relation to the whole or in relation to any part of the land to which it relates by substituting that other authority or, as the case may be, those statutory undertakers for the local planning authority on whom the notice is served, and in any such case the foregoing provisions of this subsection shall have effect accordingly.

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10TH SCH.
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(3) If within the period of six months from the end of the period specified in subsection (1A) of this section, or the date on which a copy of the purchase notice is transmitted to the Secretary of State, whichever is the earlier, the Secretary of State has neither confirmed the notice nor taken any such other action as is mentioned in paragraph (a) or paragraph (b) of the proviso to the last foregoing subsection, nor notified the owner or lessee, as the case may be, by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the authority on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner or lessee compulsorily in accordance with the provisions of Part III of this Act, and to have served notice to treat in respect thereof at the expiration of the said period.

(4) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(5) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Secretary of State shall give notice of his proposed action—

(a) to the person by whom the notice was served ;

(b) to the local planning authority on which the notice was served ; and

(c) to any other local authority or statutory undertakers whom the Secretary of State proposes, under subsection (2) of this section, to substitute for the said local planning authority ;

and if within the period prescribed by the notice under this subsection (not being less than twenty-eight days from the service thereof) any person authority or statutory undertakers on whom that notice is served so require, the Secretary of State shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons authorities and undertakers an opportunity of appearing before and being heard by a person appointed by him for the purpose.

(6) In the last foregoing subsection, any reference to the taking of action in lieu of confirming a purchase notice includes a reference to the taking of a decision not to confirm the notice on the grounds that any of the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are not fulfilled.

(7) Where the Secretary of State has given notice under subsection (5) of this section of his proposed action, and any of the persons, authorities and statutory undertakers concerned have appeared before and been heard by a person appointed by the Secretary of State for the purpose, and it then appears to the Secretary of State to be expedient to take action under this section otherwise than in accordance with the notice given by him, the Secretary of State may take that action accordingly.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Lands Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 19.
Burial Ground (Scotland) Act, 1855	18 & 19 Vict. c. 68.
Public Health Act, 1875	38 & 39 Vict. c. 55.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Cremation Act, 1902	2 Edw. 7. c. 8.
Development and Road Improvement Funds Act, 1909.	9 Edw. 7. c. 47.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Land Settlement (Facilities) Act, 1919	9 & 10 Geo. 5. c. 59.
Land Settlement (Scotland) Act, 1919	9 & 10 Geo. 5. c. 97.
Trusts (Scotland) Act, 1921	11 & 12 Geo. 5. c. 58.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Allotments Act, 1925	15 & 16 Geo. 5. c. 61.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
Small Holdings and Allotments Act, 1926	16 & 17 Geo. 5. c. 52.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Agricultural Land (Utilisation) Act, 1931	21 & 22 Geo. 5. c. 41.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Restriction of Ribbon Development Act, 1935	25 & 26 Geo. 5. c. 47.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Trunk Roads Act, 1936	1 Edw. 8 & 1 Geo. 6. c. 5.
Compensation (Defence) Act, 1939	2 & 3 Geo. 6. c. 75.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Town and Country Planning Act, 1944	7 & 8 Geo. 6. c. 47.
Town and Country Planning (Scotland) Act, 1945	8 & 9 Geo. 6. c. 33.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Requisitioned Land and War Works Act, 1945	8 & 9 Geo. 6. c. 43.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6. c. 18.
Trunk Roads Act, 1946	9 & 10 Geo. 6. c. 30.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
Police Act, 1946	9 & 10 Geo. 6. c. 46.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Civil Defence Act, 1948	12, 13 & 14 Geo. 6. c. 5.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
Coast Protection Act, 1949	12, 13 & 14 Geo. 6. c. 74.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.

Table of Statutes referred to in this Act—continued

Short Title	Session and Chapter
Mineral Workings Act, 1951	14 & 15 Geo. 6. c. 60.
Rivers (Prevention of Pollution) (Scotland) Act, 1951.	14 & 15 Geo. 6. c. 64.
Town Development Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 53.
Local Government (Miscellaneous Provisions) Act, 1953.	1 & 2 Eliz. 2. c. 26.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Town and Country Planning Act, 1954	2 & 3 Eliz. 2. c. 72.
Town and Country Planning (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 73.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.
Valuation and Rating (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 60.
Housing and Town Development (Scotland) Act, 1957.	5 & 6 Eliz. 2. c. 38.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Land Powers (Defence) Act, 1958	6 & 7 Eliz. 2. c. 30.
Housing (Financial Provisions) Act, 1958	6 & 7 Eliz. 2. c. 42.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.
Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.	6 & 7 Eliz. 2. c. 64.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.

CHAPTER 54

Weeds Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Power to require occupier to prevent spreading of injurious weeds.
2. Penalty for failure to comply with requirement.
3. Default powers of Minister.
4. Powers of entry.
5. Exercise of Minister's powers by local authority.
6. Service of notices.
7. Regulations under s. 1.
8. Expenses.
9. Application to Scotland.
10. Repeal and savings.
11. Short title, interpretation and extent.

SCHEDULE—Enactments repealed.

An Act to consolidate certain enactments relating to injurious weeds. [16th July, 1959]

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

1.—(1) Where the Minister of Agriculture, Fisheries and Food (in this Act referred to as “the Minister”) is satisfied that there are injurious weeds to which this Act applies growing upon any land he may serve upon the occupier of the land a notice in writing requiring him, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading. Power to require occupier to prevent spreading of injurious weeds.

(2) This Act applies to the following injurious weeds, that is to say—

- spear thistle (*cirsium vulgare* (Savi) Ten.),
- creeping or field thistle (*cirsium arvense* (L.) Scop.),
- curled dock (*rumex crispus* L.),
- broad-leaved dock (*rumex obtusifolius* L.), and
- ragwort (*senecio jacobaea* L.);

and to such additional injurious weeds as may be prescribed by the Minister by regulations.

2.—(1) Where a notice has been served under section one of this Act on the occupier of any land and that person unreasonably fails to comply with the requirements of the notice, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding seventy-five pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred and fifty pounds. Penalty for failure to comply with requirement.

(2) If a failure in respect of which a person is convicted under the preceding subsection is not remedied within fourteen days after the conviction he shall be guilty of a further offence under that subsection and may be punished accordingly.

(3) Proceedings for an offence under subsection (1) of this section shall not be instituted except by the Minister.

3.—(1) Where a notice has been served under section one of this Act on the occupier of any land and the occupier has not taken the action required by the notice within the time specified therein, the Minister may take that action and recover a sum equal to the reasonable cost of so doing from the occupier or, if it is not practicable after reasonable enquiry to ascertain his name or address and he is not the owner of the land, from the owner. Default powers of Minister.

(2) Where the Minister is entitled to recover a sum under the preceding subsection from the owner of land (whether or not he is also the occupier) and is unable after reasonable enquiry to ascertain the name or address of the owner he may apply to the High Court or, if the said sum does not exceed the amount by which the jurisdiction of the county court is limited by section forty-one of the County Courts Act, 1934, or any enactment re-enacting that section, to the county court, for an order imposing on the land a charge for securing the payment of that sum.

(3) A charge imposed under the last preceding subsection shall be a local land charge and shall be registrable under section fifteen of the Land Charges Act, 1925, accordingly; and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as he would have if he were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

(4) Where, by reason of the default of the occupier, the owner of any land has been required to pay any sum to the Minister under subsection (1) of this section or has, by reason of a charge imposed on the land under subsection (2) thereof, otherwise suffered loss he shall be entitled to recover the amount of his loss from the occupier.

Powers of entry.

4.—(1) Any person authorised by the Minister in that behalf may, for the purpose of carrying this Act into effect, on the production, if so required, of his authority, enter on and inspect any land, so however that the occupier shall, in all such cases, be served with a notice of the date on which the inspection is to take place.

(2) If any person prevents or obstructs the entry for the purpose of this Act upon any land of any person authorised thereunder, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Exercise of Minister's powers by local authority.

5. The Minister may authorise the council of any county or borough to exercise on his behalf any of the powers (other than the power to make regulations) conferred on him by this Act; and where a council is so authorised subsection (1) of section four of this Act shall have effect in relation to land in the county or borough in question as if the reference therein to a person authorised by the Minister included a reference to a person authorised by the council.

Service of notices.

6.—(1) Any notice required or authorised by this Act to be served on any person shall be duly served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter.

(2) Any such notice required or authorised to be served on an incorporated company or body shall be duly served if served on the secretary or clerk of the company or body.

(3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person on whom any such notice is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.

(4) Where any such notice is to be served on a person as being the person having any interest in land, and it is not practicable after reasonable enquiry to ascertain his name or address, the notice may be served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the notice to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

(5) Where any such notice is to be served on a tenant a copy thereof shall be served on the landlord.

(6) Where any such notice is to be served on any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on the Church Commissioners.

7.—(1) Regulations under section one of this Act may make different provisions in different cases specified in the regulations. Regulations under s. 1.

(2) The power to make regulations conferred by the said section one shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8. Any expenses incurred by the Minister under this Act up to an amount approved by the Treasury shall be defrayed out of moneys provided by Parliament. Expenses.

9. In the application of this Act to Scotland—

(a) for references to the Minister there shall be substituted references to the Secretary of State; and Application to Scotland.

(b) subsection (3) of section two, subsections (2) and (3) of section three, section five, subsection (6) of section six, and subsection (1) of section seven shall be omitted.

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

(2) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.

(3) For the purpose of determining the punishment which may be imposed on a person in respect of an offence under subsection (1) of section two of this Act, an offence committed by him under paragraph (3) of the Schedule to the Corn Production Acts (Repeal) Act, 1921, shall be deemed to have been committed under the said subsection (1).

(4) This Act shall not apply in a case where a notice was served under paragraph (1) of the Schedule to the said Act of 1921 before the first day of August, nineteen hundred and fifty-eight (being the date of the passing of the Agriculture Act, 1958), and the provisions of that Schedule shall continue to apply in relation to that case as they applied immediately before the said first day of August.

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

Short title,
interpretation
and extent.

11.—(1) This Act may be cited as the Weeds Act, 1959.

(2) In this Act—

“occupier” means in the case of any public road the authority by whom the road is being maintained and in the case of unoccupied land the person entitled to the occupation thereof; and

“owner” includes a person entitled for a term of years certain or other limited estate.

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

Section 10.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 48.	The Corn Production Acts (Repeal) Act, 1921.	The whole Act.
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947...	In section seventy-six, subsection (2). Section one hundred and two.
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	Section fifty-one.
6 & 7 Eliz. 2. c. 71.	The Agriculture Act, 1958...	Section seven. In the Fourth Schedule, paragraph 12 and the reference to that paragraph in paragraph 13.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Corn Production Acts (Repeal) Act, 1921 ...	11 & 12 Geo. 5. c. 48.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Agriculture Act, 1958	6 & 7 Eliz. 2. c. 71.

CHAPTER 55

Dog Licences Act, 1959

ARRANGEMENT OF SECTIONS

Charge of duty

Section

1. Charge of duty.

Exemptions from duty

2. Exemption for puppies.
3. Exemption for dog kept by blind person.
4. Exemption for sheep dogs.
5. Provisions as to issue of certificate under s. 4 in respect of dog kept in England or Wales.
6. Provisions as to issue of certificate under s. 4 in respect of dog kept in Scotland.

Levy of duties, issue of licences, etc.

7. Levy of duties, issue of licences, etc., in respect of dogs kept in England or Wales.
8. Levy of duties, and issue of licences, in respect of dogs kept in Scotland.
9. Duration of licences and certificates of exemption.
10. Registers of dog licences.
11. Forms of licences, etc.

Offences

12. Penalty for keeping dog without licence.
13. Penalty for not producing licence, etc.
14. Penalty for making false statement in declaration under s. 4.
15. Proceedings for offences.

Repeals, etc.

16. Repeals and savings.
17. Short title, extent and commencement.

SCHEDULE—Enactments repealed.

An Act to consolidate certain enactments and Orders in Council relating to the licensing of dogs kept in Great Britain. [16th July, 1959]

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

Charge of duty

Charge of duty. 1.—(1) Subject to the provisions of this Act, there shall be charged in respect of every dog kept in Great Britain a duty of seven shillings and sixpence which shall be paid annually upon a licence to be taken out by the person who keeps the dog.

(2) Licences issued under this Act in Scotland shall be excise licences and the duty on licences so issued a duty of excise.

Exemptions from duty

Exemption for dog kept by puppies. 2.—(1) No duty shall be chargeable under this Act in respect of a dog under the age of six months.

(2) Where an owner or master of hounds has taken out licences under this Act for all the hounds entered in any pack kept by him, no duty shall be chargeable under this Act in respect of a hound under the age of twelve months kept by him which has never been entered in, or used with, a pack of hounds.

Exemption for dog kept by blind person. 3. No duty shall be chargeable under this Act in respect of a dog kept and used solely by a blind person for his guidance.

Exemption for sheep dogs. 4.—(1) No duty shall be chargeable under this Act in respect of a dog kept and used solely for the purpose of tending sheep or cattle on a farm, or by a shepherd in the exercise of his calling or occupation, if the owner of the dog obtains a certificate of exemption from duty in respect of the dog under this section.

(2) An applicant, whether a farmer or a shepherd, for the issue of a certificate under this section shall—

(a) make and sign a declaration in such form as may be directed or prescribed under section eleven of this Act, stating the number of dogs kept by him solely for use in tending sheep or cattle or, as the case may be, in the exercise of his calling or occupation as a shepherd, and containing such further particulars as are required by the form of declaration to be therein stated; and

(b) deliver the declaration to such person as may be specified therein.

(3) A person who duly applies for the issue of a certificate under this section shall, subject to the provisions of section five of this Act or section six thereof, as the case may be, be entitled to receive a certificate of exemption from duty in respect of the dog or dogs, not exceeding two, kept by him as aforesaid.

(4) Where the occupier of a sheep farm owns more than four hundred sheep, which feed on common or unenclosed land, so that more than two dogs are required to be kept by him for the purpose of tending sheep, and those facts are stated in the declaration made by him under subsection (2) of this section, then, subject to the provisions of section five of this Act or section six thereof, as the case may be, he shall be entitled to receive a certificate of exemption from duty in respect of a third dog kept by him solely for that purpose, and if the number of sheep owned by him amounts to one thousand he shall be entitled to receive such a certificate in respect of a fourth dog so kept, and for every five hundred sheep owned by him over one thousand he shall be entitled to receive such a certificate in respect of an additional dog so kept, so however that he shall not be entitled to receive such a certificate in respect of more than eight dogs kept on the farm.

5.—(1) A person shall not be entitled to a certificate under the last foregoing section in respect of a dog kept in England or Wales unless he has previously obtained the consent of a magistrates' court to the issue of the certificate, but that consent shall not be withheld if the court is of opinion that the conditions mentioned in that section entitling a person to receive a certificate of exemption in respect of a dog kept by him apply in the case of the applicant.

Provisions as to issue of certificate under s. 4 in respect of dog kept in England or Wales.

For the purposes of section ninety-eight of the Magistrates' Courts Act, 1952 (which provides for the constitution and place of sitting of a magistrates' court when trying an information or hearing a complaint), an application for the consent of a magistrates' court under this section shall be deemed to be a complaint.

(2) Where a magistrates' court gives its consent to the issue of a certificate of exemption under the last foregoing section, the clerk to the court shall send the declaration made by the applicant under subsection (2) of that section, with the consent of the court endorsed thereon, to the clerk of the council of the county or the town clerk of the county borough in which the applicant resides, and it shall be the duty of the council of that county or borough to issue to the applicant the certificate of exemption to which he is entitled under that section.

(3) Rules made under section fifteen of the Justices of the Peace Act, 1949, shall provide for dispensing with the appearance of the applicant for the consent of a magistrates' court under this section except in cases where the application is opposed and the court considers the appearance of the applicant to be necessary for the proper consideration of the application.

(4) No fee shall be chargeable in respect of an application made, or consent given, under this section.

(5) For the purposes of subsection (3) of section one hundred and twenty-two of the Magistrates' Courts Act, 1952 (which provides that any Act passed before the sixteenth day of December, nineteen hundred and forty-nine, in so far as that Act relates to matters about which rules may be made under section fifteen of the Justices of the Peace Act, 1949, shall have effect subject to any rules so made and may be amended or repealed by the rules accordingly), this section shall be deemed to be an Act passed before the said sixteenth day of December.

Provisions as to issue of certificate under s. 4 in respect of dog kept in Scotland.

6.—(1) A person shall not be entitled to a certificate under section four of this Act in respect of a dog kept in Scotland unless he has previously obtained the consent of the sheriff having jurisdiction in the place where the dog is kept to the issue of the certificate, but that consent shall not be withheld if the sheriff is of opinion that the conditions mentioned in the said section four entitling a person to receive a certificate of exemption in respect of a dog kept by him apply in the case of the applicant.

(2) The procedure for obtaining the consent of a sheriff under this section shall be regulated by the Court of Session by act of sederunt, and the act of sederunt shall provide for dispensing with the appearance of the applicant for consent except in cases where the application is opposed and the sheriff considers the appearance of the applicant to be necessary for the proper consideration of the application.

(3) Such fee, not exceeding one shilling, as may be prescribed by act of sederunt under this section shall be chargeable in respect of an application for the consent of a sheriff under this section.

(4) It shall be the duty of the Commissioners of Customs and Excise, on receiving a declaration made by an applicant under subsection (2) of section four of this Act in respect of a dog kept in Scotland and evidence of the relative consent of the sheriff under this section, to issue to the applicant the certificate of exemption to which he is entitled under the said section four.

Levy of duties, issue of licences, etc.

7.—(1) The duties chargeable under this Act in respect of dogs kept in England or Wales shall be levied by the councils of counties and county boroughs.

Levy of duties, issue of licences, etc., in respect of dogs kept in England or Wales.

(2) Licences under this Act in respect of dogs kept as aforesaid shall be issued at various places in counties and county boroughs so as to enable persons to obtain such licences near their homes.

(3) Licences under this Act in respect of dogs kept as aforesaid shall be issued only by such officers of the Post Office as are authorised by the Postmaster-General who shall have regard to the provisions of the last foregoing subsection.

(4) The Postmaster-General shall at such convenient times as may be arranged by him with the Minister of Housing and Local Government pay to the council of each county and county borough the amount of the duties received by him in respect of licences under this Act issued at post offices within that county or borough in respect of dogs kept in England or Wales.

(5) The Postmaster-General may, on the representation of the council of a county or county borough, appoint an officer of the council to be an officer of the Post Office for the purpose of the issue of licences under this Act in respect of dogs kept in England or Wales, and any such appointment may be made subject to such conditions as the Postmaster-General may impose.

(6) The council on whose representation an officer is appointed to be an officer of the Post Office under the last foregoing subsection shall arrange for the supervision of that officer in the performance of his duties under this Act as such an officer and shall take adequate security for the faithful discharge of those duties.

(7) Receipts and expenditure under this Act of an officer of a council appointed to be an officer of the Post Office under subsection (5) of this section shall be deemed to be receipts and expenditure of an officer of that council.

(8) The council of every county and county borough on whose representation an officer of the council is appointed to be an officer of the Post Office under subsection (5) of this section, and the officer so appointed, shall keep such accounts and make such returns, in relation to the duties receivable under this Act by that officer, as the Minister of Housing and Local Government, with the concurrence of the Postmaster-General, may direct; and the accounts of that officer shall be audited as part of the general accounts of the council, so, however, that if the said Minister is satisfied that a special audit of the accounts of an officer so appointed is desirable he may at any time require that officer to submit his accounts for audit to such person, in such manner and at such time, as the said Minister may direct.

Levy of duties, and issue of licences, in respect of dogs kept in Scotland.

8.—(1) The duties chargeable under this Act in respect of dogs kept in Scotland shall be levied by the Commissioners of Customs and Excise.

(2) Licences under this Act in respect of dogs kept in Scotland shall be issued by such officers as the said Commissioners may direct.

(3) In this section “ officer ” means, subject to the provisions of subsection (2) of section four of the Customs and Excise Act, 1952, a person commissioned by the said Commissioners.

Duration of licences and certificates of exemption.

9.—(1) A licence taken out under this Act shall be in force from the time it is taken out until the expiration of the period of twelve months beginning with the first day of the month in which it is taken out:

Provided that this subsection shall not be taken as preventing the licence from being suspended under the Protection of Animals (Cruelty to Dogs) Act, 1933, or the Protection of Animals (Cruelty to Dogs) (Scotland) Act, 1934.

(2) A certificate of exemption issued under section four of this Act shall be dated on the day on which it is issued and shall be in force until the expiration of the calendar year in which it is issued.

Registers of dog licences.

10.—(1) The clerk of the council of every county and the town clerk of every county borough shall keep a register of all licences issued under this Act in that county or borough, specifying the name and place of abode of the person to whom any such licence is issued and the number of dogs in respect of which the licence is issued.

This subsection shall not apply to Scotland.

(2) Every officer authorised by the Commissioners of Customs and Excise to issue licences under this Act shall keep a register of all such licences issued by him, specifying the name and place of abode of the person to whom any such licence is issued and the number of dogs in respect of which the licence is issued.

(3) A justice of the peace, a police constable and any other officer of the peace may at any convenient time inspect so much of any register kept under this section as relates to the licences issued in the current or preceding year.

Forms of licences, etc.

11. The Commissioners of Customs and Excise shall provide the forms of licence, declaration and certificate of exemption required for the purposes of this Act, and the said licence, declaration and certificate shall be in such form as the Commissioners direct, but if the Treasury prescribe the form of a licence, declaration or certificate of exemption required for those purposes in respect of a dog kept in England or Wales, that licence, declaration or certificate shall be in the form so prescribed.

Offences

12.—(1) If a person keeps a dog for which a licence under this Act is not in force, not being a dog exempted from duty by virtue of section two, section three or section four of this Act, or if a person keeps a greater number of dogs than he is authorised to keep by virtue of a licence in force under this Act, he shall be liable to a penalty of five pounds.

Penalty for keeping dog without licence.

(2) A person in whose custody, charge or possession, or in whose house or premises, a dog shall be found or seen shall, unless the contrary is proved, be deemed to be the person who keeps that dog, and, in the case of hounds, their owner or the master shall be deemed to be the person who keeps them.

(3) In proceedings for an offence under this section it shall rest on the accused to prove the age of the dog to which the proceedings relate.

13. If a person—

- (a) who has taken out a licence under this Act, or
- (b) to whom a certificate of exemption has been issued under section four of this Act,

Penalty for not producing licence, etc.

fails to produce the licence or certificate, as the case may be, for inspection by an authorised officer or a police constable within a reasonable time after a request for its production has been made by that officer or constable, he shall be liable to a penalty of five pounds.

In this section “authorised officer”, in relation to a licence or certificate of exemption issued in respect of a dog kept in England or Wales, means an officer of the council of a county or county borough authorised by that council to request the production of such a licence or certificate and, in relation to a licence or certificate of exemption issued in respect of a dog kept in Scotland, means an officer within the meaning of section eight of this Act.

14. A person who delivers a declaration under section four of this Act in which a particular required to be stated therein is false shall be liable to a penalty of twenty pounds.

Penalty for making false statement in declaration under s. 4.

15.—(1) Without prejudice to any order for the time being in force made by the Treasury under section three hundred and thirteen of the Customs and Excise Act, 1952 (which makes provision for the application of certain provisions of that Act to duties the power to levy which has been transferred to local authorities under certain enactments and which include the duties on dog licences), an offence under this Act committed in England or Wales shall be punishable on summary conviction on an information laid by a police constable.

Proceedings for offences.

(2) An offence under this Act committed in Scotland shall be punishable on conviction by a court of summary jurisdiction, and in any proceedings for such an offence the court may award expenses.

Repeals, etc.

Repeals and savings.

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

(2) The Order in Council made on the nineteenth day of October, nineteen hundred and eight, under section six of the Finance Act, 1908, fixing the date on which the power to levy the duty on certain licences was to be transferred to the councils of counties and county boroughs and making further provisions to give effect to the transfer, except article VIII thereof, shall cease to apply to the duty on licences for dogs and to those licences.

(3) In so far as any licence or certificate issued or other thing done under an enactment repealed by this Act, under the Order in Council referred to in the last foregoing subsection or under the Local Taxation (Licence Officers) Order, 1922, could have been issued or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by subsection (1) of this section or by the provisions of the last foregoing subsection but shall have effect as if issued or done under that corresponding provision, subject, however, in the case of a licence whose holder is for the time being disqualified by virtue of an order under section one of the Protection of Animals (Cruelty to Dogs) Act, 1933, or section one of the Protection of Animals (Cruelty to Dogs) (Scotland) Act, 1934, for keeping a dog, to the provisions of subsection (3) of the former or, as the case may be, the latter section.

(4) Nothing in this Act shall affect any equitable adjustment respecting the distribution of the proceeds of the duty on dog licences made under the Local Government Act, 1888, or otherwise.

(5) Subsections (2) to (4) of section three hundred and thirteen of the Customs and Excise Act, 1952 (which make provision for the application of certain provisions of that Act to duties the power to levy which has been transferred to local authorities under certain enactments and which include the duties on dog licences), and any order made by the Treasury under the said section three hundred and thirteen, shall have effect in England and Wales in relation to the duties on dog licences and to the councils of counties and county boroughs and their officers with respect to those duties and licences as they have effect in relation to duties transferred under section six of the Finance Act, 1908, and to local authorities and their officers with respect to the transferred duties and to the licences on which those duties are imposed; and the reference in the said subsection (4) to the Order in Council made under section six of the said Act of 1908 shall be construed as including a reference to any provision of this Act which is a provision reproduced from that Order in Council.

(6) Any register of dog licences kept by the clerk of the council of a county or by the town clerk of a county borough under the Order in Council referred to in subsection (2) of this section, and any register of dog licences kept by an officer under the Dog Licences Act, 1867, shall be deemed to form part of the corresponding register to be kept under this Act.

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

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

17.—(1) This Act may be cited as the Dog Licences Act, 1959. Short title,
extent and
commence-
ment.

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

(3) This Act shall come into operation at the expiration of three months beginning with the date of its passing.

SCHEDULE

Section 16.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
30 & 31 Vict. c. 5.	The Dog Licences Act, 1867.	The whole Act.
41 & 42 Vict. c. 15.	The Customs and Inland Revenue Act, 1878.	Section seventeen and sections nineteen to twenty-three.
42 & 43 Vict. c. 21.	The Customs and Inland Revenue Act, 1879.	Section twenty-six.
6 Edw. 7. c. 32	The Dogs Act, 1906 ...	Section five.
8 Edw. 7. c. 16	The Finance Act, 1908 ...	In section six, in subsection (4), the word "dogs".
17 & 18 Geo. 5. c. 35.	The Sheriff Courts and Legal Officers (Scotland) Act, 1927.	Section eighteen.
12 & 13 Geo. 6. c. 47.	The Finance Act, 1949 ...	Section thirteen.
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958 ...	Section eleven.

Repeals, etc.

Repeals and
savings.

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

(2) The Order in Council made on the nineteenth day of October, nineteen hundred and eight, under section six of the Finance Act, 1908, fixing the date on which the power to levy the duty on certain licences was to be transferred to the councils of counties and county boroughs and making further provisions to give effect to the transfer, except article VIII thereof, shall cease to apply to the duty on licences for dogs and to those licences.

(3) In so far as any licence or certificate issued or other thing done under an enactment repealed by this Act, under the Order in Council referred to in the last foregoing subsection or under the Local Taxation (Licence Officers) Order, 1922, could have been issued or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by subsection (1) of this section or by the provisions of the last foregoing subsection but shall have effect as if issued or done under that corresponding provision, subject, however, in the case of a licence whose holder is for the time being disqualified by virtue of an order under section one of the Protection of Animals (Cruelty to Dogs) Act, 1933, or section one of the Protection of Animals (Cruelty to Dogs) (Scotland) Act, 1934, for keeping a dog, to the provisions of subsection (3) of the former or, as the case may be, the latter section.

(4) Nothing in this Act shall affect any equitable adjustment respecting the distribution of the proceeds of the duty on dog licences made under the Local Government Act, 1888, or otherwise.

(5) Subsections (2) to (4) of section three hundred and thirteen of the Customs and Excise Act, 1952 (which make provision for the application of certain provisions of that Act to duties the power to levy which has been transferred to local authorities under certain enactments and which include the duties on dog licences), and any order made by the Treasury under the said section three hundred and thirteen, shall have effect in England and Wales in relation to the duties on dog licences and to the councils of counties and county boroughs and their officers with respect to those duties and licences as they have effect in relation to duties transferred under section six of the Finance Act, 1908, and to local authorities and their officers with respect to the transferred duties and to the licences on which those duties are imposed; and the reference in the said subsection (4) to the Order in Council made under section six of the said Act of 1908 shall be construed as including a reference to any provision of this Act which is a provision reproduced from that Order in Council.

(6) Any register of dog licences kept by the clerk of the council of a county or by the town clerk of a county borough under the Order in Council referred to in subsection (2) of this section, and any register of dog licences kept by an officer under the Dog Licences Act, 1867, shall be deemed to form part of the corresponding register to be kept under this Act.

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

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

17.—(1) This Act may be cited as the Dog Licences Act, 1959. Short title,
extent and
commence-
ment.

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

(3) This Act shall come into operation at the expiration of three months beginning with the date of its passing.

SCHEDULE

Section 16.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
30 & 31 Vict. c. 5.	The Dog Licences Act, 1867.	The whole Act.
41 & 42 Vict. c. 15.	The Customs and Inland Revenue Act, 1878.	Section seventeen and sections nineteen to twenty-three.
42 & 43 Vict. c. 21.	The Customs and Inland Revenue Act, 1879.	Section twenty-six.
6 Edw. 7. c. 32	The Dogs Act, 1906 ...	Section five.
8 Edw. 7. c. 16	The Finance Act, 1908 ...	In section six, in subsection (4), the word " dogs ".
17 & 18 Geo. 5. c. 35.	The Sheriff Courts and Legal Officers (Scotland) Act, 1927.	Section eighteen.
12 & 13 Geo. 6. c. 47.	The Finance Act, 1949 ...	Section thirteen.
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958 ...	Section eleven.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Dog Licences Act, 1867	30 & 31 Vict. c. 5.
Local Government Act, 1888	51 & 52 Vict. c. 41.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Finance Act, 1908	8 Edw. 7. c. 16.
Protection of Animals (Cruelty to Dogs) Act, 1933.	23 & 24 Geo. 5. c. 17.
Protection of Animals (Cruelty to Dogs) (Scotland) Act, 1934.	24 & 25 Geo. 5. c. 25.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.

CHAPTER 56

Rights of Light Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Temporary extension of period of prescription for acquisition of rights of light.
2. Registration of notice in lieu of obstruction of access of light.
3. Effect of registered notice and proceedings relating thereto.
4. Application to Crown land.
5. Power to make rules.
6. Corresponding legislation in Northern Ireland.
7. Interpretation.
8. Short title, commencement and extent.

An Act to amend the law relating to rights of light, and for purposes connected therewith.

[16th July, 1959]

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:—

Temporary extension of period of prescription for acquisition of rights of light.

1.—(1) For the purposes of any such proceedings as are mentioned in the next following subsection—

- (a) section three of the Prescription Act, 1832 (whereby the uninterrupted enjoyment of the access of light for twenty years may confer an absolute right thereto), and

(b) section six of that Act (which provides that, in cases for which a period of prescription is defined by that Act, proof of enjoyment for a lesser period shall not raise any presumption in support of a claim),

shall have effect as if, in the said section three, for the words "twenty years" there were substituted the words "twenty-seven years".

(2) The said proceedings are—

(a) proceedings in any action begun after the passing of this Act and before the first day of January, nineteen hundred and sixty-three;

(b) proceedings in any action begun on or after the fourteenth day of July, nineteen hundred and fifty-eight, but before the passing of this Act, except any such action which has been finally disposed of before the passing of this Act.

(3) The said sections three and six shall also have effect as mentioned in subsection (1) of this section for the purposes of any proceedings in any action begun on or after the first day of January, nineteen hundred and sixty-three, in so far as it falls to be determined in those proceedings whether—

(a) a person is entitled to an absolute and indefeasible right to the access and use of light to and for a dwelling-house, workshop or other building, and

(b) anything done or begun before the said first day of January (whether in pursuance of the following provisions of this Act or otherwise) constitutes, or if continued or completed would constitute, an infringement of that right.

(4) For the purposes of this section an action shall be taken to be finally disposed of on the earliest date by which the proceedings in the action have been determined and any time for appealing or further appealing has expired, except that, if the action is withdrawn or any appeal is abandoned, the action shall be taken to be finally disposed of on the date of the withdrawal or abandonment.

(5) In this section any reference to proceedings in an action includes a reference to any proceedings on or in consequence of an appeal from the decision in that action.

2.—(1) For the purpose of preventing the access and use of light from being taken to be enjoyed without interruption, any person who is an owner of land (in this and the next following section referred to as "the servient land") over which light passes to a dwelling-house, workshop or other building (in this and the next following section referred to as "the dominant building") may apply to the local authority in whose area the dominant building is situated for the registration of a notice under this section.

Registration of notice in lieu of obstruction of access of light.

(2) An application for the registration of a notice under this section shall be in the prescribed form and shall—

(a) identify the servient land and the dominant building in the prescribed manner, and

(b) state that the registration of a notice in pursuance of the application is intended to be equivalent to the obstruction of the access of light to the dominant building across the servient land which would be caused by the erection, in such position on the servient land as may be specified in the application, of an opaque structure of such dimensions (including, if the application so states, unlimited height) as may be so specified.

(3) Any such application shall be accompanied by one or other of the following certificates issued by the Lands Tribunal, that is to say,—

(a) a certificate certifying that adequate notice of the proposed application has been given to all persons who, in the circumstances existing at the time when the certificate is issued, appear to the Lands Tribunal to be persons likely to be affected by the registration of a notice in pursuance of the application ;

(b) a certificate certifying that, in the opinion of the Lands Tribunal, the case is one of exceptional urgency, and that accordingly a notice should be registered forthwith as a temporary notice for such period as may be specified in the certificate.

(4) Where application is duly made to a local authority for the registration of a notice under this section, it shall be the duty of the proper officer of that authority to register the notice in the prescribed manner in the register of local land charges.

(5) Provision shall be made by rules under section three of the Lands Tribunal Act, 1949, for regulating proceedings before the Lands Tribunal with respect to the issue of certificates for the purposes of this section, and, subject to the approval of the Treasury, the fees chargeable in respect of those proceedings ; and, without prejudice to the generality of subsection (6) of that section, any such rules made for the purposes of this section shall include provision—

(a) for requiring applicants for certificates under paragraph (a) of subsection (3) of this section to give such notices, whether by way of advertisement or otherwise, and to produce such documents and provide such information, as may be determined by or under the rules ;

(b) for determining the period to be specified in a certificate issued under paragraph (b) of subsection (3) of this section ; and

- (c) in connection with any certificate issued under the said paragraph (b), for enabling a further certificate to be issued in accordance (subject to the necessary modifications) with paragraph (a) of subsection (3) of this section.

3.—(1) Where, in pursuance of an application made in accordance with the last preceding section, a notice is registered thereunder, then, for the purpose of determining whether any person is entitled (by virtue of the Prescription Act, 1832, or otherwise) to a right to the access of light to the dominant building across the servient land, the access of light to that building across that land shall be treated as obstructed to the same extent, and with the like consequences, as if an opaque structure, of the dimensions specified in the application,—

Effect of registered notice and proceedings relating thereto.

- (a) had, on the date of registration of the notice, been erected in the position on the servient land specified in the application, and had been so erected by the person who made the application, and
- (b) had remained in that position during the period for which the notice has effect and had been removed at the end of that period.

(2) For the purposes of this section a notice registered under the last preceding section shall be taken to have effect until either—

- (a) the registration is cancelled, or
- (b) the period of one year beginning with the date of registration of the notice expires, or
- (c) in the case of a notice registered in pursuance of an application accompanied by a certificate issued under paragraph (b) of subsection (3) of the last preceding section, the period specified in the certificate expires without such a further certificate as is mentioned in paragraph (c) of subsection (5) of that section having before the end of that period been lodged with the local authority,

and shall cease to have effect on the occurrence of any one of those events.

(3) Subject to the following provisions of this section, any person who, if such a structure as is mentioned in subsection (1) of this section had been erected as therein mentioned, would have had a right of action in any court in respect of that structure, on the grounds that he was entitled to a right to the access of light to the dominant building across the servient land, and that the said right was infringed by that structure, shall have the like right of action in that court in respect of the registration of a notice under the last preceding section:

Provided that an action shall not be begun by virtue of this subsection after the notice in question has ceased to have effect.

(4) Where, at any time during the period for which a notice registered under the last preceding section has effect, the circumstances are such that, if the access of light to the dominant building had been enjoyed continuously from a date one year earlier than the date on which the enjoyment thereof in fact began, a person would have had a right of action in any court by virtue of the last preceding subsection in respect of the registration of the notice, that person shall have the like right of action in that court by virtue of this subsection in respect of the registration of the notice.

(5) The remedies available to the plaintiff in an action brought by virtue of subsection (3) or subsection (4) of this section (apart from any order as to costs) shall be such declaration as the court may consider appropriate in the circumstances, and an order directing the registration of the notice to be cancelled or varied, as the court may determine.

(6) For the purposes of section four of the Prescription Act, 1832 (under which a period of enjoyment of any of the rights to which that Act applies is not to be treated as interrupted except by a matter submitted to or acquiesced in for one year after notice thereof)—

- (a) as from the date of registration of a notice under the last preceding section, all persons interested in the dominant building or any part thereof shall be deemed to have notice of the registration thereof and of the person on whose application it was registered;
- (b) until such time as an action is brought by virtue of subsection (3) or subsection (4) of this section in respect of the registration of a notice under the last preceding section, all persons interested in the dominant building or any part thereof shall be deemed to acquiesce in the obstruction which, in accordance with subsection (1) of this section, is to be treated as resulting from the registration of the notice;
- (c) as from the date on which such an action is brought, no person shall be treated as submitting to or acquiescing in that obstruction:

Provided that if, in any such action, the court decides against the claim of the plaintiff, the court may direct that the preceding provisions of this subsection shall apply in relation to the notice as if that action had not been brought.

Application
to Crown land.

4.—(1) Subject to the next following subsection, this Act shall apply in relation to land in which there is a Crown or Duchy interest as it applies in relation to land in which there is no such interest.

(2) Section three of the Prescription Act, 1832, as modified by the preceding provisions of this Act, shall not by virtue of this section be construed as applying to any land to which (by reason that there is a Crown or Duchy interest therein) that section would not apply apart from this Act.

(3) In this section "Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.

5.—(1) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of section two of this Act, other than provisions relating to the Lands Tribunal. Power to make rules.

(2) Any rules made by virtue of subsection (6) of the said section fifteen as applied by the preceding subsection shall (without prejudice to the inclusion therein of other provisions as to cancelling or varying the registration of notices or agreements) include provision for giving effect to any order of the court under subsection (5) of section three of this Act.

6. No limitation or restriction imposed by virtue of any enactment on the powers of the Parliament of Northern Ireland shall preclude that Parliament from passing legislation for purposes similar to the purposes of any of the provisions of this Act. Corresponding legislation in Northern Ireland.

7.—(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.

"action" includes a counterclaim, and any reference to the plaintiff in an action shall be construed accordingly;

"local authority", in relation to land in a county borough, county district or metropolitan borough, means the council of the borough or district, and, in relation to land in the City of London, means the Common Council of the City;

"owner", in relation to any land, means a person who is the estate owner in respect of the fee simple thereof, or is entitled to a tenancy thereof (within the meaning of the Landlord and Tenant Act, 1954) for a term of years certain of which, at the time in question, not less than seven years remain unexpired, or is a mortgagee in

possession (within the meaning of the Law of Property Act, 1925) where the interest mortgaged is either the fee simple of the land or such a tenancy thereof ;

“prescribed” means prescribed by rules made by virtue of subsection (6) of section fifteen of the Land Charges Act, 1925, as applied by section five of this Act.

(2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

Short title, commencement and extent.

8.—(1) This Act may be cited as the Rights of Light Act, 1959.

(2) This Act, except sections one and six thereof, shall come into operation at the end of the period of three months beginning with the day on which it is passed.

(3) This Act shall not extend to Scotland.

(4) This Act, except section six thereof, shall not extend to Northern Ireland.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Prescription Act, 1832	2 & 3 Will. 4. c. 71.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.



CHAPTER 57

An Act to make, as respects England and Wales, further provision against loitering or soliciting in public places for the purpose of prostitution, and for the punishment of those guilty of certain offences in connection with refreshment houses and those who live on the earnings of or control prostitutes.

[16th July, 1959]

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) It shall be an offence for a common prostitute to loiter or solicit in a street or public place for the purpose of prostitution.

Loitering or soliciting for purposes of prostitution.

(2) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding ten pounds or, for an offence committed after a previous conviction, to a fine not exceeding twenty-five pounds or, for an offence committed after more than one previous conviction, to a fine not exceeding twenty-five pounds or imprisonment for a period not exceeding three months or both.

(3) A constable may arrest without warrant anyone he finds in a street or public place and suspects, with reasonable cause, to be committing an offence under this section.

(4) For the purposes of this section "street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and the doorways and entrances of premises abutting on a street (as hereinbefore defined), and any ground adjoining and open to a street, shall be treated as forming part of the street.

(5) The following enactments shall cease to have effect, that is to say—

- (a) paragraph 11 of section fifty-four of the Metropolitan Police Act, 1839; and
- (b) the paragraph beginning "Every common prostitute" in section twenty-eight of the Town Police Clauses Act, 1847, and any later Act in so far as it incorporates that paragraph; and
- (c) paragraph 11 of section thirty-five of the City of London Police Act, 1839, and the paragraph beginning "Every common prostitute" in section one hundred and two of the Manchester Police Regulation Act, 1844;

but for the purposes of subsection (2) of this section a conviction of the offence mentioned in any of those paragraphs shall be taken into account as a previous conviction in the same way as a conviction of an offence under this section.

Application to court by woman cautioned for loitering or soliciting.

2.—(1) Where a woman is cautioned by a constable, in respect of her conduct in a street or public place, that if she persists in such conduct it may result in her being charged with an offence under section one of this Act, she may not later than fourteen clear days afterwards apply to a magistrates' court for an order directing that there is to be no entry made in respect of that caution in any record maintained by the police of those so cautioned and that any such entry already made is to be expunged; and the court shall make the order unless satisfied that on the occasion when she was cautioned she was loitering or soliciting in a street or public place for the purpose of prostitution.

(2) An application under this section shall be by way of complaint against the chief officer of police for the area in which the woman is cautioned or against such officer of police as he may designate for the purpose in relation to that area or any part of it; and, subject to any provision to the contrary in rules made under section fifteen of the Justices of the Peace Act, 1949, on the hearing of any such complaint the procedure shall be the same as if it were a complaint by the police officer against the woman, except that this shall not affect the operation of sections forty-seven to forty-nine of the Magistrates' Courts Act, 1952 (which relate to the non-attendance of the parties to a complaint).

(3) Unless the woman desires that the proceedings shall be conducted in public, an application under this section shall be heard and determined in camera.

(4) In this section references to a street shall be construed in accordance with subsection (4) of section one of this Act.

Punishment of offences in connection with night cafés.

3.—(1) The following provisions of this section shall have effect in relation to the punishment of offences to which section twenty-six of the Licensing Act, 1949, applies (being certain offences in connection with refreshment houses, that is to say, houses, rooms, shops or buildings kept open for public refreshment, resort and entertainment between ten o'clock at night and five o'clock on the following morning, not being licensed for the sale of beer, cider, wine or spirits).

(2) The maximum fines which may be imposed by virtue of subsection (3) of the said section twenty-six for offences against sections eighteen and thirty-two of the Refreshment Houses Act, 1860 (which provide for penalties for obstructing the police from entering refreshment houses, for allowing unlawful gaming therein, for allowing prostitutes, thieves or disorderly or drunken persons to be therein and for permitting contraventions of licences under that Act), shall be—

- (a) in the case of a person not previously convicted of an offence to which the said section twenty-six applies, twenty pounds (instead of five pounds); and
- (b) in the case of a person previously convicted as aforesaid, fifty pounds (instead of twenty pounds).

(3) In section nine of the said Act of 1860 (which imposes a penalty of twenty pounds for keeping an unlicensed refreshment house) for the words " shall forfeit a sum not exceeding twenty pounds " there shall be substituted the words " shall be liable on summary conviction to the penalties provided by section twenty-six of the Licensing Act, 1949 ", and subsection (3) of the said section twenty-six, as amended by subsection (2) of this section, shall apply, so far as it relates to fines, in relation to the said section nine as it applies in relation to sections eighteen and thirty-two of the said Act of 1860; and accordingly in subsection (1) of the said section twenty-six for the words " is adjudged liable to forfeit any sum ", there shall be substituted the words " is convicted ".

(4) The powers conferred by subsections (1) and (2) of the said section twenty-six to make on a person's conviction of an offence under the said section nine of the said Act of 1860 a disqualification order or an order for the forfeiture of a licence under the said Act of 1860, and the powers conferred by subsection (3) of the said section twenty-six to make such an order on a person's conviction of an offence under the said section eighteen or thirty-two of the said Act of 1860, shall be exercisable on a conviction, whether or not the person convicted has been previously convicted of an offence to which the said section twenty-six applies; and any power to make such an order under the said subsection (3) as so amended shall be exercisable also on a person's conviction of any of the other offences to which the said section twenty-six applies, that is to say, certain offences by a person keeping a refreshment house against section one hundred and twenty and subsection (3) of section one hundred and forty-nine of the Licensing Act, 1953 (which relate to the sale of intoxicating liquor without a licence, and to the consumption of intoxicating liquor at parties organised for gain).

(5) This section shall not have effect on a person's conviction of an offence committed before the commencement of this Act.

4. The maximum term of imprisonment to which a person is liable if convicted on indictment of an offence under section thirty of the Sexual Offences Act, 1956 (man living on earnings of prostitution), or under section thirty-one of that Act (woman exercising control over prostitute) shall, for offences committed after the commencement of this Act, be seven years; and accordingly, for offences so committed, in the Second Schedule to that Act, in items 30 and 31, " seven years " shall be substituted for " two years " in the third column.

Punishment for living on earnings of prostitution.

Short title,
repeal, extent
and com-
mencement.

5.—(1) This Act may be cited as the Street Offences Act, 1959.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, except as respects offences committed before the commencement of this Act.

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

(4) This Act shall come into force at the expiration of one month beginning with the date on which it is passed.

SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Vict. c. 47.	The Metropolitan Police Act, 1839.	Paragraph 11 of section fifty-four.
2 & 3 Vict. c. xciv.	The City of London Police Act, 1839.	Paragraph 11 of section thirty-five.
7 & 8 Vict. c. xl.	The Manchester Police Regulation Act, 1844.	In section one hundred and two, the paragraph beginning "Every common prostitute".
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847.	In section twenty-eight, the paragraph beginning "Every common prostitute".
23 & 24 Vict. c. 27.	The Refreshment Houses Act, 1860.	In section nine, the words from "which penalty" onwards.
3 Edw. 7. c. ccxiii.	The Manchester Corporation Act, 1903.	In section seventy-nine, the words "importunate prostitutes".
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	In section eighty-one, the paragraph beginning "Every common prostitute".
12, 13 & 14 Geo. 6. c. 59.	The Licensing Act, 1949	In section twenty-six, in subsection (1), the words from "where" to "applies", and in subsection (3) the words from the beginning of paragraph (a) to "offence" in paragraph (b), the words "not exceeding twenty pounds" in paragraph (b), and the words "in a case falling within paragraph (b) of this subsection".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Metropolitan Police Act, 1839	2 & 3 Vict. c. 47.
City of London Police Act, 1839	2 & 3 Vict. c. xciv.
Manchester Police Regulation Act, 1844	7 & 8 Vict. c. xl.
Town Police Clauses Act, 1847	10 & 11 Vict. c. 89.
Refreshment Houses Act, 1860... ..	23 & 24 Vict. c. 27.
Licensing Act, 1949	12, 13 & 14 Geo. 6. c. 59.
Justices of the Peace Act, 1949... ..	12, 13 & 14 Geo. 6. c. 101.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Sexual Offences Act, 1956	4 & 5 Eliz. 2. c. 69.

CHAPTER 58

Finance Act, 1959

ARRANGEMENT OF SECTIONS

PART I

CUSTOMS AND EXCISE

Section

1. Beer.
2. Liquor licences: alteration of amounts of duty.
3. Liquor licences: amendments as to reliefs.
4. Excise licences required for registered clubs: abolition of duty on statements.
5. Abolition of requirements as to monopoly value.
6. Relief from entertainments duty.
7. Rebate on heavy oils.
8. Increased quota for certificated colonial sugar.
9. Extension of Import Duties Act, 1958, s. 5.
10. Excise duties on mechanically propelled vehicles kept, but not used, on roads.
11. Vehicles (excise): hackney carriages.
12. Vehicles (excise): invalid carriages.
13. Agricultural tractors: carriage of produce etc. at agricultural rate of duty.
14. Exemption from excise duty of vehicles for clearing snow, etc.

PART II

PURCHASE TAX

Section

15. Changes in rates of purchase tax.
16. Relief of certain goods from purchase tax.

PART III

INCOME TAX

17. Charge of income tax for 1959–60.
18. Surtax rates for 1958–59.
19. Alteration in reliefs.
20. Dependent relatives.
21. Restoration of investment allowances, and additional grant of initial allowances in certain cases.
22. Investment allowance where ship purchased before taking over from builder.
23. Purchase and sale of securities: application of ss. 24–26.
24. Purchase and sale of securities: dealers in securities.
25. Purchase and sale of securities: persons entitled to exemptions.
26. Purchase and sale of securities: traders other than dealers in securities.
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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. [29th July, 1959]

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I**CUSTOMS AND EXCISE**

1.—(1) In lieu of the duty of excise charged under section one of the Finance (No. 2) Act, 1939, and section six of, and the Second Schedule to, the Finance Act, 1950, and the excise drawback allowed under those provisions,—

- (a) there shall be charged in respect of beer brewed in the United Kingdom a duty of excise at the rates set out in the second column of Part I of the First Schedule to this Act;
- (b) on the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer on

2 H*

PART I
—*cont.*

which it is shown to the satisfaction of the Commissioners that the duty of excise charged under this subsection has been paid, there shall be allowed an excise drawback at the rates set out in the third column of the said Part I, subject to the provisions of the said First Schedule.

(2) In lieu of the duties of customs charged under section one of the Finance (No. 2) Act, 1939, and section six of, and the Second Schedule to, the Finance Act, 1950, and the customs drawbacks allowed under those provisions,—

(a) there shall be charged in respect of beer imported into the United Kingdom—

(i) in the case of beer being goods qualifying for Commonwealth preference under section two of the Import Duties Act, 1958, a duty of customs at the rates set out in the fourth column of Part I of the First Schedule to this Act ;

(ii) in the case of beer not being such goods, a duty of customs at the rates set out in the fifth column of the said Part I ;

(b) on the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer on which it is shown to the satisfaction of the Commissioners that the duty of customs charged under this subsection has been paid, there shall be allowed—

(i) in the case of beer being goods qualifying for Commonwealth preference under section two of the Import Duties Act, 1958, a customs drawback at the rate specified in the sixth column of the said Part I ;

(ii) in the case of beer not being such goods, a customs drawback at the rates set out in the seventh column of the said Part I,

subject in either case to the provisions of the said First Schedule.

(3) The foregoing provisions of this section and Part I of the First Schedule to this Act shall not apply to black beer the worts whereof before fermentation were of a specific gravity of 1200 degrees or more, but the following provisions shall have effect as respects such beer :—

(a) in respect of beer brewed in the United Kingdom there shall be charged a duty of excise at the rates set out in the second column of Part II of the First Schedule to this Act ;

(b) on the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer in respect

of which it is shown to the satisfaction of the Commissioners that the duty of excise charged under this subsection has been paid, there shall be allowed an excise drawback at the rates set out in the third column of the said Part II ;

- (c) there shall be charged in respect of beer imported into the United Kingdom a duty of customs at the rates set out in the fourth column of the said Part II ;
- (d) on the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer on which it is shown to the satisfaction of the Commissioners that the duty of customs charged under this subsection has been paid, there shall be allowed a customs drawback at the rates set out in the fifth column of the said Part II.

(4) The said rates are for every thirty-six gallons of beer the worts whereof before fermentation were of the specific gravity specified in relation thereto in the first column of Part I or Part II, as the case may be, of the said First Schedule ; and duty or drawback on any less number of gallons shall be charged or allowed proportionately.

(5) Subsection (6) of section one hundred and thirty-three of the Customs and Excise Act, 1952 (which provides for relief from duty where beer, not being black beer, has been prepared by a process of mixing) shall apply to black beer prepared as mentioned in that subsection after the seventh day of April, nineteen hundred and fifty-nine, except that it shall not apply to beer so prepared—

- (a) which is not black beer the worts whereof before fermentation were of a specific gravity of 1200 degrees or more, but
- (b) of which one of the constituents was such black beer.

(6) The rebates from the duties of excise and customs in respect of black beer for which provision is made by section one hundred and thirty-six of the Customs and Excise Act, 1952, shall cease to be allowed.

(7) The duties of customs charged, and the customs and excise drawbacks allowed, under this section shall be charged and allowed in addition to the duty and drawbacks charged and allowed in respect of beer under section two of the Finance Act, 1933, and section three of the Finance Act, 1957 (duty on hops and additional duty of customs in respect of beer).

(8) This section shall have effect as from the eighth day of April, nineteen hundred and fifty-nine.

PART I
—cont.

(9) Nothing in this Act shall affect any drawback in respect of beer as to which it is shown to the satisfaction of the Commissioners that duty was paid under the law in force before the said eighth day of April.

Liquor
licences:
alteration
of amounts
of duty.

2.—(1) The amount of the duty charged on a dealer's licence under section one hundred and forty-six of the Customs and Excise Act, 1952, shall be five pounds, and no reduction shall be made where a dealer's licence is granted to the holder of a retailer's licence in respect of the same liquor and the same premises as the retailer's licence.

(2) The amount of the duty charged on a retailer's licence under section one hundred and forty-nine of the said Act of 1952 shall be ascertained in accordance with the Table set out at the end of this subsection, and accordingly subsection (2) of that section shall have effect as if for the reference therein to the Fourth Schedule to that Act there were substituted a reference to the said Table, and the said Fourth Schedule shall cease to have effect.

TABLE

<i>Type of liquor</i>	<i>On-licence</i>			<i>Off-licence</i>		
	£	s.	d.	£	s.	d.
Spirits	5	0	0	2	0	0
Beer	1	10	0	1	10	0
Wine	1	10	0	1	10	0
Sweets	1	0	0	1	0	0
Cider	1	0	0	1	0	0

(3) The amount of the duty charged on an occasional licence under section one hundred and fifty-one of the said Act of 1952 shall not vary with the duration of the licence as provided by subsection (3) of that section, and accordingly, in relation to a licence so granted, the said subsection (3) shall have effect as if the words "for each day on which the licence authorises the sale of liquor" were omitted.

(4) The amount of the duty charged on a passenger vessel licence under section one hundred and fifty-three of the said Act of 1952 shall be one pound and shall not vary with the duration of the licence as provided by subsection (2) of that section, and accordingly the said subsection (2) shall have effect as if for the words from "ten pounds or" to "duty of ten pounds" there were substituted the words "one pound and the licence".

(5) The foregoing provisions of this section shall have effect in relation to licences bearing a date after the seventh day of April, nineteen hundred and fifty-nine.

(6) In consequence of the repeal of the Fourth Schedule to the Customs and Excise Act, 1952, the enactments mentioned in the Second Schedule to this Act (which contain references to the said Fourth Schedule) shall have effect subject to the modifications contained in the said Second Schedule.

3.—(1) Relief from duty on retailers' licences shall no longer be allowed under the following provisions:—

sections thirteen and fourteen of the Finance Act, 1942 (diminution in supplies of, and trade in, liquor caused by war circumstances),

section forty-seven of the Finance (1909-10) Act, 1910 (excessive payments of monopoly value).

PART I
—cont.

Liquor
licences:
amendments
as to reliefs.

(2) In section one hundred and sixty-seven of the Customs and Excise Act, 1952 (reduced duty on licences for the sale of spirits of wine for medicinal or scientific purposes) for the words "a reduced duty of ten pounds" there shall be substituted the words "a reduced duty of two pounds".

(3) The relief from duty allowed by reason that a licence to a person as a dealer or retailer is granted after the commencement of the licence year shall be calculated in accordance with section two hundred and thirty-seven of the Customs and Excise Act, 1952, and not in accordance with section one hundred and sixty-eight thereof, and accordingly the said section two hundred and thirty-seven shall apply to such licences as it applies to the licences specified in subsection (2) thereof:

Provided that, where a dealer or retailer has been granted relief under subsection (3) of section one hundred and sixty-nine of the said Act of 1952 on his trade being temporarily discontinued, the said section two hundred and thirty-seven shall apply as respects the grant, on his first resuming his trade thereafter, of his new licence as a dealer or retailer as if paragraphs (a) and (b) of subsection (1) thereof were omitted.

(4) A retailer shall not be entitled to relief from duty under subsection (1) of section one hundred and sixty-nine of the Customs and Excise Act, 1952, and a dealer or retailer shall not be entitled to relief from duty under subsection (2) or subsection (3) of that section, unless his licence ceases to be in force or, as the case may be, his trade is discontinued within nine months after the commencement of the licence year; and notwithstanding anything in subsection (5) of that section the relief shall consist of such proportion of the full amount of duty for a year as is specified in the following table in relation to the month during which the licence ceases to be in force or, as the case may be, the trade is discontinued, that is to say—

<i>Month from the commencement of the licence year</i>	<i>Proportion of full duty</i>
first to third	three-quarters
fourth to sixth	one-half
seventh to ninth	one-quarter.

(5) This section shall have effect in relation to licences bearing a date after the seventh day of April, nineteen hundred and fifty-nine.

PART I
—cont.

Excise
licences
required for
registered
clubs:
abolition of
duty on
statements.

4.—(1) It shall be the duty of the secretary of every registered club to apply on or before the thirty-first day of December, nineteen hundred and fifty-nine, and on or before the thirty-first day of December in every subsequent year, for the grant in respect of the premises habitually used for the purposes of the club of an excise licence under this section (hereinafter referred to as a “club licence”); and if he fails to do so he shall be liable to a penalty of fifty pounds:

Provided that—

- (a) this subsection shall not apply in relation to a club if the Commissioners are satisfied that the club has ceased to be required to be registered;
- (b) where a club first becomes a registered club after the thirty-first day of December, nineteen hundred and fifty-nine the foregoing provisions of this section shall have effect as if for the reference therein to the said thirty-first day of December there were substituted a reference to the date of the expiration of the period of fourteen days next after the club is first registered.

(2) A club licence shall authorise the supply of intoxicating liquor in the premises specified in the licence to members of the club and their guests, and there shall be charged on the licence a duty of excise of five pounds, so however that section two hundred and thirty-seven of the Customs and Excise Act, 1952 (reduced duty on beginner’s part-year licence) shall apply to club licences but shall so apply as if paragraphs (a) and (b) of subsection (1) thereof were omitted.

(3) A club licence shall expire on the thirty-first day of December next after it is granted, so however that the licence shall become void if the club is struck off the register of clubs.

(4) The supply, on or after the first day of January, nineteen hundred and sixty, of intoxicating liquor to members of a registered club or their guests in premises habitually used for the purposes of the club shall, if a club licence is not in force in respect of those premises, be deemed to be a sale of intoxicating liquor without an excise licence.

(5) Where the person in possession of a club licence satisfies the Commissioners that any of the following events have occurred in relation to the club within nine months after the commencement of the licence year, that is to say—

- (a) it has ceased to exist, or
- (b) it has ceased to be required to be registered, or
- (c) it has been struck off the register of clubs on the ground that it has less than twenty-five members,

he shall be entitled, on the surrender of the licence, to repayment or remission of such proportion of the full amount of duty for a

year as is specified in the Table set out at the end of this subsection in relation to the month during which the event occurred:

PART I
—cont.

Provided that this subsection shall not apply if the club has been struck off the register of clubs on grounds which include any ground other than that the club has ceased to exist or has less than twenty-five members.

TABLE

<i>Month from the commencement of the licence year</i>	<i>Proportion of full duty</i>
first to third	three-quarters
fourth to sixth	one-half
seventh to ninth	one-quarter.

(6) Where, on an application to the Commissioners made by the person in possession of a club licence—

(a) within one month after the licence ceased to be in force or such further time as the Commissioners may allow, or

(b) on his surrendering the licence at any earlier time,

being an application made in such form and containing such particulars as the Commissioners may direct and supported by the production of such accounts, invoices, receipts or other documents relating to purchases of intoxicating liquor as the Commissioners may require and (in any case) accompanied by the licence, the Commissioners are satisfied—

(i) that during the period for which the licence was in force the purchases of intoxicating liquor to be supplied in or to the club or on behalf of the club to the members thereof did not exceed the amount hereinafter mentioned, or

(ii) that during that period there were no such purchases,

the Commissioners shall repay in a case falling within paragraph (i) of this subsection one-half of the duty on the licence, and in a case falling within paragraph (ii) the whole of that duty; and any such repayment shall be made to the applicant.

For the purposes of this subsection the duty on a club licence shall be taken to be the duty payable on the grant of the licence less any amount falling to be repaid or remitted under the foregoing subsection; and the amount referred to in paragraph (i) of this subsection is two hundred pounds in a case where the duty on the licence is five pounds, and in any other case an amount which bears to two hundred pounds the same proportion as the duty on the licence bears to five pounds.

(7) The person by whom any register of clubs is kept shall send notice to the Commissioners of the entry of any new club upon that register, and of any case in which a club ceases to be registered on that register.

PART I
—*cont.*

(8) For the purposes of any proceedings under this section in respect of any club, the appearance of any person's name in the register of clubs as being for the time being the secretary of the club shall be sufficient evidence of his being the secretary until the contrary is proved.

(9) The following provisions of the Customs and Excise Act, 1952, shall apply in relation to a club licence as they apply in relation to a licence to carry on a trade, that is to say—

section two hundred and thirty-three (form of licence, premises licensed, etc.);

section two hundred and thirty-five (renewal of licence);

subsection (2) of section two hundred and thirty-six (removal).

(10) Section one hundred and fifty-six of the Customs and Excise Act, 1952 (which requires statements to be delivered of the purchases of intoxicating liquor by clubs, and charges duty on the statements) shall cease to have effect, but without prejudice to its operation as to statements of the purchases made in a year ending on or before the thirty-first day of December, nineteen hundred and fifty-nine, so however that in relation to statements of the purchases made in the year ending on the said thirty-first day of December the proviso to subsection (2) thereof shall not apply.

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

(a) in subsection (3), for the words “if the club is struck off the register of clubs” there shall be substituted the words “if the certificate of registration held by the club expires or is cancelled”;

(b) in subsection (5), for paragraph (c) there shall be substituted the following paragraphs—

“(c) the certificate of registration held by the club has expired, or

(d) such certificate has been cancelled on the ground that the club has less than twenty-five members”;

and for the proviso to that subsection there shall be substituted the following proviso—

“Provided that this subsection shall not apply if the certificate held by the club has been cancelled on grounds which include any ground other than that the club has ceased to exist or has less than twenty-five members”.

Abolition of requirements as to monopoly value.

5.—(1) Conditions shall no longer be attached to the grant of new justices' on-licences for the purpose of securing monopoly value to the public, and any condition in force for that purpose shall be deemed to have ceased to have effect on the eighth day of April, nineteen hundred and fifty-nine, but without prejudice

to its operation as respects any sum which became due before that date.

(2) A person who, in pursuance of any such condition, has paid a sum which became due on or after the said eighth day of April shall be entitled to repayment of that sum.

PART I
—cont.

6.—(1) Subject to the provisions of this section, where the entertainments duty chargeable in respect of the entertainments given by any person at any place in the week beginning with the second day of August, nineteen hundred and fifty-nine, or any subsequent week exceeds twenty pounds, he shall be entitled to deduct that amount from the duty which he would otherwise be required to pay over to the Commissioners of Customs and Excise, and where that duty does not exceed twenty pounds he shall not be required to pay over to them any duty in respect of the entertainments given by him in that place in that week. Relief from entertainments duty.

(2) Where in any such week as aforesaid two or more persons give chargeable entertainments at the same place, the foregoing subsection shall have effect in relation to each of them with the substitution for twenty pounds of an amount which bears to twenty pounds the same proportion as the number of days or parts of a day in that week on which he gives a chargeable entertainment in that place bears to the aggregate of the numbers of days or parts of days in that week on which both or all of them give chargeable entertainments there.

(3) Expressions used in this section and in the Entertainments Duty Act, 1958, have the same meaning in this section as in that Act, except that “chargeable entertainment” does not include an entertainment where, by reason of any exemption or the amount of the payments for admission, no duty is chargeable.

(4) In respect of the week beginning with the seventh day of June, nineteen hundred and fifty-nine, and subsequent weeks before the one beginning with the said second day of August, the Commissioners of Customs and Excise shall make such repayments of duty as are necessary to secure that no greater amount of duty shall be ultimately paid than if the foregoing provisions of this section had applied to those weeks.

7.—(1) For the purposes of section two hundred of the Customs and Excise Act, 1952 (by which rebates are not allowed on heavy oils used as fuel for vehicles to which that section applies) and for the purposes of the definition of “heavy oil vehicle” in section two hundred and two of that Act (which empowers the Commissioners to make regulations for giving effect to the said section two hundred), heavy oils shall be deemed to be used as fuel for a vehicle if, but Rebate on heavy oils.

PART I
—*cont.*

only if, they are used as fuel for the engine provided for propelling the vehicle or for an engine which draws its fuel from the same supply as the engine so provided.

(2) The said section two hundred shall not apply to any vehicle while not used on a public road (within the meaning of the Vehicles (Excise) Act, 1949) unless a licence is in force in respect of the vehicle under that Act or a certificate or document in the form of a licence, issued in pursuance of regulations under section twenty of that Act (which relates to the registration of exempted vehicles), is current in respect of the vehicle, and shall not in any circumstances apply to any vehicle exempted from duty under that Act by paragraph (h) of subsection (1) of section seven (which relates to road construction vehicles) or subsection (4) of that section (which provides for exempting occasional use on roads in passing from one part of a holding to another).

(3) Subject to the foregoing subsection, the said section two hundred shall apply to any vehicle chargeable with duty under the said Act of 1949 as a goods vehicle.

(4) In the application of this section to Northern Ireland for references to the Vehicles (Excise) Act, 1949, or any provision thereof there shall be substituted references to the Vehicles (Excise) Act (Northern Ireland), 1954, or that provision thereof, so however that for the reference to subsection (4) of section seven of the said Act of 1949 there shall be substituted a reference to subsection (5) of section seven of the said Act of 1954; and in paragraph (a) of subsection (4) of section two hundred of the Customs and Excise Act, 1952, for the words from “or as would” to “Northern Ireland” there shall be substituted the words “or in paragraph (a), (b), (c) or (d) of subsection (2) of section four of the Vehicles (Excise) Act (Northern Ireland), 1954”.

(5) This section shall have effect as from the eighth day of April, nineteen hundred and fifty-nine.

Increased
quota for
certificated
colonial
sugar.

8. The maximum quantity of sugar in respect of which quota certificates may be issued under section six of the Finance Act, 1952 (which relates to the special preference in respect of colonial sugar) shall, as respects the financial year ending with the thirty-first day of March, nineteen hundred and sixty and subsequent financial years, be five hundred and forty thousand tons, instead of five hundred and twenty-five thousand tons (the quantity allowed under subsection (6) of the said section six).

Extension
of Import
Duties Act,
1958, s. 5.

9. Section five of the Import Duties Act, 1958 (which, in the case of goods of certain descriptions, authorises the giving of relief from import duty according to intended use of the

like as provided by the Third Schedule to the Act), shall have effect as if at the end of that Schedule there were added as a new paragraph 9:—

PART I
—cont.

“ 9. Herrings may be relieved from import duties if they are imported for conversion into fish meal and oil, or if, after importation but before particulars of their value are supplied for the purpose of determining the duty payable, they are bought for conversion into fish meal and oil, without having previously been bought for another purpose after importation.”

10.—(1) The duties of excise chargeable under the Vehicles (Excise) Act, 1949, shall be chargeable in respect of the keeping of mechanically propelled vehicles on public roads in Great Britain while not used thereon as well as in respect of their use thereon; and accordingly the enactments mentioned in the Third Schedule to this Act shall have effect subject to the amendments specified in that Schedule.

(2) For the purposes of the said duties, in so far as chargeable by virtue of this section, a vehicle shall be deemed—

(a) to be chargeable with the like duty as on the occasion of the issue of the licence or last licence issued in respect of the vehicle under the said Act of 1949, and to be so chargeable under that one of sections two to six of that Act under which it was chargeable on that occasion, or

(b) if no licence has been issued under that Act in respect of the vehicle, to be chargeable under section six of that Act.

(3) Nothing in this section shall operate so as to render lawful the keeping of a vehicle for any period, in any manner or at any place if to do so would be unlawful apart from this section.

(4) This section and the Third Schedule to this Act shall come into operation on the first day of October, nineteen hundred and fifty-nine.

11.—(1) As respects licences taken out after the seventh day of April, nineteen hundred and fifty-nine, subsection (1) of section three of the Vehicles (Excise) Act, 1949, shall have effect with the substitution for paragraph (b) (which relates to the duty on hackney carriages other than tramcars) of the following paragraph:—

“ (b) in the case of any other hackney carriage, shall be at whichever of the following rates is appropriate having

PART I
—cont.

regard to the number of persons (excluding the driver) for which the vehicle has seating capacity, that is to say:—

(i) if the vehicle has seating capacity for four persons or less, ten pounds ;

(ii) if the vehicle has seating capacity for more than four persons, twelve pounds together with an additional ten shillings for each person beyond twenty for whom the vehicle has seating capacity.”

(2) The holder of a licence (whether current or not) on which duty was chargeable under the said paragraph (b) and which was taken out before the eighth day of April, nineteen hundred and fifty-nine who makes application, in such form as the Minister of Transport and Civil Aviation may direct and before such date as that Minister may by order prescribe, to the council with which the vehicle is for the time being registered shall be entitled to a refund of duty, in respect of any period after the end of March, nineteen hundred and fifty-nine during which the licence has been or (on the assumption that it is not surrendered) will have been current, of an amount equal to one-twelfth of the reduction effected by this section in the annual rate of duty appropriate to the vehicle for each complete month in the said period.

The power to make an order conferred by this subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A licence taken out on any day in April before the eighth shall be treated for the purposes of the foregoing subsection as having been current from the beginning of the month.

(4) On the surrender after the commencement of this Act of any such licence as is mentioned in subsection (2) of this section, the rebate of duty payable under section twelve of the Vehicles (Excise) Act, 1949, shall be computed as if the rate of duty on the licence had been the appropriate rate specified by subsection (1) of this section.

Vehicles
(excise):
invalid
carriages.

12.—(1) In paragraph (g) of subsection (1) of section seven of the Vehicles (Excise) Act, 1949 (which exempts vehicles not exceeding five hundredweight in weight unladen which are adapted and used for invalids), for the words “ five hundredweight ” there shall be substituted the words “ six hundredweight ”.

(2) This section shall come into operation on the first day of January, nineteen hundred and sixty.

13.—(1) Subject to the provisions of this section, a vehicle falling within paragraph (a) of subsection (2) of section four of the Vehicles (Excise) Act, 1949 (which relates to ploughing engines, tractors and other agricultural engines) and not drawing a trailer shall not be chargeable with duty under section five of that Act as a goods vehicle by reason of the fact that it is constructed or adapted for use and used for the conveyance of such goods or burden as are hereinafter mentioned if they are carried in or on not more than one appliance, the appliance is fitted either to the front or to the back of the vehicle, and the following conditions are satisfied:—

PART I
—cont.
Agricultural tractors: carriage of produce etc. at agricultural rate of duty.

- (a) the appliance must be removable;
- (b) the area of the horizontal plane enclosed by vertical lines passing through the outside edges of the appliance must not, when the appliance is in the position in which it is carried when the vehicle is travelling and the appliance is loaded, exceed seven square feet if it is carried at the front or fifteen square feet if it is carried at the back.

(2) The goods or burden referred to in the foregoing subsection are any goods or burden the haulage of which is permissible under sub-paragraphs (i) to (v) of paragraph (a) of subsection (2) of section four of the Vehicles (Excise) Act, 1949.

(3) Subsection (1) of this section shall not apply to the use of a vehicle on a public road more than fifteen miles from a farm in the occupation of the person in whose name the vehicle is registered under the said Act of 1949.

(4) In relation to a vehicle fitted with an appliance of any description specified for the purposes of all or any of the following paragraphs by regulations under this section made by the Minister of Transport and Civil Aviation by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, the following provisions shall have effect—

- (a) the limitation in subsection (1) of this section to one appliance shall have effect as a limitation to two appliances of which at least one must be an appliance specified for the purposes of this paragraph, but if two appliances are used they must be fitted at opposite ends of the vehicle;
- (b) regulations under this section may provide for all or any of the following matters where an appliance specified for the purposes of this paragraph is being used, that is to say, that subsection (1) of this section shall not apply unless the specified appliance is fitted to the specified end of the vehicle, or unless the use of the specified, or any, appliance is limited to specified goods or burden or to use in specified circumstances;

PART I
—*cont.*

(c) regulations under this section may provide that paragraph (b) of subsection (1) of this section shall not have effect in relation to appliances specified for the purposes of this paragraph, but that in relation thereto subsection (3) of this section shall have effect with the substitution of such shorter distance as may be specified.

In paragraphs (a) to (c) of this subsection “specified” means specified by regulations under this section, and references to use are references to use for the carriage of goods or burden; and regulations under this section may make different provisions in relation to different descriptions of specified appliances.

(5) Subsection (1) of this section shall not apply to three-wheeled vehicles, or to any vehicle such that the distance between the centre of the area of contact with the road surface of—

(a) a back wheel, in a case where only one appliance is being used for the carriage of goods or burden, and is fitted to the back of the vehicle,

(b) any wheel on one side of the vehicle, in any other case, and that of the nearest wheel on the other side is less than four feet.

(6) This section shall come into operation on the first day of October, nineteen hundred and fifty-nine.

Exemption
from excise
duty of
vehicles for
clearing
snow, etc.

14.—(1) No duty shall be chargeable under the Vehicles (Excise) Act, 1949, in respect of any mechanically propelled vehicle constructed or adapted, and used, solely for the conveyance of machinery for spreading material on roads to deal with frost, ice or snow or for the conveyance of such machinery and articles and material used for the purposes of the machinery.

(2) In paragraph (a) of subsection (5) of section five of the said Act of 1949 (under which a goods vehicle is not chargeable with additional duty in respect of a trailer if the drawn vehicle does not exceed five hundredweight in weight and is constructed and used solely for spreading loose untreated gritting material) the words “not exceeding five hundredweight in weight” and the word “untreated” shall cease to have effect.

(3) This section shall come into operation on the first day of October, nineteen hundred and fifty-nine.

PART II

PURCHASE TAX

Changes in
rates of
purchase tax.

15.—(1) Subject to any order made by the Treasury under section twenty-one of the Finance Act, 1948, Part I of the Second Schedule to the Finance Act, 1958, shall be amended by the substitution, in the percentage rates of tax specified throughout that Schedule, of the figures 50 for 60, 25 for 30, and 12½ for 15.

(2) This section shall have effect as from the eighth day of April, nineteen hundred and fifty-nine.

PART II
—cont.

16.—(1) Subject to any order of the Treasury made under section twenty-one of the Finance Act, 1948, Part I of the Second Schedule to the Finance Act, 1958, shall be amended in accordance with the two next following subsections, and the other enactments relating to purchase tax shall have effect accordingly. Relief of certain goods from purchase tax.

(2) In Group 18 (which relates to broadcast receivers) the following paragraph shall be added under the heading “Exempt”—

“(2) Television picture tubes.”

(3) Group 28 (which consists of road vehicle chassis, mechanically propelled) shall be omitted.

(4) This section shall have effect as from the eighth day of April, nineteen hundred and fifty-nine.

PART III

INCOME TAX

17.—(1) Income Tax for the year 1959-60 shall be charged at the standard rate of seven shillings and ninepence in the pound and, in the case of an individual whose total income exceeds two thousand pounds, shall be charged in respect of the excess at rates in the pound which respectively exceed the standard rate by the amounts by which the higher rates for the year 1957-58 exceeded the standard rate for that year: Charge of income tax for 1959-60.

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

(2) Section four hundred and eighty-six of the Income Tax Act, 1952 (tax-free payments under pre-war provisions) shall have effect as respects payments falling to be made at any time during the year 1959-60 as if in subsection (5) (which defines “appropriate fraction” as the fraction of which the denominator is twenty-nine and the numerator is twenty-nine less one for every complete sixpence in the pound by which the standard rate for the year exceeds five shillings and sixpence) for the words

PART III
—cont.

“twenty-nine” in each place where they occur there were substituted the words “fifty-eight”, and as if for the words “complete sixpence” there were substituted the words “complete threepence”.

**Surtax rates
for 1958-59.**

18. Income tax for the year 1958-59 shall be charged in the case of an individual whose total income exceeded two thousand pounds, at the same higher rates in respect of the excess as were charged for the year 1957-58.

**Alterations
in reliefs.**

19.—(1) As respects the year 1959-60 and subsequent years of assessment, the Income Tax Acts shall be amended as shown in the following provisions of this section:

Provided that the amounts of tax deductible or repayable under section one hundred and fifty-seven (pay as you earn) of the Income Tax Act, 1952, before the eighth day of June, nineteen hundred and fifty-nine shall not be deemed to have been affected, but this provision shall not prevent the resulting over-deductions and under-repayments from being adjusted subsequently by means of diminished deductions or increased repayments under that section or, if need be, by an assessment.

(2) Section two hundred and twenty of the Income Tax Act, 1952 (which provides for deductions from tax so as to produce reduced rates of tax on the first sixty pounds, the next one hundred and fifty pounds, and the next one hundred and fifty pounds of the income on which an individual bears tax after allowing for other reliefs) shall have effect as if in subsection (1) for the words “eight shillings and sixpence” in each place where they occur there were substituted the words “seven shillings and ninepence”, for the words “6s. 3d.” there were substituted the words “6s. 0d.”, for the words “3s. 9d.” there were substituted the words “3s. 6d.” and for the words “1s. 9d.” there were substituted the words “1s. 6d.”.

(3) In subsection (3) (old age relief) of section two hundred and eleven of the Income Tax Act, 1952, a reference to eleven-twentieths shall be substituted for the reference to three-fifths (the fraction governing the marginal relief).

(4) In subsection (2) (relief for small incomes) of section fifteen of the Finance Act, 1952, a reference to four hundred and five pounds shall be substituted for the reference to four hundred pounds (the income limit for the marginal relief) and a reference to two-fifths shall be substituted for the reference to nine-twentieths (the fraction governing the marginal relief).

(5) In paragraph (b) of subsection (1) (relief for persons over sixty-five with small incomes) of section thirteen of the Finance Act, 1957, a reference to nine-twentieths shall be substituted for the reference to a half (the fraction governing the marginal relief).

20. Section two hundred and sixteen of the Income Tax Act, 1952, shall have effect as if the reference to the mother being widowed included—

PART III
—*cont.*
Dependent
relatives.

- (a) a reference to her living apart from her husband, and
- (b) a reference to her being a single woman, in consequence of dissolution or annulment of marriage:

Provided that no person shall by virtue of this section be entitled to less relief under the Income Tax Act, 1952, than he would be entitled to if this section had not been passed.

21.—(1) Subject to the provisions of this section, subsections (2) to (5) of section sixteen of the Finance Act, 1954 (which provide for the making of investment allowances, and in the case of investment allowances under subsections (2) to (4) thereof provide that the allowances are to be in lieu of initial allowances under Part X of the Income Tax Act, 1952) shall apply to expenditure incurred after the seventh day of April, nineteen hundred and fifty-nine, and accordingly section fifteen of the Finance Act, 1956 (by which investment allowances were, with certain exceptions, suspended) shall not apply to such expenditure. Restoration of investment allowances, and additional grant of initial allowances in certain cases.

(2) An initial allowance shall be made under Part X of the Income Tax Act, 1952, in any case where it would have fallen to be made (whether in any event, or on the election of the person entitled) apart from this section but would be excluded, but for this subsection, by any of the provisions of the said section sixteen, so however that it shall be reduced—

- (a) if for industrial buildings or structures, or for machinery or plant, by two-thirds, or
- (b) if for the construction of mining works, by one-half;

and accordingly the enactments mentioned in the Fourth Schedule to this Act shall have effect in relation to any such case subject to the modifications set out in that Schedule.

(3) The proviso to subsection (4) of section sixteen of the Finance Act, 1954 (by which a person incurring expenditure on the construction of mining works may elect to receive either an investment allowance or an initial allowance) shall not apply in relation to expenditure incurred after the said seventh day of April.

(4) Where an initial allowance falls to be made under section seventeen of the Finance Act, 1956 (dredging) in respect of expenditure incurred after the said seventh day of April,—

- (a) an investment allowance equal to one-tenth of the expenditure shall be made in addition to the initial allowance, and
- (b) the initial allowance shall be reduced from three-twentieths to one-twentieth,

PART III
—cont.

and any provision of the Income Tax Acts applicable to initial allowances under the said section seventeen shall apply also to investment allowances under this subsection, except that an investment allowance shall not be taken into account—

- (i) in determining under paragraph (b) of subsection (1) of that section the period for which annual allowances are to continue to be made, or
- (ii) in determining under subsection (2) of that section the deduction to be made from the amount of the said expenditure for the purpose of calculating an additional allowance on the permanent discontinuance of the trade.

(5) The Fifth Schedule to this Act shall have effect for the purposes of investment allowances under the foregoing subsection.

(6) Expenditure shall not be treated for the purposes of this section as having been incurred after the said seventh day of April by reason only of any of the following provisions of the Income Tax Act, 1952 (which relate to expenditure incurred by a person for the purposes of a trade before he begins to carry it on), that is to say—

- subsection (6) of section two hundred and sixty-five,
- subsection (2) of section two hundred and seventy-nine, or
- subsection (1) of section three hundred and nine.

Investment allowance where ship purchased before taking over from builder.

22.—(1) Subject to the provisions of this section, where after the seventh day of April, nineteen hundred and fifty-nine, a person incurs capital expenditure on the provision of a ship the expenditure shall not be prevented from being treated for investment allowance purposes as incurred on the provision of a new asset by the property in the ship or any part thereof having previously passed to a person other than the person incurring the expenditure if the ship has not been taken over from the builder by any such other person.

(2) The foregoing subsection shall not apply if any person other than the person incurring the expenditure has become entitled to an investment allowance in respect of the ship or would have become entitled to such an allowance by virtue of this section but for the limitation contained in the foregoing subsection to expenditure incurred after the said seventh day of April:

Provided that where such an other person has, or would have, become entitled as aforesaid as respects part only of his capital expenditure on the provision of the ship, the foregoing subsection shall apply, but the amount of expenditure in respect of which an investment allowance may be made by virtue of this section

shall not exceed the amount qualifying for an investment allowance apart from any operation of the said limitation, reduced by the amount of the said part of the other person's capital expenditure.

PART III
—cont.

(3) Where rights under a contract for the provision of a ship are assigned after the ship has been begun, and either—

- (a) the assignor is a body of persons over whom the assignee has control (within the meaning assigned to that expression by subsection (1) of section three hundred and thirty-three of the Income Tax Act, 1952), or the assignee is a body of persons over whom the assignor has such control, or both the assignor and the assignee are bodies of persons and some other person has such control over both of them, or
- (b) it appears with respect to the assignment, or with respect to transactions of which the assignment is one, that the sole or main benefit which, apart from the provisions of this subsection, might have been expected to accrue to the parties or any of them was the obtaining of an increased investment allowance,

then in relation to the making of any investment allowance falling to be made by virtue of this section no part of the consideration for the assignment shall be treated as expenditure incurred on the provision of the ship, but nothing in this subsection shall affect the consideration for a sale to the assignee of so much of the ship as is in existence before the assignment.

References in paragraph (a) of this subsection to a body of persons include references to a partnership.

(4) The Fourteenth Schedule to the Income Tax Act, 1952 (which, where there is a sale between a buyer and a seller who are associated, makes special provision as to the price at which for income tax purposes the property is to be taken to have been sold) shall not operate so as to increase the amount of any investment allowance falling to be made by virtue of this section.

(5) Expenditure shall not be treated for the purposes of this section as having been incurred after the said seventh day of April by reason only of subsection (2) of section two hundred and seventy-nine 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).

23.—(1) Subject as hereinafter provided the three next following sections relate to cases of a purchase by a person (in those sections referred to as "the first buyer") on or after the eighth day of April, nineteen hundred and fifty-nine, of any securities and their subsequent sale by him, the result of the

Purchase and sale of securities: application of ss. 24-26.

PART III
—cont.

transaction being that interest becoming payable in respect of the securities (in those sections referred to as "the interest") is receivable by the first buyer.

(2) The said sections do not relate to cases where—

- (a) the time elapsing between the purchase by the first buyer and his taking steps to dispose of the securities exceeded six months, or
- (b) that time exceeded one month and it is shown to the satisfaction of the Commissioners having jurisdiction in the matter that the purchase and sale were each effected at the current market price, and that the sale was not effected in pursuance of an agreement or arrangement made before or at the time of the purchase.

(3) The reference in the foregoing subsection to the first buyer taking steps to dispose of the securities shall be construed—

- (a) if he sold them in the exercise of an option he had acquired, as a reference to his acquisition of the option,
- (b) in any other case, as a reference to his selling them.

(4) For the purposes of this and the three next following sections a sale of securities similar to, and of the like nominal amount as, securities previously bought (hereinafter referred to as "the original securities") shall be equivalent to a sale of the original securities, and the foregoing subsection shall apply accordingly; and where the first buyer bought parcels of similar securities at different times a subsequent sale of any of the securities shall so far as may be be related to the last to be bought of the parcels, and then to the last but one, and so on:

Provided that a person shall be under no greater liability to tax by virtue of this subsection than he would have been under if instead of selling the similar securities he had sold the original securities.

(5) Where at the time when a trade is, or is deemed to be, set up and commenced or at the time of any relevant change within the meaning of the Third Schedule to the Finance Act, 1954 (which relates to company reconstructions) any securities form part of the trading stock belonging to the trade, those securities shall be treated for the purposes of this section as having been sold at that time in the open market by the person to whom they belonged immediately before that time and as having been purchased at that time in the open market by the person thereafter engaged in carrying on the trade; and subject to the foregoing provisions of this subsection where there is a change in the persons engaged in carrying on a trade which is not a change on which the trade is deemed to be discontinued

and which is not such a relevant change as aforesaid, the provisions of this section shall apply in relation to the person so engaged after the change as if anything done to or by his predecessor had been done to or by him.

PART III
—cont.

(6) For the purposes of this and the three next following sections—

- (a) “ interest ” includes a dividend ;
- (b) “ person ” includes any body of persons, and references to a person entitled to any exemption from income tax include, in a case of an exemption expressed to apply to income of a trust or fund, references to the persons entitled to make claims for the granting of that exemption ;
- (c) “ securities ” includes stocks and shares ;
- (d) securities shall be deemed to be similar if they entitle their holders to the same rights against the same persons as to capital and interest and the same remedies for the enforcement of those rights, notwithstanding any difference in the total nominal amounts of the respective securities or in the form in which they are held or the manner in which they can be transferred, and for the purposes of this paragraph rights guaranteed by the Treasury shall be treated as rights against the Treasury.

24.—(1) Subject to the provisions of this section, if the first buyer is engaged in carrying on a trade which consists of or comprises dealings in securities, then in computing for any of the purposes of the Income Tax Acts the profits arising from or loss sustained in the trade the price paid by him for the securities shall be reduced by the appropriate amount in respect of the interest, as determined in accordance with the Sixth Schedule to this Act.

Purchase and sale of securities: dealers in securities.

(2) The foregoing subsection shall not apply if the first buyer—

- (a) is in the opinion of the Commissioners of Inland Revenue bona fide carrying on the business of a discount house in the United Kingdom, or
- (b) is a member of the London Stock Exchange who is recognised by the committee thereof as carrying on the business of a jobber, or
- (c) is a member of any other stock exchange in the United Kingdom who is recognised by the committee thereof as carrying on the business of a dealer,

and the securities were bought in the ordinary course of his said business and, in the case of a dealer such as is mentioned

PART III
—*cont.*

in paragraph (c) of this subsection, were securities in which he was authorised by the said committee to deal.

(3) Subsection (1) of this section shall not apply if the purchase of the securities by the first buyer and their resale, or as the case may be the subsequent sale of similar securities, constitute a transaction which is to be left out of account in computing profits or losses by virtue of subsection (3) of section two hundred and three of the Income Tax Act, 1952 (agreements for purchase and resale of securities by dealers).

(4) Subsection (1) of this section shall not apply if the interest is to any extent required to be brought into account under section four of the Finance (No. 2) Act, 1955, as if it were a trading receipt which had not borne tax, or would to any extent be so required to be brought into account but for the provisions of paragraph 2 of the Third Schedule to that Act (which exclude dividends at rates not unusually high payable on shares acquired during the preceding twelve months).

(5) Subsection (1) of this section shall not apply if the securities are overseas securities bought by the first buyer on a stock exchange outside the United Kingdom in the ordinary course of his trade as a dealer in securities and the following conditions are satisfied, namely—

- (a) the interest is brought into account in computing for the purposes of the Income Tax Acts the profits arising from or loss sustained in the trade ;
- (b) the first buyer has not claimed, and undertakes not to claim, any relief available to him in respect of the interest under section two hundred and one of the Income Tax Act, 1952 (relief from tax on dividends from overseas companies who have paid United Kingdom income tax) ; and
- (c) where credit against income tax or profits tax would fall to be allowed in respect of the interest under section three hundred and forty-seven or three hundred and forty-eight of the Income Tax Act, 1952 (double taxation relief), the first buyer elects that credit shall not be so allowed.

In this subsection “ overseas securities ” means securities of the government of, or of a body of persons resident in, any country or territory outside the United Kingdom and the Republic of Ireland.

Purchase and sale of securities: persons entitled to exemptions.

25.—(1) If the first buyer is entitled under any enactment to an exemption from income tax which, apart from this subsection, would extend to the interest, then subject to the provisions of this section the exemption shall not extend to an amount equal

to the appropriate amount in respect of the interest, as determined in accordance with the Sixth Schedule to this Act:

PART III
—cont.

Provided that if the first buyer is entitled as aforesaid and any annual payment is payable by him out of the interest, the annual payment shall be deemed as to the whole thereof to be paid out of profits or gains not brought into charge to tax, and section one hundred and seventy of the Income Tax Act, 1952, shall apply accordingly.

(2) This section shall not apply where the exemption arises from the residence of the first buyer in the Republic of Ireland.

26.—(1) If the first buyer carries on a trade not falling within section twenty-four of this Act, then in ascertaining whether any or what repayment of tax is to be made to him under section three hundred and forty-one of the Income Tax Act, 1952, subsection (3) of section fifteen of the Finance Act, 1953, or paragraph 3 of the Third Schedule to the Finance Act, 1954, by reference to any loss sustained in the trade and the aggregate amount of his income for the year of assessment his income for which includes the interest, there shall be left out of account—

Purchase and sale of securities: traders other than dealers in securities.

(a) the appropriate amount in respect of the interest, as determined in accordance with the Sixth Schedule to this Act, and

(b) any tax paid on that amount.

(2) Where the first buyer is a company and carries on a trade not falling within section twenty-four of this Act or a business consisting mainly in the making of investments, then—

(a) the appropriate amount in respect of the interest, as determined in accordance with the Sixth Schedule to this Act, shall be left out of account in determining for the purposes of section twenty of the Finance Act, 1953 (payments between associated companies in respect of losses) whether the company has any surplus for tax purposes during any period or what is the amount of that surplus; and

(b) if any annual payment payable by the company is to any extent payable out of the interest, that annual payment shall be deemed to that extent not to be payable out of profits or gains brought into charge to tax, and section one hundred and seventy of the Income Tax Act, 1952, shall apply accordingly.

(3) In sub-paragraph (3) of paragraph 5 of the Third Schedule to the Finance (No. 2) Act, 1955, after paragraph (d) (which provides, in the case of a company not engaged in carrying on

PART III
—*cont.*

a trade falling within section twenty-four of this Act, for deducting certain amounts from income in determining whether a dividend has been paid out of accumulated profits) there shall be inserted the following:—

“ and

- (e) if the company is not engaged as aforesaid, but were it so engaged any reduction under section twenty-four of the Finance Act, 1959, would, or would but for subsection (3) or (4) of that section, fall to be made as respects the price paid by the company for securities (within the meaning of that section) bought by it in a year of assessment in the period, such amount as would, after deduction of income tax at the standard rate in force in that year of assessment, be equal to the amount of the reduction, so however that where the securities are of the description specified in paragraph 4 of the Sixth Schedule to that Act the amount shall be the amount of the reduction,”

in sub-paragraph (3) of paragraph 4 of that Schedule (which provides for leaving out of account, in determining the profits of a company for a given period, tax on any amount to be deducted under paragraph (d) of sub-paragraph (3) of paragraph 5 of that Schedule) after the word “(d)” there shall be inserted the words “or (e)”, and subsection (5) of section eighteen of the Finance Act, 1958 (which, in the case of companies falling within the said paragraph (d), contains modifications of the enactments relating to dividends paid out of accumulated profits) shall apply where a company satisfies the conditions specified in the new paragraph (e) set out in this subsection as it applies where a company such as is mentioned in the said paragraph (d) has received such a dividend as is mentioned therein.

- (4) In this section “company” includes any body corporate.

Overseas
Trade
Corporations:
avoidance of
disqualification
by holding
companies.

27.—(1) Where a principal company not itself carrying on trade but having a subsidiary company resident in the United Kingdom satisfies the Commissioners of Inland Revenue that for any period for which the status of the principal company falls to be determined under section thirty of the Finance Act, 1957, the principal company failed apart from this section to qualify as an Overseas Trade Corporation by reason only that, in consequence of some act done by the subsidiary company of which the principal company had no previous knowledge and from which it obtained no material advantage, the principal company was excluded by the proviso to subsection (1) of section twenty-three of that Act (holding companies excluded if having subsidiaries resident in the United Kingdom which are not Overseas Trade Corporations), then if the Commissioners of Inland

Revenue in their discretion so direct the act shall not prevent the principal company being treated as an Overseas Trade Corporation for that period.

PART III
—cont.

(2) The powers conferred on the Commissioners of Inland Revenue by the foregoing subsection are in addition to, and not in derogation from, the powers conferred by subsection (2) of the said section thirty (under which the Commissioners may direct to be disregarded disqualifying acts done by the company whose status is in question and disqualifying events over which that company had no control).

(3) This section shall be construed as one with Part IV of the Finance Act, 1957; and subsection (4) of the said section thirty (which relates to appeals) shall apply in relation to the refusal of a direction under this section as it applies in relation to the refusal of a direction under subsection (2) of the said section thirty.

28.—(1) Where an assurance company having its head office in the United Kingdom carries on business in the Republic of Ireland, and under provisions of the law of that country corresponding with section twenty-four of the Finance Act, 1956, exemption from income tax is allowable in respect of income from investments and deposits referable to pension annuity business, section four hundred and twenty-nine of the Income Tax Act, 1952 (under which income from investments of the foreign life assurance fund of an assurance company is treated for income tax purposes as if the company were not ordinarily resident in the United Kingdom) shall apply in relation to the income as if paragraph 3 of Part III of the Eighteenth Schedule to that Act (which excludes from foreign life assurance business any business transacted in the Republic of Ireland) did not have effect.

(2) Sub-paragraph (1) of paragraph 2 of Part III of the said Eighteenth Schedule (which charges tax under Case IV or Case V of Schedule D, on profits or gains arising in the Republic of Ireland, on the full amount of the income arising in the year of assessment, whether remitted to the United Kingdom or not) shall have effect subject to the foregoing subsection.

29.—(1) The Agreement made on the fourth day of April, nineteen hundred and fifty-nine between the Governments of the United Kingdom and the Republic of Ireland relating to the Agreements set out in the Eighteenth Schedule to the Income Tax Act, 1952 (which first-mentioned Agreement is set out in the Seventh Schedule to this Act) is hereby confirmed, and, subject to the necessary steps being taken to give it the force of law in the Republic of Ireland, shall have effect accordingly.

Confirmation
of double-
taxation
agreement with
Republic of
Ireland.

PART III
—*cont.*

(2) In subsection (2) of section three hundred and forty-nine of the Income Tax Act, 1952, after the words “the second and third of the said Agreements” there shall be inserted the words “and by the Agreement set out in the Seventh Schedule to the Finance Act, 1959”; and in paragraph 1 of Part III of the Eighteenth Schedule to the said Act of 1952 for the words “have effect”, in the second place where they occur, there shall be substituted the words “are in force”.

PART IV

STAMP DUTIES

Stamp duty
on policies
of insurance.

30.—(1) In the first Schedule to the Stamp Act, 1891, before the head of charge “Policy of Life Insurance” there shall be inserted the following—

	£ s. d.
“Policy of Insurance other than Life Insurance	0 0 6”

and the head of charge “Policy of Sea Insurance” and the head of charge beginning “Policy of Insurance against Accident” shall be omitted.

(2) The following shall be exempt from all stamp duties:—

- (a) cover notes, slips and other instruments usually made in anticipation of the issue of a formal policy, not being instruments relating to life insurance;
- (b) instruments embodying alterations of the terms or conditions of any policy of insurance other than life insurance;
- (c) policies of insurance on baggage or personal and household effects only, if made or executed out of Great Britain;

and an instrument exempted by virtue of paragraph (a) of this subsection shall not be taken for the purposes of the Stamp Act, 1891, to be a policy of insurance.

(3) An instrument shall not be charged with duty exceeding sixpence by reason only that it contains or relates to two or more distinct matters each falling within the head of charge inserted by subsection (1) of this section.

(4) In consequence of subsection (1) of this section, the Stamp Act, 1891, shall be amended as follows—

- (a) sections ninety-two to ninety-seven (which make special provision for policies of sea insurance) shall cease to have effect;
- (b) section one hundred (which imposes penalties in cases where there is no duly stamped policy of insurance)

shall have effect as if the exceptions therein as to sea insurance were omitted ;

PART IV
—cont.

- (c) section one hundred and sixteen (which enables composition to be made for stamp duty on accident policies) shall apply in relation to all policies of insurance other than life insurance, and the second part of the Second Schedule shall have effect accordingly ;

and the said section one hundred shall not apply in relation to an insurance or a policy effecting an insurance if the insurance is such that a policy effecting it is exempt from all stamp duties.

(5) Paragraphs (2) to (5) of section twenty-three of the Marine Insurance Act, 1906, and subsection (2) of section twenty-five thereof (which are derived from provisions contained in section ninety-three of the Stamp Act, 1891) shall cease to have effect.

(6) Notwithstanding the repeal of section ninety-three of the Stamp Act, 1891, a contract for such insurance as is mentioned in section five hundred and six of the Merchant Shipping Act, 1894, shall continue to be admissible in evidence although not embodied in a marine policy as required by section twenty-two of the Marine Insurance Act, 1906.

(7) This section shall apply in relation to instruments made or executed after the beginning of August, nineteen hundred and fifty-nine.

31.—(1) Where stamp duty is chargeable under the head of charge “Conveyance or Transfer on sale” in the First Schedule to the Stamp Act, 1891, and the amount or value of the consideration for the sale is less than five pounds, the duty shall not exceed sixpence for every twenty-five shillings or fractional part of twenty-five shillings of the consideration ; and the amount of any duty chargeable by reference to the said head of charge shall be calculated accordingly.

Upper limit
of stamp duty
on sales, etc.,
for less than
five pounds.

(2) This section shall apply in relation to instruments made or executed after the beginning of August, nineteen hundred and fifty-nine.

32. The duty imposed by section eleven of the Customs and Inland Revenue Act, 1885, in respect of the property of certain corporate and unincorporated bodies shall not be charged for any yearly period beginning after the fifth day of April, nineteen hundred and fifty-nine.

Repeal of
Corporation
Duty.

PART V

MISCELLANEOUS

Profits tax:
increase of
limits on
deductions for
directors'
remuneration.

33.—(1) Paragraph 11 of the Fourth Schedule to the Finance Act, 1937 (which, as set out in section thirty-four of the Finance Act, 1952, limits the deduction which may be made for the purposes of the profits tax in respect of the remuneration of full-time working directors of director-controlled companies) shall have effect with the substitution for any reference to two thousand five hundred pounds of a reference to three thousand pounds, for any reference to four thousand pounds of a reference to five thousand pounds, for any reference to five thousand five hundred pounds of a reference to seven thousand pounds, for any reference to seven thousand pounds of a reference to nine thousand pounds, and for any reference to one thousand five hundred pounds of a reference to two thousand pounds.

(2) The foregoing subsection shall apply to chargeable accounting periods ending after the beginning of April, nineteen hundred and fifty-nine:

Provided that in the case of a period beginning before that time the maximum deduction to be allowed in respect of the remuneration of directors other than whole-time service directors shall be the aggregate of the following amounts, that is to say—

- (a) the amount which would have been the maximum if this section had not had effect, reduced in the proportion which so much of the period as elapsed before that time bears to the whole;
- (b) the amount which would have been the maximum apart from this proviso, reduced in the proportion which the remainder of the period bears to the whole.

Estate duty:
life insurance
policies.

34.—(1) So much of section eleven of the Customs and Inland Revenue Act, 1889, as imposes duty in respect of any policy kept up by the deceased in favour of a nominee or assignee, and section seventy-six of the Finance Act, 1948 (which relates to estate duty where policies are kept up or effected under settlements), shall cease to have effect.

(2) Where by way of gift a person pays a premium under a policy of assurance on his life in circumstances where the payment does not fall to be treated for estate duty purposes both as a gift and as one of money, and, by reason of assignment or otherwise, the payment operates to keep up the policy for the benefit of another person (hereinafter referred to as "the donee"), then for estate duty purposes the payment shall be treated as a gift to the donee of rights under the policy, and the property comprised in the gift shall be treated for those purposes as standing at the payor's death (whether or not the policy continues

on foot till that time) at a value equal to the proportion of the value of the policy which the amount of the premium bears to the aggregate amount of all relevant premiums.

(3) Where by reason of any dealing with a policy of life assurance property would under paragraph (c) of subsection (1) of section two of the Finance Act, 1894, and apart from this subsection, be deemed to have passed on the death of the assured, the property so deemed to have passed shall be treated as standing at the assured's death (whether or not the policy continues on foot till that time) at a value equal to the proportion of the value of the policy which the aggregate amount of all premiums paid under the policy before the dealing with the policy bears to the aggregate amount of all relevant premiums.

(4) For the purposes of the two foregoing subsections the value of a policy shall be determined as follows:—

- (a) subject to the following paragraph, the value shall be taken to be the value, as at the death, of the benefits receivable under the policy on the death or other event on which they are receivable;
- (b) the foregoing paragraph shall not apply in relation to any payment of a premium or dealing with a policy if any dealing with the policy has subsequently taken place either so as to alter the beneficial interest in the rights under the policy or by way of surrender, but in such a case the value shall be ascertained by reference to the time of the subsequent dealing (or of the first, if there has been more than one), and shall be taken to be the value at that time of the consideration therefor, or if there was no consideration or (in the case of a dealing other than a surrender) its value was less than the market value of the policy at that time, that market value.

(5) In this section "relevant premiums" means premiums paid under the policy (whoever paid them) which—

- (a) where paragraph (a) of the foregoing subsection applies, have been paid before the maturity of the policy, or
- (b) where paragraph (b) of that subsection applies, have been paid before the time by reference to which the value of the policy falls to be ascertained.

(6) If for the purposes of the law relating to the exemption from estate duty of gifts not exceeding a specified amount any gift falling within this section is to be valued as at the date of the gift, then—

- (a) if the gift falls within subsection (2) of this section, its value shall be taken to be the proportion of the

PART V
—*cont.*

market value of the policy at the date of the gift which the amount of the premium bears to the aggregate amount of the premium and all premiums previously paid under the policy (whoever paid them);

(b) if the gift falls within subsection (3) of this section, its value shall be taken to be the market value of the policy at the date of the gift.

(7) Section thirty-eight of the Finance Act, 1957 (which relates to estate duty on gifts inter vivos where the donee ceases to have possession and enjoyment of property comprised in a gift), except subsection (11) (which provides for marginal relief in the case of gifts exceeding five hundred pounds), shall not apply to any gift falling within this section.

(8) This section shall be construed as one with Part I of the Finance Act, 1894.

(9) This section shall have effect in the case of a person dying after the seventh day of April, nineteen hundred and fifty-nine, except that subsection (2) of this section shall not apply in a case (not being a case where subsection (3) of this section applies) where the policy matured, or was surrendered, before the twenty-second day of that month.

Estate duty:
amendments
as to exclusion
of donor, or
owner of an
interest, from
possession
or benefit.

35.—(1) In the case of persons dying after the coming into operation of this section, any provision of the enactments relating to estate duty which imposes, in connection with a gift of property or the disposition or determination of an interest in property, a condition that property shall have been possessed or enjoyed by a person to the entire exclusion of another person or of any benefit to him by contract or otherwise shall be applied in accordance with the following provisions of this section.

(2) In the case of property being an interest in land, or being chattels, retention or assumption by the said other person of actual occupation of the land or actual enjoyment of an incorporeal right over the land, or actual possession of the chattels, shall be disregarded if for full consideration in money or money's worth.

(3) In the case of a gift, a benefit which the said other person obtained by virtue of any associated operations (as defined by section fifty-nine of the Finance Act, 1940) of which the gift is one shall be treated as a benefit to him by contract or otherwise.

(4) This section shall be construed as one with Part I of the Finance Act, 1894.

(5) In the application of this section to Scotland, for references to chattels there shall be substituted references to corporeal moveables.

36. In subsection (3) of section forty-two of the Finance Act, 1956 (which, as amended by section thirty-six of the Finance Act, 1958, limits to one thousand and seventy million pounds the total of the advances which may be made under the said section forty-two and prohibits the making of such advances after the end of August, nineteen hundred and fifty-nine) for the words "one thousand and seventy" there shall be substituted the words "one thousand six hundred and twenty" and for the words "nineteen hundred and fifty-nine" there shall be substituted the words "nineteen hundred and sixty".

PART V
—*cont.*
Exchequer
advances to
nationalised
industries and
undertakings.

37.—(1) This Act may be cited as the Finance Act, 1959.

Short title,
construction,
extent and
repeal.

(2) Parts I to IV of this Act shall be construed as one with the enactments mentioned in this subsection respectively, that is to say—

- (a) Part I with the Customs and Excise Act, 1952 ;
- (b) Part II with Part V of the Finance (No. 2) Act, 1940 ;
- (c) Part III with the Income Tax Acts ;
- (d) Part IV with the Stamp Act, 1891.

(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) 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.

(5) The enactments specified in the Eighth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, and, except as otherwise provided in that column, the said repeals shall have effect—

- (a) in the case of the enactments specified in Part I of that Schedule, as from the eighth day of April, nineteen hundred and fifty-nine ;
- (b) in the case of the enactments specified in Part II thereof, in relation to instruments made or executed after the beginning of August, nineteen hundred and fifty-nine ;
- (c) in the case of the enactments specified in Part III thereof, in relation to any yearly period beginning after the fifth day of April, nineteen hundred and fifty-nine ; and
- (d) in the case of the enactments specified in Part IV thereof, in relation to persons dying after the seventh day of April, nineteen hundred and fifty-nine.

Section 1.

SCHEDULES

FIRST SCHEDULE

BEER (DUTIES AND DRAWBACKS)

PART I

BEER OTHER THAN BLACK BEER OF GRAVITY OF TWELVE HUNDRED DEGREES OR MORE

Specific gravity of worts before fermentation 1	Rates					
	Excise duty 2	Excise drawback 3	Preferential customs duty 4	Full customs duty 5	Drawback on preferential customs duty 6	Drawback on full customs duty 7
1030 degrees or less.	£ s. d. 5 11 9½	£ s. d. 5 11 11½	£ s. d. 5 12 2½	£ s. d. 6 12 2½	£ s. d. 5 11 11½	£ s. d. 6 11 11½
Exceeding 1030 degrees.	5 11 9½ and 6s. 7½d. for each additional degree.	5 11 11½ and 6s. 7½d. for each additional degree.	5 12 2½ and 6s. 7½d. for each additional degree.	6 12 2½ and 6s. 7½d. for each additional degree.	5 11 11½ and 6s. 7½d. for each additional degree.	6 11 11½ and 6s. 7½d. for each additional degree.

Supplementary provisions as to drawbacks

1. As respects beer the worts whereof before fermentation were of a specific gravity of less than 1030 degrees the amount of drawback shall be limited as follows.

2. The amount of excise drawback allowable shall not exceed by more than twopence for every 36 gallons the amount of duty which is shown to the satisfaction of the Commissioners to have been paid.

3. The amount of customs drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

PART II

BLACK BEER OF GRAVITY OF TWELVE HUNDRED DEGREES OR MORE

Specific gravity of worts before fermentation 1	Rates			
	Excise duty 2	Excise drawback 3	Customs duty 4	Customs drawback 5
1200 degrees ...	£ s. d. 11 15 7	£ s. d. 11 15 9	£ s. d. 11 16 0	£ s. d. 11 15 9
Exceeding 1200 degrees.	11 15 7 and 1s. 5d. for each additional degree.	11 15 9 and 1s. 5d. for each additional degree.	11 16 0 and 1s. 5d. for each additional degree.	11 15 9 and 1s. 5d. for each additional degree.

SECOND SCHEDULE

Section 2.

MODIFICATIONS CONSEQUENTIAL ON REPEAL OF FOURTH
SCHEDULE TO CUSTOMS AND EXCISE ACT, 1952*The Temperance (Scotland) Act, 1913*

(3 & 4 Geo. 5. c. 33)

1. In subsection (1) of section three, for the words from “ satisfy the court ” to the end of the subsection there shall be substituted the words “ produce to the court a statement by the Commissioners of Customs and Excise certifying that in their opinion the receipts from the sale of exciseable liquor in the preceding year were less, in the case of a restaurant, than three-fifths or, in the case of an inn and hotel, than one-half of the total receipts in that year from the business of all descriptions carried on at the premises for which such certificate is held, being business carried on in that year by or on behalf of a person holding a certificate in respect of those premises ”.

2. After subsection (1) of section three there shall be inserted the following subsection:—

“ (1A) In calculating receipts for the purposes of the foregoing subsection, the year shall be the twelve months ending on the thirty-first day of December or such other day as the said Commissioners may fix for any area or to meet the circumstances of a particular case or cases.”

The Licensing Act, 1953

(1 & 2 Eliz. 2. c. 46)

3. Instead of varying with annual value, the percentage of the maximum charge to be imposed under section eighteen (compensation charge) on the renewal of an old on-licence in any year after nineteen hundred and fifty-nine shall be fixed and, notwithstanding any subsequent removal of the licence or other change of circumstances, shall be equal to the percentage of that charge imposed on the renewal of the licence in nineteen hundred and fifty-eight or, if a charge did not then fall to be imposed because the compensation authority considered its imposition unnecessary or the licence was in suspense and thus not renewed or the premises were in a licensing planning area, shall be equal to the percentage which would have been appropriate if a charge had then fallen to be imposed.

4. For the purpose of levying any charge imposed under section eighteen on the renewal of an old on-licence in nineteen hundred and fifty-nine, the percentage of the maximum charge imposed on the renewal shall be taken to have been equal to the percentage of that charge which, by virtue of the foregoing paragraph, will fall to be imposed on the renewal of the licence in any subsequent year.

2 I*

2ND SCH.
—cont.

The Landlord and Tenant Act, 1954

(2 & 3 Eliz. 2. c. 56)

5. The following shall be substituted for paragraph (d) of subsection (1) of section forty-three (tenancies to which Part II of the Act does not apply)—

“(d) to a tenancy of premises licensed for the sale of intoxicating liquor for consumption on the premises, other than—

(i) premises which are structurally adapted to be used, and are bona fide used, for a business which comprises one or both of the following, namely, the reception of guests and travellers desiring to sleep on the premises and the carrying on of a restaurant, being a business a substantial proportion of which consists of transactions other than the sale of intoxicating liquor;

(ii) premises adapted to be used, and bona fide used, only for one or more of the following purposes, namely, for judicial or public administrative purposes, or as a theatre or place of public or private entertainment, or as public gardens or picture galleries, or for exhibitions, or for any similar purpose to which the holding of the licence is merely ancillary;

(iii) premises adapted to be used, and bona fide used, as refreshment rooms at a railway station.”

The Licensing (Scotland) Act, 1959

(7 & 8 Eliz. 2. c. 51)

6. In subsection (4) of section one hundred and eleven, for the words from “satisfies the licensing court” to the end of the subsection there shall be substituted the words “produces to the licensing court a statement by the Commissioners certifying that in their opinion the receipts from the sale of exciseable liquor in the preceding year were less, in the case of a restaurant, than three-fifths or, in the case of a hotel, than one-half of the total receipts in that year from the business of all descriptions carried on at the premises for which such certificate is held, being business carried on in that year by or on behalf of a person holding a certificate in respect of those premises”.

7. After subsection (4) of section one hundred and eleven there shall be inserted the following subsection:—

“(5) In calculating receipts for the purposes of the last foregoing subsection, the year shall be the twelve months ending on the thirty-first day of December or such other day as the Commissioners may fix for any area or to meet the circumstances of a particular case or cases”.

THIRD SCHEDULE

Section 10.

CONSEQUENTIAL AMENDMENTS AS TO VEHICLE EXCISE LICENCES

1.—(1) The Vehicles (Excise) Act, 1949, shall be amended in accordance with the following provisions of this paragraph.

(2) In section one, in paragraph (a) (which charges the duties), after the word “used” there shall be inserted the words “or kept”.

(3) In section seven, in subsection (1), after the word “used” in each place where it occurs in paragraphs (b), (f) and (g) and in the first place where it occurs in paragraph (h), there shall be inserted the words “or kept on a road”, in subsection (2) for the words “or not, or” there shall be substituted the words “or not, or by reason of the keeping thereof for such use or by reason of the use thereof”, and at the end of subsection (4) there shall be inserted the words “in respect of the use of the vehicle on roads”.

(4) In section nine, in paragraph (a) of subsection (2) (which provides that one licence does not entitle the holder to use more than one vehicle), after the word “use” there shall be inserted the words “or keep”.

(5) A trade licence, that is to say a licence under section ten, shall not authorise the keeping of a vehicle on a road if it is not being used thereon.

(6) In section fifteen, in subsection (1) (under which it is an offence to use a vehicle on a road without a licence), after the word “uses” where it first occurs there shall be inserted the words “or keeps”, and in subsection (3) (which where an offence is alleged enables information to be required from the owner of the vehicle and other persons as to the identity of the driver or person using the vehicle) after the word “used” there shall be inserted the words “or kept”; and in relation to an alleged offence of keeping a vehicle in contravention of the said subsection (1) paragraphs (a) and (b) of subsection (3) of the said section fifteen shall have effect with the substitution for references to the driver or any person using the vehicle of references to the person keeping the vehicle.

(7) In section nineteen, in subsection (1) (which makes it an offence not to carry registration marks and hackney carriage signs) and in subsection (2) (which requires marks and signs fixed on a vehicle to be kept unobscured and easily distinguishable), after the words “person driving the vehicle” there shall be inserted the words “or, where the vehicle is not being driven, the person keeping the vehicle”.

2. In the Finance Act, 1952, in section seven, at the end of subsection (3) (which provides for exempting vehicles from vehicle excise duty when used for a civil defence purpose) there shall be added the words “or by reason of its being kept on a road for any such use, or both”.

Section 21.

FOURTH SCHEDULE

AMENDMENTS CONSEQUENTIAL ON RESTORATION OF
INVESTMENT ALLOWANCES*The Income Tax Act, 1952*

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

1. In subsection (1) of section two hundred and sixty-five, for the words "three-twentieths" there shall be substituted the words "one-twentieth".

2. In subsection (1) of section two hundred and seventy-nine, for the words "three-tenths" there shall be substituted the words "one-tenth".

3. In section three hundred and six, for the words "two-fifths" there shall be substituted the words "one-fifth".

4. In sub-paragraph (2) of paragraph 3 of the Fourteenth Schedule, for the words "seven-tenths" in each place where they occur there shall be substituted the words "nine-tenths".

The Finance Act, 1954

(2 & 3 Eliz. 2. c. 44)

5. In section sixteen—

(a) in subsections (2) to (4), for the words "instead of an initial allowance" in each place where they occur there shall be substituted the words "in addition to an initial allowance";

(b) in subsection (2), for the words "shall apply instead" there shall be substituted the words "shall apply also";

(c) in subsection (8), for the words "the withholding of initial allowances" there shall be substituted the words "the reduction of initial allowances";

(d) the following shall be inserted after subsection (9)—

"(9A) Subject to that Schedule, where it is provided by this section that an investment allowance shall be made in addition to an initial allowance, no greater initial allowance shall be made by reason that an investment allowance is for any reason not made."

6. The following shall be substituted for sub-paragraph (4) of paragraph 1 of the Second Schedule—

"(4) Where an investment allowance in respect of any expenditure is withheld or withdrawn under this paragraph then—

(a) if it is withheld or withdrawn by reason of a sale or transfer such initial allowance (if any) as might have been made in addition to the investment allowance if it had not been withheld or withdrawn shall be made, or

(b) if it is withheld or withdrawn otherwise than by reason of a sale or transfer such initial allowance (if any) as might have been made in respect of the said expenditure but for section sixteen of this Act and section twenty-one of the Finance Act, 1959 shall be made.”

4TH SCH.
—cont.

7. In relation to a sale of machinery or plant after the seventh day of April, nineteen hundred and fifty-nine, paragraph 2 of the Second Schedule shall have effect as if, for the words from “ the buyer shall not be entitled ” to the end of the paragraph there were substituted the words “ the amount of the initial allowance (if any) to which the buyer is entitled shall be reduced by two-thirds, unless the investment allowance is withheld or withdrawn under the foregoing paragraph or the initial allowance is reduced in accordance with the provisions of the Fourteenth Schedule to the Income Tax Act, 1952 ”.

The Finance Act, 1958

(6 & 7 Eliz. 2. c. 56.)

8. Subsection (3) of section fifteen shall not have effect.

FIFTH SCHEDULE

Section 21.

SUPPLEMENTARY PROVISIONS AS TO INVESTMENT ALLOWANCES
FOR DREDGING

1. A claim for an investment allowance under subsection (4) of section twenty-one of this Act shall have annexed to it a certificate stating that the expenditure was capital expenditure and giving such particulars of the expenditure as show that an investment allowance falls to be made; and the certificate shall be signed by the claimant and shall be deemed to form part of the claim.

2. Subsection (12) of section sixteen of the Finance Act, 1954 (which provides for the deduction of investment allowances in computing profits for the purposes of the profits tax) shall apply in relation to investment allowances under the said subsection (4) as it applies in relation to investment allowances under the said section sixteen.

3.—(1) Subject to the provisions of this paragraph, the Second Schedule to the Finance Act, 1954, shall have effect to provide for the withholding or withdrawal of investment allowances under the said subsection (4) and matters incidental thereto.

(2) References in the said Second Schedule to property representing the expenditure shall be construed as references to property the value of which is enhanced by the expenditure; and where an event such as is mentioned in sub-paragraph (2) of paragraph 1 of that Schedule occurs in relation to a part only of such property that Schedule shall have effect as if the appropriate portion of the investment allowance were an investment allowance in respect of that part.

5TH SCH.
—cont.

(3) Sub-paragraph (4) of paragraph 1 of the said Second Schedule shall not apply, but if an investment allowance in respect of any expenditure is withheld or withdrawn otherwise than by reason of a sale of the trade deemed for the purposes of section seventeen of the Finance Act, 1956, to constitute the permanent discontinuance thereof such initial allowance as might have been made in respect of the said expenditure but for section twenty-one of this Act shall be made.

Sections 24, 25,
26.

SIXTH SCHEDULE

PURCHASE AND SALE OF SECURITIES: " APPROPRIATE AMOUNT IN RESPECT OF INTEREST "

1. For the purposes of section twenty-four of this Act the appropriate amount in respect of the interest is the appropriate proportion of the net interest receivable by the first buyer.

2. For the purposes of sections twenty-five and twenty-six of this Act the appropriate amount in respect of the interest is the gross amount corresponding with the appropriate proportion of the net interest receivable by the first buyer.

3.—(1) For the purposes of the foregoing paragraphs the appropriate proportion is the proportion which—

(a) the period beginning with the date on which the securities were first quoted in the official list of the London Stock Exchange at a price excluding the value of the interest payment last payable before the interest receivable by the first buyer, and ending with the day before the day on which the first buyer bought the securities,

bears to—

(b) the period beginning with the said date and ending with the day before the first date after the purchase by the first buyer on which the securities are quoted in the said list at a price excluding the value of the interest receivable by the first buyer.

(2) Where the interest receivable by the first buyer was the first interest payment payable in respect of the securities, paragraphs (a) and (b) of the foregoing sub-paragraph shall have effect with the substitution, for references to the date on which the securities were first quoted as mentioned in the said paragraph (a), of the beginning of the period for which the interest was payable:

Provided that where the capital amount of the securities was not fully paid at the beginning of the said period and one or more instalments of capital were paid during that period—

(a) the interest shall be treated as divided into parts, calculated by reference to the amount of the interest attributable to the

capital paid at or before the beginning of the said period and the amount thereof attributable to each such instalment, and

6TH SCH.
—cont.

- (b) treating each of the said parts as interest payable for the said period or, where the part was calculated by reference to any such instalment, as interest payable for the part of the said period beginning with the payment of the instalment, there shall be calculated, in accordance with the foregoing provisions of this paragraph, the amount constituting the appropriate proportion of each part, and
- (c) the appropriate proportion of the interest for the purposes of the foregoing paragraphs shall be the proportion thereof constituted by the sum of the said amounts.

(3) In relation to securities not quoted in the official list of the London Stock Exchange, sub-paragraph (1) of this paragraph shall have effect with the substitution for the periods therein mentioned of such periods as in the opinion of the Commissioners having jurisdiction in the matter correspond therewith in the case of the securities in question.

4. Where the securities are of a description such that under the rules of the London Stock Exchange the bargain price is increased, where interest is receivable by the buyer, by reference to gross interest accruing before the bargain date, the foregoing paragraphs shall not apply but for the purposes of each of the said sections the appropriate amount in respect of the interest shall be the amount of the increase in the bargain price.

SEVENTH SCHEDULE

Section 29.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND WITH RESPECT TO CERTAIN EXEMPTIONS FROM TAX.

The Government of the United Kingdom and the Government of the Republic of Ireland,

Considering the Agreement of the 14th April, 1926, between the British Government and the Government of the Irish Free State, in pursuance of which exemptions from tax are conferred on persons resident in one only of the countries from tax under the law of the other,

Considering that doubts have arisen as to the effect on the said exemptions of the provisions of subsection (2) of Section four of the United Kingdom Finance (No. 2) Act, 1955 (hereinafter called "the Act of 1955") and subsection (2) of Section fifty-one of the Irish Republican Finance Act, 1958 (hereinafter called "the Act of 1958") (which relate to purchases of shares by persons exempted from tax),

7TH SCH.
—cont.

Desiring to remove these doubts for the year 1959–60 and subsequent years,

Have agreed as follows:—

Article 1

(1) The said exemptions fall within, and are subject to, the said provisions of the Act of 1955 and the Act of 1958.

(2) Subject as aforesaid the said Agreement of 1926 as amended by Agreements made on the 25th April, 1928, and the 21st July, 1947, continues in force.

(3) Paragraph (1) of this Article does not relate to cases where the dividend in respect of which exemption is claimed is one on a holding of shares or stock acquired by the person claiming exemption, or regarded as having been acquired by him, before the eighth day of April, nineteen hundred and fifty-nine except in so far as that dividend is one falling within subsection (2) of the said Section four or subsection (2) of the said Section fifty-one by reason (directly or indirectly) that in respect of another dividend, received by a body corporate other than the person claiming exemption from a holding of shares or stock acquired, or regarded as acquired, by the body corporate on or after the said eighth day of April, a deduction is to be made in determining the income of that body corporate arising after a given date; but this paragraph is without prejudice to any question as to the application of the said provisions of the Act of 1955 and the Act of 1958 in circumstances to which paragraph (1) of this Article does not relate.

Article 2,

This Agreement shall become effective on the exchange of notes confirming that the necessary steps have been taken to give it the force of law in the United Kingdom and the Republic of Ireland, and thereafter shall remain effective only so long as it has the force of law in both countries.

Dated this fourth day of April, 1959.

For the Government of
the United Kingdom

D. HEATHCOAT AMORY

For the Government of
the Republic of Ireland

SÉAMAS O RIAIN

EIGHTH SCHEDULE

Section 37.

ENACTMENTS REPEALED

PART I

CUSTOMS, EXCISE AND PURCHASE TAX REPEALS

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 109.	The Finance (No. 2) Act, 1939.	Section one. The First Schedule.
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942 ...	Sections thirteen to fifteen.
9 & 10 Geo. 6. c. 64.	The Finance Act, 1946 ...	Section ten.
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	From the beginning of October, nineteen hundred and fifty-nine, the words "not exceeding five hundredweight in weight" and the word "untreated" in paragraph (a) of subsection (5) of section five.
4 Geo. 6. c. 15	The Finance Act, 1950 ...	In the Second Schedule, paragraph 2. Section six. In section eighteen, subsections (2) and (3), in subsection (4) the words from "and for the purpose" to the end, and subsection (5). The Second Schedule. In the Fifth Schedule, paragraphs 1 to 3 of Part I, and Part II.
5 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	Section one hundred and thirty-six. In section one hundred and forty-six, subsection (2). In section one hundred and forty-eight, in subsection (2) the words from "or treble the amount" to the end. In section one hundred and fifty-one, in subsection (3) the words from "for each day" to the end. Subject to the provisions of subsection (9) of section four of this Act, section one hundred and fifty-six. In section one hundred and sixty-eight, the words "dealer or retailer".

8TH SCEL.
—cont.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz 2. c. 44—cont.	The Customs and Excise Act, 1952—cont.	In section one hundred and sixty-nine, subsection (6). The Fourth Schedule. In the Tenth Schedule, paragraph 26. Section ten.
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	Section ten.
1 & 2 Eliz. 2. c. 46.	The Licensing Act, 1953	In section six, subsections (1), (6) and (11). Section seven. In section nine, in subsection (2), the words from “ and, on proceedings ” to the end. Section sixteen. In section twenty-five, in subsection (6), the words from “ except ” to “ value ”. In section one hundred and thirteen, paragraph (a) of subsection (1) and subsections (2), (3), (4) and (6). In section one hundred and eighteen, paragraphs (b) and (c) of subsection (2). In section one hundred and nineteen, subsection (3). In the Fourth Schedule, Part I.
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958 ...	In the Second Schedule, in Part I the parenthesis in rule 2, and Group 28, and in Part II sub-paragraph (1) of paragraph 1.

PART II

REPEALS RELATING TO STAMP DUTY ON INSURANCE POLICIES

Session and Chapter	Short Title	Extent of Repeal
54 & 55 Vict. c. 39.	The Stamp Act, 1891 ...	Sections ninety-two to ninety-seven. In section ninety-eight, in subsection (1), the words from “ against accident; and ” to “ a policy of insurance ” and from “ or as compensation ” to the end, and subsection (2). In section ninety-nine, the words “ sea insurance or ”. In section one hundred, the words “ other than a sea insurance ” and the words “ other than a policy of sea insurance ”.

8TH SCHEDULE
—cont.

Session and Chapter	Short Title	Extent of Repeal
54 & 55 Vict. c. 39—cont.	The Stamp Act, 1891—cont.	In the First Schedule, the head of charge "Policy of Sea Insurance" and the head of charge beginning "Policy of Insurance against Accident".
58 & 59 Vict. c. 16.	The Finance Act, 1895 ...	Section thirteen.
59 & 60 Vict. c. 28.	The Finance Act, 1896 ...	Section thirteen.
62 & 63 Vict. c. 9.	The Finance Act, 1899 ...	Section eleven.
1 Edw. 7. c. 7.	The Finance Act, 1901 ...	Section eleven.
3 Edw. 7. c. 46.	The Revenue Act, 1903...	Section eight.
6 Edw. 7. c. 41.	The Marine Insurance Act, 1906.	In section twenty-one, the words "although it be unstamped". In section twenty-three, paragraphs (2) to (5). In section twenty-five, subsection (2).
7 Edw. 7. c. 13.	The Finance Act, 1907 ...	Section eight.
2 & 3 Geo. 5. c. 8.	The Finance Act, 1912 ...	Section eight.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920 ...	In section forty, subsection (1), and in subsection (2) the words "ninety-eight". Section forty-one.
21 & 22 Geo. 5. c. 2.	The Cunard (Insurance) Agreement Act, 1930.	In section three, in subsection (1) the words from "be invalid" to "sea insurance, or", and subsection (3).
2, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	In section thirty-five, subsection (3).
5 & 16 Geo. 6 & 1 Eliz. 2. c. 57.	The Marine and Aviation Insurance (War Risks) Act, 1952.	In section seven, in subsection (1), the words from "be invalid" to "sea insurance, or", and in subsection (3) the words "ninety-seven or" and the words from "or be liable" to the end.

8TH SCH
—cont.PART III
REPEALS RELATING TO CORPORATION DUTY

Session and Chapter	Short Title	Extent of Repeal
48 & 49 Vict. c. 51.	The Customs and Inland Revenue Act, 1885.	The whole Act.
26 Geo. 5 & 1 Edw. 8. c. 34.	The Finance Act, 1936 ...	Section twenty-nine.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	Section thirty.

PART IV
REPEALS RELATING TO ESTATE DUTY

Session and Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 7.	The Customs and Inland Revenue Act, 1889.	In section eleven, in subsection (1) the words from "The charge under the said section" to the end.
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948 ...	Section seventy-six.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Customs and Inland Revenue Act, 1885 ...	48 & 49 Vict. c. 51.
Customs and Inland Revenue Act, 1889 ...	52 & 53 Vict. c. 7.
Stamp Act, 1891	54 & 55 Vict. c. 39.
Finance Act, 1894	57 & 58 Vict. c. 30.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Marine Insurance Act, 1906	6 Edw. 7. c. 41.
Finance (1909-10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8.
Temperance (Scotland) Act, 1913	3 & 4 Geo. 5. c. 33.
Finance Act, 1933	23 & 24 Geo. 5. c. 19.
Finance Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 54.
Finance (No. 2) Act, 1939	2 & 3 Geo. 6. c. 109.
Finance Act, 1940	3 & 4 Geo. 6. c. 29.
Finance (No. 2) Act, 1940	3 & 4 Geo. 6. c. 48.
Finance Act, 1942	5 & 6 Geo. 6. c. 21.
Finance Act, 1948	11 & 12 Geo. 6. c. 49.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Finance Act, 1950	14 Geo. 6. c. 15.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Finance Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.
Customs and Excise Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

Short Title	Session and Chapter
Finance Act, 1953	1 & 2 Eliz. 2. c. 34.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Finance Act, 1954	2 & 3 Eliz. 2. c. 44.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Finance (No. 2) Act, 1955	4 & 5 Eliz. 2. c. 17.
Finance Act, 1956	4 & 5 Eliz. 2. c. 54.
Finance Act, 1957	5 & 6 Eliz. 2. c. 49.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
Entertainments Duty Act, 1958	6 & 7 Eliz. 2. c. 9.
Finance Act, 1958	6 & 7 Eliz. 2. c. 56.
Licensing (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 51.

CHAPTER 59

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and sixty, and to appropriate the supplies granted in this Session of Parliament. [29th July, 1959]

Most Gracious Sovereign,

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

GRANT OUT OF CONSOLIDATED FUND

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

Issue of
£2,814,085,357
out of the
Consolidated
Fund for the
service of the
year ending
31st March
1960.

Power for the Treasury to borrow.

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

40 & 41 Vict.
c. 2.

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

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

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

APPROPRIATION OF GRANTS

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts 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 five thousand and sixty-four million, five hundred and seventy-nine thousand, one hundred and ten pounds, eighteen shillings and one penny are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

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

54 & 55 Vict.
c. 24.

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

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

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

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the Navy, Army, and Air Services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1957 and 1958, 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 1957-58.
5 & 6 Eliz. 2. c. 63.
6 & 7 Eliz. 2. c. 57.

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

6. This Act may be cited for all purposes as the Appropriation Act, 1959.

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

Section 3.

SCHEDULE (A)

	£	<i>s.</i>	<i>d.</i>
Grants out of the Consolidated Fund ...	5,064,579,110	18	1

Section 3.

SCHEDULE (B).—APPROPRIATION OF GRANTS

	Sums not exceeding					
	Supply Grants		Appropriations in Aid			
	£	<i>s.</i>	<i>d.</i>	£	<i>s.</i>	<i>d.</i>
1957-58 and 1958-59						
Part 1. Civil (Excesses), 1957-58 - - -	94,262	18	1	148,113	16	8
Part 2. Navy (Supplemen- tary), 1958-59 -	42,200,000	0	0	*—6,000,000	0	0
Part 3. Army (Supplemen- tary), 1958-59 -	900,010	0	0	3,770,000	0	0
Part 4. Air (Supplemen- tary), 1958-59 -	3,750,000	0	0	*—7,250,000	0	0
Part 5. Civil and Revenue Departments (Sup- plementary), 1958-59	115,104,381	0	0	8,132,543	0	0
£	162,048,653	18	1	*—1,199,343	3	4

* Deficit.

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

	Sums not exceeding				
	Supply Grants		Appropriations in Aid		
	£	s. d.	£	s. d.	
1959-60					
Part 6. Ministry of Defence	17,485,000	0 0	4,088,000	0 0	
Part 7. Navy - - -	370,700,000	0 0	64,707,000	0 0	
Part 8. Army - - -	431,350,100	0 0	63,180,000	0 0	
Part 9. Air - - -	490,815,000	0 0	73,880,100	0 0	
TOTAL, DEFENCE -£	1,310,350,100	0 0	205,855,100	0 0	
Part 10. Civil, Class I -	18,462,733	0 0	8,155,719	0 0	
Part 11. Civil, Class II -	106,577,908	0 0	3,517,873	0 0	
Part 12. Civil, Class III -	94,229,415	0 0	13,820,922	0 0	
Part 13. Civil, Class IV -	220,985,662	0 0	39,673,043	0 0	
Part 14. Civil, Class V -	1,185,912,578	0 0	164,087,000	0 0	
Part 15. Civil, Class VI -	274,227,207	0 0	98,608,035	0 0	
Part 16. Civil, Class VII -	85,226,480	0 0	17,332,865	0 0	
Part 17. Civil, Class VIII -	312,324,197	0 0	19,532,700	0 0	
Part 18. Civil, Class IX -	242,478,357	0 0	48,678,655	0 0	
Part 19. Civil, Class X -	603,628,720	0 0	28,737,000	0 0	
TOTAL, CIVIL -£	3,144,053,257	0 0	442,143,812	0 0	
Part 20. Revenue Departments	448,127,100	0 0	68,176,600	0 0	
GRAND TOTAL -£	5,064,579,110	18 1	714,976,168	16 8	

SCHED. (A)

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

	£	s.	d.
For the service of the year ended on the 31st day of March 1958—			
Under Act 7 & 8 Eliz. 2. c. 15 	94,262	18	1
For the service of the year ended on the 31st day of March 1959—			
Under Act 7 & 8 Eliz. 2. c. 15 	161,954,391	0	0
For the service of the year ending on the 31st day of March 1960—			
Under Act 7 & 8 Eliz. 2. c. 15 	2,088,445,100	0	0
Under this Act 	2,814,085,357	0	0
TOTAL 	£5,064,579,110	18	1

SCHEDULE (B).—PART 1

CIVIL (EXCESSES), 1957-58

SCHED. (B)
Part I.
Civil
(Excesses)
1957-58

SUMS granted, and sums which may be applied as appropriations in aid in addition thereto, to make good excesses on certain grants for Civil Services for the year ended on the 31st day of March 1958, viz.:—

	Sums not exceeding			
	Supply Grants		Appropriations in Aid	
	£	s. d.	£	s. d.
CLASS II				
1. Foreign Service - - -	10	0 0	147,512	19 3
CLASS X				
4. National Insurance and Family Allowances - -	94,252	18 1	600	17 5
TOTAL, CIVIL (EXCESSES), 1957-58 - - -£	94,262	18 1	148,113	16 8

SCHED. (B).
Part 2.
Navy
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 2

NAVY (SUPPLEMENTARY), 1958-59

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. Pay, &c., of the Royal Navy and Royal Marines - - -	<i>Cr.</i> 1,225,000	—
2. Victualling and Clothing for the Navy - - - - -	700,000	*— 300,000
3. Medical Establishments and Services - - - - -	145,000	*— 15,000
4. Civilians employed on Fleet Services - - - - -	295,000	—
5. Educational Services - - -	40,000	—
6. Scientific Services - - -	<i>Cr.</i> 200,000	200,000
8. Shipbuilding, Repairs, Maintenance, &c.—		
Section I—Personnel - - -	730,000	130,000
Section II—Matériel - - -	4,800,000	*— 2,400,000
Section III—Contract Work -	34,150,000	*— 1,200,000
9. Naval Armaments - - -	<i>Cr.</i> 575,000	*— 1,050,000
10. Works, Buildings and Repairs at Home and Abroad - - -	1,075,000	*— 2,275,000
11. Miscellaneous Effective Services	<i>Cr.</i> 1,040,000	1,140,000
12. Admiralty Office - - -	975,000	—
13. Non-Effective Services - - -	2,330,000	—
15. Additional Married Quarters -	—	*— 230,000
TOTAL, NAVY (SUPPLEMENTARY), 1958-59 - -£	42,200,000	*— 6,000,000

* Deficit.

SCHEDULE (B).—PART 3

ARMY (SUPPLEMENTARY), 1958–59

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Army Services for the year ended on the 31st day of March 1959, viz.:—

SCHED. (B).
Part 3.
Army
(Supplementary),
1958–59.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. Pay, &c., of the Army - -	7,190,010	1,630,000
2. Reserve Forces, Territorial Army and Cadet Forces -	1,500,000	—
3. War Office - - - -	150,000	—
4. Civilians (Revised Sum) - -	<i>Cr.</i> 790,000	370,000
5. Movements - - - -	625,000	865,000
6. Supplies, &c. - - - -	<i>Cr.</i> 1,590,000	—
7. Stores - - - -	<i>Cr.</i> 14,900,000	1,250,000
8. Works, Buildings and Lands -	<i>Cr.</i> 1,150,000	*— 210,000
9. Miscellaneous Effective Services	8,860,000	—
10. Non-Effective Services - -	1,005,000	—
11. Additional Married Quarters -	—	*— 135,000
TOTAL, ARMY (SUPPLEMENTARY), 1958–59 -£	900,010	3,770,000

* Deficit.

SCHED. (B).
Part 4.
Air
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 4

AIR (SUPPLEMENTARY), 1958-59

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Air Services for the year ended on the 31st day of March 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. Pay, &c., of the Air Force -	8,050,000	*— 5,250,000
3. Air Ministry (Revised Sum) -	510,000	*— 70,000
4. Civilians at Outstations (Revised Sum) - - - -	2,620,000	*— 220,000
5. Movements - - - -	1,100,000	680,000
6. Supplies - - - -	Cr. 900,000	970,000
7. Aircraft and Stores - - -	Cr. 6,200,000	*— 80,000
8. Works and Lands - - -	Cr. 1,200,000	*— 3,100,000
9. Miscellaneous Effective Services	Cr. 660,000	*— 210,000
10. Non-Effective Services - -	430,000	30,000
TOTAL, AIR (SUPPLEMENTARY), 1958-59 -	£ 3,750,000	*— 7,250,000

* Deficit.

SCHEDULE (B).—PART 5

CIVIL AND REVENUE DEPARTMENTS
(SUPPLEMENTARY), 1958–59SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958–59.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1959, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL	£	£
CLASS I		
Vote		
1. For the salaries and expenses of the House of Lords - - - -	7,444	1,761
4. For the salaries and other expenses in the Department of Her Majesty's Treasury and subordinate departments, the additional salary payable to the Chancellor of the Duchy of Lancaster and the salaries and other expenses of his office arising from his responsibility for the co-ordination of official information, and the salary and expenses of the Minister without Portfolio - - - -	25,000	5,000
5. For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -	248	*—340
6. For the salaries and expenses of the Charity Commission for England and Wales - - - -	556	—
8. For the salaries and expenses of the Crown Estate Office - - -	5,250	—
9. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - -	10	2,500
Carried forward - - - -£	38,508	8,921

* Deficit.

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 5—continued

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
Brought forward - - -		£ 38,508	£ 8,921
CLASS I—continued			
Vote			
10.	For the salaries and expenses of the Registry of Friendly Societies - - -	10	1,570
13.	For a grant in aid of the Government Hospitality Fund - - - - -	6,000	—
15.	For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - - -	10	3,030
17.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	10	1,365
22c.	For meeting that part of arrears of pay and related emoluments in respect of the period from the 1st day of July 1957 to the 30th day of November 1958 inclusive, arising out of an award by the Civil Service Arbitration Tribunal of revised pay scales for Clerical Officers and Clerical Assistants, as has not been otherwise provided - - - - -	6,190,450	—
23.	For the salaries and expenses of the Office of the Secretary of State for Scotland and of the Scottish Home Department, and the salary of a Minister of State; grants and expenses in connection with services relating to children and young persons and with probation services; grants in connection with school crossing patrols, physical training and coast protection; a grant to the Legal Aid (Scotland) Fund; expenses including subsidies, in connection with certain transport services; grants to electricity undertakings in connection with civil defence measures; and sundry other services, including a grant in aid - - - - -	10	—
Carried forward - - - -£		6,234,998	14,886

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - - -	£ 6,234,998	£ 14,886
CLASS II		
For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salaries of two Ministers of State -	595,920	*—50,000
For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid - - - -	6,651,876	*—67,325
For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - - - -	487,408	1,000
For sundry Colonial services, including subscriptions to certain international organisations and grants in aid; certain expenditure in connection with the liabilities of the former Government of Palestine and certain non-effective services - - -	12,804,334	102,407
For certain expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - -	75,000	—
Carried forward - - - -£	26,849,536	968

* Deficit.

2 K

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 5—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	26,849,536	968
CLASS III		
Vote		
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices; grants towards the expenses of the probation of offenders, of magistrates' courts and of school crossing patrols; certain grants in aid; and sundry other services - - - - -	2,470,410	109,450
2. For grants and expenses in connection with civil defence, including certain expenditure arising out of the war -	10	39,990
3. For expenses in connection with the police services in England and Wales, including the cost of inspection and training; grants in respect of expenditure incurred by police authorities and a subscription to the International Criminal Police Commission	690,648	12,300
4. For the salaries and expenses of the office of the Prison Commissioners and of prisons, borstal institutions and detention centres in England and Wales - - - - -	738,400	*—217,000
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; grants to local authorities in respect of their expenditure in connection with the care and welfare of children and young persons; grants towards the expenses of voluntary homes; and expenses in connection with training in child care - - - - -	270,000	20,000
Carried forward - - - - -	£ 31,019,004	*—34,292

* Deficit.

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

CIVIL—*continued*

Brought forward - - -

CLASS III—*continued*

6. For expenses in connection with the fire services in England and Wales, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities; for certain superannuation and other expenses; and for remanet expenditure in connection with the National Fire Service, England and Wales - - - - -

7. For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -

For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and the Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court, and the Council on Tribunals; payments to jurors, trial of election petitions and fees to deputy metropolitan magistrates - - - -

For salaries and expenses in connection with the County Courts - -

For the salaries and expenses of the office of Land Registry - - -

For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland - - - - -

Carried forward - - -£

* Deficit.

Sums not exceeding

Supply
GrantsAppropriations
in Aid

£

31,019,004

£

*—34,292

354,680

10

*— 51,610

10

15,000

10

257,965

10

23,990

169,000

31,542,724

211,053

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 5—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL— <i>continued</i>		
Brought forward - - -	31,542,724	211,053
CLASS III— <i>continued</i>		
Vote 17. For salaries and expenses in connection with the administration of Scottish prisons and borstal institutions, including the maintenance of certain female State mental patients - - - - -	158,000	*— 26,000
19. For expenses in connection with the fire services in Scotland, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities and joint fire committees; and for certain superannuation and other expenses -	40,000	*— 800
21. For the salaries and expenses of the Lord Advocate's Department and other law charges, including the provision of free legal assistance, and the salaries and expenses of the Courts of Law and Justice, of the office of the Scottish Land Court and of Pensions Appeal Tribunals - -	10	10,900
22. For the salaries and expenses of the Department of the Registers of Scotland - - - - -	10	626
23. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeal Tribunals in Northern Ireland; and other expenses, including certain expenses in connection with land purchase in Northern Ireland, trial of election petitions and a grant in aid - - - -	1,071	1,044
Carried forward - - - -£	31,741,815	196,823

* Deficit.

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -£	31,741,815	196,823
CLASS IV		
Vote		
1. For the salaries and expenses of the Ministry of Education and of the various establishments connected therewith, including sundry grants in aid, a subscription to an international organisation, grants in connection with physical training and recreation, and grants to approved associations for youth welfare	1,900,000	344,000
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	67,800	*—134,000
6. For the salaries and expenses of the National Gallery, including a grant in aid - - - - -	125,000	—
7. For the salaries and expenses of the Tate Gallery, including a grant in aid	955	*—125
12. For a grant in aid of the expenses of universities, colleges, &c., in Great Britain; for a grant to universities in respect of the cost of certain medical school accommodation; and for the cost of certain post-graduate student-ships - - - - -	1,000,000	—
13. For grants to and grants in aid of the British Broadcasting Corporation -	10	2,000
14. For public education in Scotland, including grants in aid and other payments into the Education (Scotland) Fund; for grants in aid and expenses in connection with the Royal Scottish Museum, Edinburgh; and for other educational services -	333,250	41,250
17. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - - -	10	—
Carried forward - - -£	35,168,840	449,948

* Deficit.

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 5—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -£	35,168,840	449,948
CLASS V		
Vote		
2. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation, and services in relation to emergency housing, in England and Wales -	1,574,000	173,000
5. For the provision of a comprehensive health service for England and Wales and other services connected therewith, including payments to Northern Ireland and the Isle of Man, medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements including certain grants in aid, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - -	16,589,706	*—1,299,565
8. For the salaries and expenses of the Central Land Board - - -	9,740	*—100
9. For the salaries and expenses of the War Damage Commission - -	23,000	500
11. For the provision of a comprehensive health service for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, certain expenses in connection with civil defence, and sundry other services -	2,376,500	*—68,800
Carried forward - - -£	55,741,786	*—745,017

* Deficit.

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	55,741,786	*—745,017
CLASS VI		
Vote		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, the Monopolies Commission and the Performing Right Tribunal - - - - -	85,200	36,000
5. For financial assistance to undertakings in development and other approved areas - - - - -	2,128,990	—
6. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council, including interest payments in connection therewith - - - - -	10	1,968,940
9. For the salaries and expenses of the Ministry of Labour and National Service, including expenses in connection with employment exchanges and the inspection of factories; expenses, including grants and loans, in connection with employment services, training, transfer, rehabilitation and resettlement; expenses in connection with national service; repayment of loan charges in respect of employment schemes; expenses of the Industrial Court and the Industrial Disputes Tribunal; a subscription to the International Labour Organisation; and sundry other services - - - - -	10	1,184,680
Carried forward - - - - -	£ 57,955,996	2,444,603

* Deficit.

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 5—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CIVIL—continued</i>		
Brought forward - - -	57,955,996	2,444,603
CLASS VII		
<i>Vote</i>		
2. For expenditure in respect of Houses of Parliament buildings - - -	10	—
3. For expenditure in respect of sundry public buildings in the United Kingdom, including a grant in aid, and sundry other services - -	1,110,000	432,000
11. For the construction of a harbour of refuge at Peterhead and services incidental thereto - - - -	10	1,550
CLASS VIII		
1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof - - - -	290,000	—
2. For the Ministry of Agriculture, Fisheries and Food for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for payments and services in implementation of agricultural price guarantees; and for certain other services including a payment to the Exchequer of Northern Ireland - - - -	10	—
Carried forward - - - -	£ 59,356,026	2,878,153

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	59,356,026	2,878,153
CLASS VIII—<i>continued</i>		
Vote 3. For the Ministry of Agriculture, Fisheries and Food, for grants, grants in aid and expenses in connection with agricultural and food services; including land drainage and rehabilitation of land damaged by flood and tempest; purchase, development and management of land, including land settlement and provision of small-holdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; education, research and advisory services; marketing; agricultural credits; certain trading services; subscriptions to international organisations, and sundry other services including certain expenses in connection with civil defence - - - - -	10	*—328,700
11. For the salaries and expenses of the Department of Agriculture for Scotland and the Crofters Commission: for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for certain payments in implementation of agricultural price guarantees; and for grants, grants in aid and expenses in connection with services to agriculture; including land drainage and flood services; purchase, improvement and management of land;		
Carried forward - - - - £	59,356,036	2,549,453

* Deficit.

2 K*

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 5—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		59,356,036	2,549,453
CLASS VIII— <i>continued</i>			
Vote 11. <i>cont.</i>	land settlement; public works in the congested districts and roads in other livestock rearing areas; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; and agricultural credits - - - -	10	—
12.	For Scottish fisheries and the United Kingdom herring industry: including the salaries and expenses of the fisheries staff of the Scottish Home Department, and of the Herring Industry Board and Advisory Council; grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing, and the construction, improvement, maintenance and repair of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - -	10	—
CLASS IX			
1.	For the salaries and expenses of the Ministry of Transport and Civil Aviation, including the salaries and expenses of the Coastguard, the Transport Tribunal, and the Air Transport Advisory Council, subscriptions to international organisations, and sundry other services -	131,700	*— 58,200
Carried forward - - -		£ 59,487,756	2,491,253

* Deficit.

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	59,487,756	2,491,253
CLASS IX—<i>continued</i>		
Vote		
2. For expenditure, including grants and loans to highway, &c., authorities, and to the British Transport Commission, in respect of roads in England and Wales and services connected therewith, including the construction, improvement and maintenance of roads, road research, road safety, the provision and maintenance of vehicles and equipment for use by police forces engaged on certain duties, salaries of surveyors, the stopping-up and diversion of highways and advance payments in respect of land acquired for trunk roads; for expenses in connection with the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; and for certain compensation payments - - -	11,262,000	*—688,000
3. For expenses, including war terminal expenses, in connection with the provision and use of ships for troop-ing, emigration and other purposes; reimbursement of surcharge on tolls for clearance of Suez Canal; and expenses in respect of miscellaneous services connected with shipping, seamen, inland transport and ports, including the repair of damage by flood and tempest, and certain special services - - - -	10	92,940
4. For the construction, maintenance and operation of aerodromes and other services in connection with civil aviation, including a subscription to an international organisation and certain grants and subsidies - -	10	—
Carried forward - - - -£	70,749,776	1,896,193

* Deficit.

2 K* 2

SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

SCHEDULE (B).—PART 5—continued

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		70,749,776	1,896,193
CLASS IX—continued			
Vote	6. For the supply, storage and distribution of petroleum products and certain other special services of the Ministry of Power, including expenditure on civil defence - -	6,002,600	107,350
CLASS X			
	1. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances, supplementary pensions, and certain other expenses in connection with superannuation in respect of civil employment -	1,400,000	20,000
	2. For the salaries and expenses of the Ministry of Pensions and National Insurance, including certain expenses in connection with national insurance, industrial injuries insurance, family allowances, workmen's compensation, war pensions, a subscription to an international organisation and sundry other services - -	83,205	139,000
	3. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or out of service in the Armed Forces after the 2nd day of September 1939; sundry contributions in respect thereof; grants to ex-prisoners-of-war and other persons and bodies in respect of the distribution of Japanese assets in the United Kingdom and other countries and of proceeds of the sale of the Burma-Siam Railway; and other services, including payment of national service grants - -	579,400	332,000
Carried forward - - -		78,814,981	2,494,543

SCHEDULE (B).—PART 5—*continued*SCHED. (B).
Part 5.
Civil and
Revenue
Departments
(Supple-
mentary),
1958-59.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		78,814,981	2,494,543
CLASS X— <i>continued</i>			
Vote			
4.	For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund and for payments in respect of family allowances - - - - -	26,496,000	4,000
5.	For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old age pensions, including pensions to blind persons; assistance grants, &c.; expenses of reception centres, &c.; the maintenance of certain classes of Poles in Great Britain; and the maintenance of Hungarian refugees in Hostels - - - - -	4,574,000	350,000
REVENUE DEPARTMENTS			
1.	For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - -	326,400	19,000
3.	For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations -	4,893,000	5,265,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1958-59 - - - - -		£115,104,381	8,132,543

SCHED. (B).
Part 6.
Ministry of
Defence,
1959-60.

SCHEDULE (B).—PART 6

MINISTRY OF DEFENCE

SCHEDULE OF SUM granted, and of the sum which may be applied as appropriations in aid in addition thereto, to defray the charge of the MINISTRY OF DEFENCE, which will come in course of payment during the year ending on the 31st day of March 1960, viz. :—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
For the salaries and expenses of the Ministry of Defence; expenses in connection with International Defence Organisations, including international subscriptions; and certain grants in aid - - - -£	17,485,000	4,088,000

SCHEDULE (B).—PART 7

SCHED. (B).
Part 7.
Navy,
1959-60.

NAVY

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, 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 106,000, 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 - - - -	64,899,000	1,355,000
2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad -	12,794,000	4,229,000
3. For medical services, including the cost of medical establishments at home and abroad - - - - -	1,526,000	40,000
4. For civilians employed on fleet services	7,741,000	28,000
5. For educational services - - -	1,483,000	184,000
6. For scientific services, including a grant in aid to the National Institute of Oceanography, and a subscription to the International Hydrographic Bureau - - - - -	17,805,000	1,519,000
7. For the Royal Naval Reserve and the Royal Fleet Reserve, &c. - -	1,140,000	500
8. Section I. For the personnel for ship-building, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - - -	43,585,000	602,000
Carried forward - - -	-£150,973,000	7,957,500

SCHED. (B).
Part 7.
Navy,
1959-60.

SCHEDULE (B).—PART 7—*continued*

NAVY— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
	Brought forward - - -	-£150,973,000	7,957,500
Vote			
8.	Section II. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - - -	41,091,000	25,214,000
8.	Section III. For contract work on shipbuilding, repairs, maintenance, &c. - - - - -	97,939,000	15,929,000
9.	For naval armaments - - -	22,929,000	5,100,000
10.	For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - - - -	12,941,000	4,677,000
11.	For various miscellaneous effective services - - - - -	8,324,000	4,552,500
12.	For the Admiralty Office - - -	9,359,000	45,000
13.	For non-effective services - - -	27,127,000	332,000
14.	For the Directorate of Merchant Shipbuilding and Repairs and of certain miscellaneous expenses - - -	16,900	—
15.	For certain additional married quarters at home - - - - -	100	900,000
	TOTAL, NAVY SERVICES - - -	-£370,700,000	64,707,000

SCHEDULE (B).—PART 8

SCHED. (B).
Part 8.
Army,
1959-60.

ARMY

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, including provision for Land Forces to a number not exceeding 351,000, all ranks, in addition to the Reserve Forces, Territorial Army, Cadet Forces and Malta Territorial Force, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the pay, &c., of the Army ...	125,260,000	18,280,000
2. For the Reserve Forces (to a number not exceeding 371,500, all ranks, including a number not exceeding 360,000 other ranks), Territorial Army (to a number not exceeding 330,900, all ranks), Cadet Forces and Malta Territorial Force	18,210,000	530,000
3. For the salaries, wages, &c., of the civilian staff of the War Office ...	3,880,000	60,000
4. For civilians	87,140,000	920,000
5. For movements	26,590,000	2,030,000
6. For supplies, &c.	43,540,000	8,830,000
7. For stores	53,680,000	18,900,000
8. For works, buildings and lands ...	30,230,000	9,390,000
9. For miscellaneous effective services, including a grant in aid to the Council of Voluntary Welfare Work ...	5,840,000	2,680,000
10. For non-effective services	36,980,000	490,000
11. For certain additional married quarters	100	1,070,000
TOTAL, ARMY SERVICES	£431,350,100	63,180,000

SCHED. (B).
Part 9.
Air,
1959-60.

SCHEDULE (B).—PART 9

AIR

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 180,000, all ranks, in addition to reserve and auxiliary services, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Vote	£	£
1. For the pay, &c., of the Air Force ...	109,200,000	6,070,000
2. For the reserve and auxiliary services (to a number not exceeding 188,400, all ranks, for the Royal Air Force Reserve, and 4,100, all ranks, for the Royal Auxiliary Air Force)... ..	1,139,900	7,100
3. For the salaries, wages, &c., of civilian staff of the Air Ministry	5,570,000	180,000
4. For the salaries, wages, &c., of civilians at outstations... ..	37,990,000	4,090,000
5. For movements	12,180,000	2,250,000
6. For supplies	63,030,000	7,840,000
7. For aircraft and stores	213,850,000	24,900,000
8. For works and lands	30,550,000	22,950,000
9. For miscellaneous effective services, including certain grants in aid and a subscription to the World Meteorological Organisation (including a Supplementary Sum of £15,000) ...	4,055,000	4,300,000
10. For non-effective services	13,250,000	343,000
11. For certain additional married quarters	100	950,000
TOTAL, AIR SERVICES	£490,815,000	73,880,100

SCHEDULE (B).—PART 10

SCHED. (B).
PART 10.
Civil.
Class I.
1959-60.

CIVIL.—CLASS I

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the House of Lords - - - -	206,539	18,967
2. For the salaries and expenses of the House of Commons, including certain grants in aid - - - -	1,542,238	6,415
3. For expenses in respect of the registration of electors - - - -	650,000	—
4. For the salaries and other expenses in the Department of Her Majesty's Treasury and subordinate departments, the additional salary payable to the Chancellor of the Duchy of Lancaster and the salaries and other expenses of his office arising from his responsibility for the co-ordination of official information, and the salary and expenses of the Minister without Portfolio- - - -	3,664,076	106,000
5. For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -	39,574	1,850
6. For the salaries and expenses of the Charity Commission for England and Wales - - - -	122,270	2,800
7. For the salaries and expenses of the Civil Service Commission - -	505,133	59,732
8. For the salaries and expenses of the Crown Estate Office - - -	144,049	—
Carried forward - - - -£	6,873,879	195,764

SCHED. (B).
PART 10.
Civil.
Class I.
1959-60.

SCHEDULE (B).—PART 10—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		6,873,879	195,764
CLASS I— <i>continued</i>			
Vote			
9.	For the salaries and expenses of the Department of the Comptroller and Auditor General - - - -	564,970	70,380
10.	For the salaries and expenses of the Registry of Friendly Societies - -	95,291	7,125
11.	For the salaries and expenses of the Department of the Government Actuary - - - - -	40,473	25,500
12.	For the salaries and expenses of the Department of the Government Chemist (Revised sum) - - -	91,375	440
13.	For a grant in aid of the Government Hospitality Fund - - - -	70,000	—
14.	For the salaries and expenses of the Royal Mint, including the withdrawal of coin from circulation, the purchase of metals and production of coinages, medals, badges, dies for postage and other stamps, and Her Majesty's seals	100	7,350,800
15.	For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - -	100	57,050
16.	For the salaries and expenses of the National Savings Committee - -	1,231,400	—
17.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	136,661	15,000
18.	For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	100	44,577
Carried forward - - - -£		9,104,349	7,766,636

SCHEDULE (B).—PART 10—*continued*

SCHED. (B).
PART 10.
Civil.
Class I.
1959-60.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		9,104,349	7,766,636
CLASS I—<i>continued</i>			
Vote			
19.	For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand and a grant in aid - - - - -	298,300	—
20.	For Her Majesty's foreign and other secret services - - - - -	7,000,000	—
21.	For the salaries and expenses of the Tithe Redemption Commission -	100	338,635
22.	For certain miscellaneous expenses, including certain grants in aid (including a Supplementary sum of £60,000) - - - - -	272,660	2,000
22A.	For repayments to the Civil Contingencies Fund of certain miscellaneous advances - - - - -	65,188	—
23.	For the salaries and expenses of the Office of the Secretary of State for Scotland and of the Scottish Home Department, and the salary of a Minister of State; grants and expenses in connection with services relating to children and young persons and with probation services; balances of grants in respect of expenses of school crossing patrols for 1958-59 and earlier years; grants in connection with physical training, and coast protection; a grant to the Legal Aid (Scotland) Fund; expenses, including subsidies, in connection with certain transport services; grants to electricity undertakings in connection with civil defence measures; and sundry other services, including certain grants in aid (including a Supplementary sum of £10,000) - - - - -	1,677,139	34,648
24.	For the salaries and expenses of the Scottish Record Office - - -	44,997	13,800
TOTAL, CIVIL, CLASS I - - -		18,462,733	8,155,719

SCHED. (B).
Part 11.
Civil.
Class II.
1959-60.

SCHEDULE (B).—PART 11

CIVIL.—CLASS II

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz. :—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salaries of two Ministers of State -	16,137,710	2,229,630
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid (including a Supplementary sum of £2,540,850) - -	19,354,455	391,700
3. For a grant in aid of the British Council	3,258,100	—
4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations, including oversea establishments - - - -	3,163,134	100,300
5. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - - - -	9,729,311	25,500
Carried forward - - - -	-£ 51,642,710	2,747,130

SCHEDULE (B).—PART 11—*continued*SCHED. (B).
Part 11.
Civil.
Class II.
1959-60.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - -	£ 51,642,710	£ 2,747,130
CLASS II—<i>continued</i>		
Vote		
6. For expenses connected with oversea settlement, including grants in aid -	178,725	1,000
7. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies, and the salary of the Minister of State for Colonial Affairs- - -	1,709,542	31,050
8. For sundry Colonial services, including subscriptions to certain international organisations and grants in aid; certain expenditure in connection with the liabilities of the former Government of Palestine and certain non-effective services (including a Supplementary sum of £10,020) -	25,640,200	738,693
9. For schemes made under the Colonial Development and Welfare Acts for the development of the resources of colonies, protectorates, protected states and trust territories, and the welfare of their peoples - - -	25,000,000	—
10. For schemes made under the Colonial Development and Welfare Acts for the development of the resources of the Federation of Rhodesia and Nyasaland and of the South African High Commission Territories, and the welfare of their peoples - -	1,199,000	—
11. For certain expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - -	1,207,731	—
TOTAL, CIVIL, CLASS II - -	£106,577,908	3,517,873

SCHED. (B).
PART 12.
Civil.
Class III.
1959-60.

SCHEDULE (B).—PART 12

CIVIL.—CLASS III

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices; grants towards the expenses of the probation of offenders and of magistrates' courts; balances of grant in respect of the expenses of school crossing patrols for 1958-59 and earlier years; certain grants in aid; legal aid in criminal cases; and sundry other services (including a Supplementary sum of £500,000) - - - - -	6,739,980	1,518,300
2. For grants and expenses in connection with civil defence, including certain expenditure arising out of the war -	6,951,375	270,830
3. For expenses in connection with the police services in England and Wales, including the cost of inspection and training; grants in respect of expenditure incurred by police authorities and a subscription to the International Criminal Police Commission - -	50,078,066	354,320
4. For the salaries and expenses of the office of the Prison Commissioners and of prisons, borstal institutions and detention centres in England and Wales - - - - -	14,682,346	1,024,000
Carried forward - - - - -	£ 78,451,767	3,167,450

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).
PART 12.
Civil.
Class III.
1959-60.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		78,451,767	3,167,450
CLASS III— <i>continued</i>			
Vote			
5.	For grants in respect of the expenses of the managers of approved schools in England and Wales; balances of grant to local authorities in respect of their expenditure in 1958-59 and earlier years in connection with the care and welfare of children and young persons; grants towards the expenses of voluntary homes; and expenses in connection with training in child care - - - - -	3,003,900	548,100
6.	For expenses in connection with the fire services in England and Wales, including the cost of inspection and training, and balances of grant in respect of expenditure incurred by fire authorities during 1958-59 and earlier years; for certain superannuation and other expenses; and for remanet expenditure in connection with the National Fire Service, England and Wales- - - - -	847,350	20,630
7.	For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises - - - - -	100	2,019,780
8.	For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and the Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court, and the Council on Tribunals; payments to jurors; trial of election petitions; fees to deputy metropolitan magistrates and payments to the Chancery Court of the County Palatine of Durham - - - - -	73,904	2,024,410
	Carried forward - - - - -	£82,377,021	7,780,370

SCHED. (B).
PART 12.
Civil.
Class III.
1959-60.

SCHEDULE (B).—PART 12—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	82,377,021	7,780,370
CLASS III—<i>continued</i>		
Vote		
9. For salaries and expenses in connection with the County Courts - - -	35,480	2,857,750
10. For a grant to the Legal Aid Fund -	1,446,336	—
11. For the salaries and expenses of the office of Land Registry - - -	100	1,228,180
12. For the salaries and expenses of the office of Public Trustee - - -	100	488,000
13. For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury, and of the Department of the Director of Public Prosecutions; and the costs of prosecutions and other legal proceedings, and of Parliamentary Agency - -	713,589	166,000
14. For certain miscellaneous legal expenses - - - - -	63,800	—
15. For grants and expenses in connection with civil defence in Scotland, including certain expenditure arising out of the war - - - - -	665,303	10,600
16. For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland	5,438,191	14,750
17. For salaries and expenses in connection with the administration of Scottish prisons and borstal institutions -	1,500,576	215,829
18. For grants in respect of the expenses of the managers of approved schools in Scotland - - - - -	304,075	11,500
Carried forward - - - -£	92,544,571	12,772,979

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).
PART 12.
Civil.
Class III.
1959-60.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		92,544,571	12,772,979
CLASS III— <i>continued</i>			
Vote	19. For expenses in connection with the fire services in Scotland, including the cost of inspection and training, and balances of grant in respect of expenditure incurred by fire authorities and joint fire committees during 1958-59 and earlier years; and for certain superannuation and other expenses - - - - -	111,818	1,370
	20. For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises	100	516,894
	21. For the salaries and expenses of the Lord Advocate's Department and other law charges, including the provision of free legal assistance, a scheme of diligence payments, and the salaries and expenses of the Courts of Law and Justice, of the office of the Scottish Land Court and of Pensions Appeal Tribunals (including a Supplementary sum of £1,500) - - - - -	328,791	312,450
	22. For the salaries and expenses of the Department of the Registers of Scotland - - - - -	100	190,398
	23. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeal Tribunals in Northern Ireland; and other expenses, including certain expenses in connection with land purchase in Northern Ireland, trial of election petitions and a grant in aid - - - - -	70,975	26,736
	24. For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purposes of Irish land purchase	1,173,060	95
TOTAL, CIVIL, CLASS III - - -		94,229,415	13,820,922

SCHED. (B).
PART 13.
Civil.
Class IV.
1959-60.

SCHEDULE (B).—PART 13

CIVIL.—CLASS IV

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, a subscription to an international organisation, grants in connection with physical training and recreation, and grants to approved associations for youth welfare . - - - -	107,043,300	34,589,625
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	666,843	210,787
3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -	464,016	1,000
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	50,359	4,000
5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -	38,816	60
6. For the salaries and expenses of the National Gallery, including a grant in aid - - - - -	112,347	600
7. For the salaries and expenses of the Tate Gallery, including a grant in aid	97,480	503
8. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - -	64,583	150
Carried forward - - -	-£108,537,744	34,806,725

SCHEDULE (B).—PART 13—*continued*

SCHED. (B).
PART 13.
Civil.
Class IV.
1959-60.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		108,537,744	34,806,725
CLASS IV— <i>continued</i>			
Vote			
9.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -	34,753	2,695
10.	For the salaries and expenses of the Wallace Collection - - - -	41,744	3,800
11.	For grants in aid to certain institutions and bodies concerned with science, learning and the arts, and for other services in connection therewith (including a Supplementary sum of £2,600) - - - -	1,914,993	50
12.	For a grant in aid of the expenses of, and for loans to, universities, colleges, &c., in Great Britain; for a grant to universities in respect of the cost of certain medical and dental school accommodation; and for the cost of certain post-graduate studentships -	57,998,640	10
13.	For grants to and grants in aid of the British Broadcasting Corporation (including a Supplementary sum of £1,650,000) - - - -	36,745,000	284,000
14.	For the salaries and expenses of the Scottish Education Department, and of the Royal Scottish Museum, including sundry grants in aid; and for other educational services - -	15,515,719	4,567,140
15.	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 certain grants in aid (including a Supplementary sum of £37,500) - - -	98,700	3,260
16.	For the salaries and expenses of the National Museum of Antiquities of Scotland, including a grant in aid -	24,890	80
17.	For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -	73,479	5,283
TOTAL, CIVIL, CLASS IV - - -		£220,985,662	39,673,043

SCHED. (B).
PART 14.
Civil.
Class V.
1959-60.

SCHEDULE (B).—PART 14

CIVIL.—CLASS V

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the salaries and expenses of the office of the Minister of Housing and Local Government and Minister for Welsh Affairs, and the salary and expenses of the Minister of State for Welsh Affairs; the salaries and expenses of Rent Control Tribunals, Local Valuation Panels and Courts, the Local Government Commissions for England and Wales, and the National Parks Commission; grants and other expenses in connection with water supply, sewerage, coast protection, flood emergency, abating the pollution of the air, and certain civil defence services; grants and other payments in connection with planning and re-development, town development, new towns, national parks, &c.; a contribution to the Ironstone Restoration Fund; and sundry other services - - - - -	19,105,335	720,000
2. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation, and services in relation to emergency housing, in England and Wales- - - - -	72,616,670	1,891,860
3. For general grants, rate-deficiency grants and exchequer equalisation grants to local authorities in England and Wales - - - - -	448,000,000	—
Carried forward -	-£539,722,005	2,611,860

SCHEDULE (B).—PART 14—*continued*

SCHED. (B).
PART 14.
Civil
Class V.
1959-60.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		539,722,005	2,611,860
CLASS V— <i>continued</i>			
Vote			
4.	For the salaries and expenses of the Ministry of Health and the Board of Control; expenses in connection with welfare food services and food hygiene; expenditure on the Polish health services; port health administration; residential accommodation for the aged, infirm, &c.; purchases on repayment for other Government Departments; and sundry other services, including a subscription to the World Health Organisation -	26,887,485	3,719,540
5.	For the provision of national health services for England and Wales and other services connected therewith, including payments to Northern Ireland and the Isle of Man, medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements including certain grants in aid, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - -	477,549,810	140,336,280
6.	For a grant in aid of the Medical Research Council - - - -	3,518,250	—
7.	For the salaries and expenses of the Department of the Registrar General	462,673	363,070
8.	For the salaries and expenses of the War Damage Commission - -	420,000	1,300
Carried forward - - -		-£ 1,048,560,223	147,032,050

SCHED. (B).
PART 14.
Civil.
Class V.
1959-60.

SCHEDULE (B).—PART 14—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		1,048,560,223	147,032,050
CLASS V— <i>continued</i>			
Vote			
9.	For the salaries and expenses of the Department of Health for Scotland and the General Board of Control for Scotland; for expenses in connection with welfare food services and food hygiene; for grants and other expenses in connection with water and sewerage services, abating the pollution of the air, town and country planning and town development; for certain expenses in connection with civil defence; and for a grant in aid and other services - - - -	5,160,450	471,160
10.	For the provision of national health services for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements, the purchase of appliances, equipment, stores &c., necessary for the services, certain expenses in connection with civil defence, and sundry other services -	59,585,155	16,203,845
11.	For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation in Scotland - - - - -	17,821,300	368,125
12.	For general grants, equalisation and transitional grants to local authorities in Scotland - - - -	54,727,000	—
13.	For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - - - - -	58,450	11,820
TOTAL, CIVIL, CLASS V - £		1,185,912,578	164,087,000

SCHEDULE (B).—PART 15

SCHED. (B).
PART 15.
Civil.
Class VI.
1959-60.

CIVIL.—CLASS VI

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, 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, the Monopolies Commission, and the Performing Right Tribunal - - - - -	5,230,282	2,210,425
2. For the expenditure of the Board of Trade on assistance and subsidies to certain industries, and on trading and other services; subscriptions to international organisations and grants in aid (including a Supplementary sum of £20) - - -	2,044,115	62,500
3. For expenditure of the Board of Trade in connection with the maintenance and disposal of stocks formerly held for strategic purposes - - -	1,135,000	1,359,000
4. For services in Development Areas -	7,500,000	—
5. For financial assistance to undertakings in development and other approved areas - - - - -	3,607,500	—
6. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council - -	100	7,500,210
Carried forward - - - - -	£ 19,516,997	11,132,135

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SCHED. (B).
PART 15.
Civil.
Class VI.
1959-60.

SCHEDULE (B).—PART 15—continued

CIVIL—continued		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		19,516,997	11,132,135
CLASS VI—continued			
Vote			
7.	For payments under Special Guarantees given in the national interest by the Board of Trade on which consultation with the Export Guarantees Advisory Council is not required -	263,000	365,000
8.	For the salaries and expenses of the office of the Registrar of Restrictive Trading Agreements - - -	192,090	—
9.	For the salaries and expenses of the Ministry of Labour and National Service, including expenses in connection with employment exchanges and the inspection of factories; expenses, including grants and loans, in connection with employment services, training, transfer, rehabilitation and resettlement; a grant in aid of the Industrial Training Council; expenses in connection with national service; repayment of loan charges in respect of employment schemes; expenses of the Industrial Court; a subscription to the International Labour Organisation; and sundry other services (including a Supplementary sum of £20,000) - - - -	21,555,000	5,660,900
10.	For the salaries and expenses of the Ministry of Supply for the administration of supply (including research and development, inspection, storage, disposal and capital and ancillary services related thereto); for administrative services in connection with the aircraft, light metals and electronics industries; and for miscellaneous services (including a Supplementary sum of £300,020) - - -	223,600,020	50,700,000
11.	For expenditure of the Ministry of Supply on the supply of munitions, aircraft, electronic equipment, common-user and other articles for the Government service, and on miscellaneous supply - - - -	100	—
12.	For the expenses of operating the Royal Ordnance Factories - - -	9,100,000	30,750,000
TOTAL, CIVIL, CLASS VI - - -		£274,227,207	98,608,035

SCHEDULE (B).—PART 16

SCHED. (B).
PART 16.
Civil.
Class VII.
1959-60.

CIVIL.—CLASS VII

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Works - - - -	7,920,000	3,554,000
2. For expenditure in respect of Houses of Parliament buildings - - - -	345,500	71,600
3. For expenditure in respect of sundry public buildings in the United Kingdom, including a grant in aid, and sundry other services (including a Supplementary sum of £10) - -	30,626,010	5,352,835
4. For expenditure in respect of public buildings overseas - - - -	3,565,000	140,000
5. For expenditure in respect of Royal Palaces, including a grant in aid -	605,000	44,120
6. For expenditure in respect of Royal Parks and pleasure gardens - -	900,000	129,300
7. For grants and expenses in connection with historic buildings and ancient monuments, including a grant in aid	1,080,000	256,000
Carried forward - - - -£	45,041,510	9,547,855

SCHED. (B).
PART 16.
Civil.
Class VII.
1959-60.

SCHEDULE (B).—PART 16—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL—<i>continued</i>		
Brought forward - - -	£ 45,041,510	£ 9,547,855
CLASS VII—<i>continued</i>		
Vote 8. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the public service, and certain public buildings occupied in part, on repayment, by non-Exchequer bodies; for rates on buildings occupied by representatives of other Commonwealth countries and of foreign powers; and for the salaries and expenses of the Rating of Government Property Department - -	22,103,880	1,332,000
9. For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of parliamentary debates - - - - -	15,096,100	5,925,000
10. For the salaries and expenses of the Central Office of Information (including a Supplementary sum of £99,990) - - - - -	2,984,990	528,010
TOTAL, CIVIL, CLASS VII - -£	85,226,480	17,332,865

SCHEDULE (B).—PART 17

CIVIL.—CLASS VIII

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

SCHED. (B).
PART 17.
Civil.
Class VIII.
1959-60.

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 Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof - - - -	18,697,115	255,000
2. For the Ministry of Agriculture, Fisheries and Food for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for payments and services in implementation of agricultural price guarantees; and for certain other services including a payment to the Exchequer of Northern Ireland (including a Supplementary sum of £225,020) - - - -	218,223,200	5,020
3. For the Ministry of Agriculture, Fisheries and Food, for grants, grants in aid and expenses in connection with agricultural and food services; including land drainage and rehabilitation of land damaged by flood and tempest; purchase, development and management of land, including land settlement and provision of small-holdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; education, research and advisory services; marketing; agricultural credits; certain trading services; subscriptions to international organisations; and sundry other services including certain expenses in connection with civil defence (including a Supplementary sum of £60,000) - - - -	9,345,980	6,319,000
Carried forward - - -	-£246,266,295	6,579,020

SCHED. (B).
PART 17.
Civil.
Class VIII.
1959-60.

SCHEDULE (B).—PART 17—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL—<i>continued</i>		
Brought forward - - -	£ 246,266,295	£ 6,579,020
CLASS VIII—<i>continued</i>		
Vote		
4. For expenditure of the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves -	2,200,000	11,350,000
5. For financial assistance to fishermen and for research and development in connection with fisheries and fish marketing; including grants and loans to the White Fish Authority; a grant in aid of the White Fish Marketing Fund; subscriptions to international organisations; and grants and loans towards the construction, improvement and repair of harbours and fishing facilities - -	6,342,385	8,185
6. For the survey of Great Britain and other mapping services - - -	3,397,150	673,300
7. For a grant in aid of the Agricultural Research Fund (Revised sum) -	4,822,910	—
8. For a grant in aid of the Nature Conservancy - - - - -	391,000	—
9. For a grant in aid of the Development Fund - - - - -	1,089,600	—
10. For a grant in aid of the Forestry Fund	10,270,000	—
Carried forward - - -	£274,779,340	18,610,505

SCHEDULE (B).—PART 17—*continued*

SCHED. (B).
PART 17.
Civil.
Class VIII.
1959-60.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	274,779,340	18,610,505
CLASS VIII—<i>continued</i>		
Vote		
11. For the salaries and expenses of the Department of Agriculture for Scotland, the Crofters Commission, and the Red Deer Commission; for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for certain payments in implementation of agricultural price guarantees; and for grants, grants in aid and expenses in connection with services to agriculture; including land drainage and flood services; purchase, improvement and management of land; land settlement; public works in the congested districts and roads in other livestock rearing areas; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; and agricultural credits -	34,822,764	912,445
12. For Scottish fisheries and the United Kingdom herring industry; including the salaries and expenses of the fisheries staff of the Scottish Home Department, and of the Herring Industry Board and Advisory Council; grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing, and the construction, improvement, maintenance and repair of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - - -	2,722,093	9,750
TOTAL, CIVIL, CLASS VIII -	£312,324,197	19,532,700

SCHED. (B).
PART 18.
Civil.
Class IX.
1959-60.

SCHEDULE (B).—PART 18

CIVIL.—CLASS IX

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Transport and Civil Aviation, including the salaries and expenses of the Coastguard, the Transport Tribunal, the Air Transport Advisory Council, and the Inland Waterways Redevelopment Committee, subscriptions to international organisations and sundry other services (including a Supplementary sum of £3,820) - - -	11,242,520	3,946,450
2. For expenditure, including grants and loans to highway, &c., authorities, in respect of roads in England and Wales and services connected therewith, including the construction, improvement and maintenance of roads, road research, and road safety and to the British Transport Commission; balances of grant in respect of the provision and maintenance of vehicles and equipment for use by police forces engaged on certain duties and the salaries of surveyors for 1958-59 and earlier years; the stopping-up and diversion of highways and advance payments in respect of land acquired for trunk roads; for expenses in connection with the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; and for certain compensation payments- - -	94,231,810	3,015,800
Carried forward - - -	£105,474,330	6,962,250

SCHEDULE (B).—PART 18—*continued*SCHED. (B).
PART 18.
Civil.
Class IX.
1959-60.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		105,474,330	6,962,250
CLASS IX— <i>continued</i>			
Vote	3. For expenses, including war terminal expenses, in connection with the provision and use of ships for trooping, emigration and other purposes; reimbursement of surcharge on tolls for clearance of Suez Canal; and expenses in respect of miscellaneous services connected with shipping, seamen, inland transport and ports, including the repair of damage by flood and tempest, and certain special services - - - - -	537,780	801,950
	4. For the construction, maintenance, and operation of aerodromes and other services in connection with civil aviation, including a subscription to an international organisation and certain grants and subsidies - - -	7,742,500	6,909,000
	5. For the salaries and expenses of the Ministry of Power, loans for the installation of fuel-saving equipment, assistance to gas and electricity services in Development Areas, loans for the provision of iron and steel production facilities, and expenses in connection with the licensing and insurance of nuclear installations, and with the nationalisation of the gas industry - - - - -	3,626,220	489,360
	6. For the supply, storage and distribution of petroleum products and certain other special services of the Ministry of Power, including expenditure on civil defence (including a Supplementary sum of £3,500,000) -	8,224,110	570,100
	Carried forward - - -	£125,604,940	15,732,660

SCHED. (B).
PART 18.
Civil.
Class IX.
1959-60.

SCHEDULE (B).—PART 18—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		125,604,940	15,732,660
CLASS IX—<i>continued</i>			
Vote			
7.	For the salaries and expenses of the Atomic Energy Office and for payments to the United Kingdom Atomic Energy Authority in respect of expenses in connection with the supply of atomic energy and radioactive substances, including research and development, inspection, storage, disposal and capital and ancillary services related thereto, and for subscriptions to international organisations - - - - -	92,697,810	31,267,200
8.	For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations (Revised sum) - - -	10,821,097	1,614,595
9.	For expenditure, including grants and loans to highway, &c., authorities, in respect of roads in Scotland and services connected therewith, including the construction, improvement and maintenance of roads, road research and road safety; balances of grant in respect of the provision and maintenance of vehicles and equipment for use by police forces engaged on certain duties, and the salaries of surveyors for 1958-59 and earlier years; expenditure on the stopping-up and diversion of highways and certain compensation payments - - - - -	13,354,510	64,200
TOTAL, CIVIL, CLASS IX - - -		£242,478,357	48,678,655

SCHEDULE (B).—PART 19

SCHED. (B).
PART 19.
Civil.
Class X.
1959-60.

CIVIL.—CLASS X

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances, supplementary pensions, and certain other expenses in connection with superannuation in respect of civil employment - -	20,023,000	819,000
2. For the salaries and expenses of the Ministry of Pensions and National Insurance, including certain expenses in connection with national insurance, industrial injuries insurance, family allowances, workmen's compensation, war pensions, a subscription to an international organisation and sundry other services - -	4,857,060	23,784,000
3. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or out of service in the Armed Forces after the 2nd day of September 1939; sundry contributions in respect thereof; grants to ex-prisoners-of-war and other persons and bodies in respect of the distribution of Japanese assets in the United Kingdom and other countries and of proceeds of the sale of the Burma-Siam Railway; and other services, including payment of national service grants (including a Supplementary sum of £1,255,000)	99,602,250	1,758,000
Carried forward - - -	£124,482,310	26,361,000

SCHED. (B).
PART 19.
Civil.
Class X.
1959-60.

SCHEDULE (B).—PART 19—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		124,482,310	26,361,000
CLASS X— <i>continued</i>			
Vote			
4.	For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund and for payments in respect of family allowances	309,426,000	24,000
5.	For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old age pensions, including pensions to blind persons; assistance grants, &c.; expenses of reception centres, &c.; the maintenance of certain classes of Poles in Great Britain; and the maintenance of Hungarian refugees in Hostels (including a Supplementary sum of £18,000,000) - - -	161,713,000	2,350,000
6.	For pensions and allowances to certain members of the former Indian and Burma Services and their dependants, and to certain judges; for related medical and miscellaneous expenses; for payments in respect of commutation of pensions; and for certain payments to the Governments of India and Pakistan connected with pensions - - - - -	6,955,410	2,000
7.	For pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments -	1,052,000	—
TOTAL, CIVIL, CLASS X -		£603,628,720	28,737,000

SCHEDULE (B).—PART 20

SCHED. (B).
PART 20.
Revenue
Departments.
1959-60.

REVENUE DEPARTMENTS

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1960, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - -	17,929,100	828,000
2. For the salaries and expenses of the Inland Revenue Department - -	46,058,000	292,000
3. For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations -	384,140,000	67,056,600
TOTAL, REVENUE DEPARTMENTS -£	448,127,100	68,176,600

SCHED. (C).
Part I.
Navy Services,
1957-58.
Section 5.

SCHEDULE (C).—PART 1

Navy Services, 1957-58, 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	444,514	17 7	—	—	—	—	49,580	2 5
2. Victualling and Cloth- ing for the Navy ...	—	—	160,656	19 1	491,192	18 4	—	—
3. Medical Establish- ments and Services	85,920	7 0	—	—	—	—	24,099	14 7
4. Civilians employed on Fleet Services ...	—	—	—	—	38,187	0 1	10,835	0 5
5. Educational Services ...	5,249	15 8	61,213	14 11	—	—	—	—
6. Scientific Services ...	—	—	38,664	15 2	379,411	12 3	—	—
7. Royal Naval Reserves	—	—	—	—	99,530	7 8	318	14 2
8. Shipbuilding, Repairs, Maintenance, &c.: Section I.—Personnel	93,760	1 7	—	—	—	—	132,399	8 7
Section II.—Matériel	—	—	67,060	3 9	446,138	1 6	—	—
Section III.— Contract Work	—	—	—	—	1,165,020	10 5	1,704,731	12 2
9. Naval Armaments ...	—	—	1,032,754	13 10	27,537	1 11	—	—
10. Works Buildings and Repairs at Home and Abroad	—	—	90,998	6 2	696,133	10 5	—	—
11. Miscellaneous Effective Services	—	—	105,666	18 6	379,547	7 11	—	—
12. Admiralty Office ...	—	—	—	—	36,590	2 3	4,298	13 5
13. Non-Effective Services	368,790	7 5	—	—	—	—	74,807	7 1
14. Merchant Shipbuilding and Repair	2,829	5 3	—	—	—	—	—	—
15. Additional Married Quarters	—	—	56,401	4 3	56,401	4 3	—	—
Balances Irrecoverable and Claims Abandoned	16,293	3 0	—	—	—	—	—	—
	1,017,357	17 6	1,613,416	15 8	3,815,689	17 0	2,001,070	12 10
	£2,630,774 13s. 2d.				£5,816,760 9s. 10d.			
	Net Surplus £3,185,985 16s. 8d.							

SCHEDULE (C).—PART 2

SCHED. (C).
Part 2.
Army Services,
1957-58.
Section 5.

Army Services 1957-58, Votes	DEFICITS				SURPLUSES			
	Excesses of actual over estimated gross Expenditure		Deficiencies of actual as compared with estimated Receipts		Surpluses of estimated over actual gross Expenditure		Surpluses of actual as compared with estimated Receipts	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1. Pay, &c., of the Army	4,435,602	7 7	—	—	—	—	482,884	0 2
2. Reserve Forces, Territorial Army, Home Guard and Cadet Forces ...	1,351,263	13 9	—	—	—	—	108,316	5 0
3. War Office ...	61,795	6 3	—	—	—	—	5,918	16 10
4. Civilians	834,053	15 5	382,543	9 1	—	—	—	—
5. Movements ...	2,590,806	3 3	—	—	—	—	101,799	10 3
6. Supplies, &c. ...	—	—	2,975,487	2 1	3,210,666	4 2	—	—
7. Stores	—	—	—	—	8,506,602	6 11	3,537,292	7 2
8. Works, Buildings and Lands ...	—	—	—	—	2,629,454	0 0	885,734	9 7
9. Miscellaneous Effec- tive Services ...	—	—	—	—	1,168,277	15 5	63,491	15 2
10. Non-Effective Ser- vices	2,893,442	13 2	—	—	—	—	63,699	15 0
11. Additional Married Quarters ...	—	—	750,000	0 0	327,055	15 3	—	—
Balances Irrecoverable and Claims Aban- doned	49,558	10 4	—	—	—	—	—	—
	12,216,522	9 9	4,108,030	11 2	15,842,056	1 9	5,249,136	19 2
	£16,324,553		0s. 11d.		£21,091,193		0s. 11d.	
	Net Surplus £4,766,640							

SCHED. (C).
Part 3.
Air Services,
1957-58.
Section 5.

SCHEDULE (C).—PART 3

Air Services, 1957-58, 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	209,302	18 11	—	—	—	—	246,417	10 0
2. Reserve and Auxiliary Services ...	—	—	4,398	11 8	60,112	7 11	—	—
3. Air Ministry ...	—	—	18,810	12 4	7,822	12 1	—	—
4. Civilians at Out-stations... ..	85,702	12 7	46,665	16 0	—	—	—	—
5. Movements ...	—	—	—	—	226,578	0 2	272,067	8 4
6. Supplies	646,165	8 4	—	—	—	—	273,539	14 4
7. Aircraft and Stores	—	—	563,153	4 1	1,796,220	10 5	—	—
8. Works and Lands...	—	—	—	—	9,244,689	14 11	832,473	13 2
9. Miscellaneous Effective Services ...	—	—	417,915	5 10	1,072,036	6 3	—	—
10. Non-effective Services	—	—	—	—	777,088	11 9	40,307	2 7
11. Additional Married Quarters ...	—	—	1,800,000	0 0	177,244	8 1	—	—
Balances Irrecoverable and Claims Abandoned	21,837	8 4	—	—	—	—	—	—
	963,008	8 2	2,850,943	9 11	13,361,792	11 7	1,664,805	8 5
	£3,813,951		18s. 1d.		£15,026,598		0s. 0d.	
	Net Surplus £11,212,646 1s. 11d.							

CHAPTER 60

An Act to enlarge the powers of the Minister of Education to make contributions, grants and loans in respect of aided schools and special agreement schools, and for purposes connected therewith. [29th July, 1959]

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

1.—(1) Subject to the provisions of this section, in the following sections of the Education Act, 1944 (which provide for the making of contributions or grants by the Minister of Education in respect of aided schools and special agreement schools), that is to say—

Extended powers to make contributions, etc.

7 & 8 Geo. 6. c. 31.

- (a) section one hundred and two (maintenance contributions); and
- (b) section one hundred and three (grants for schools transferred to new sites or established in substitution for former schools); and
- (c) section one hundred and four (grants for schools established for accommodation of displaced pupils);

three-quarters of the expenses in respect of which the contribution or grant is made shall be substituted for one half as the amount of the contribution, or as the maximum amount of the grant, as the case may be.

(2) Where the Minister of Education—

- (a) has approved proposals submitted to him under subsection (2) of section thirteen of the Education Act, 1944, that a school proposed to be established should be maintained by a local education authority as a voluntary school, and has directed that the proposed school shall be an aided school; and
- (b) is satisfied that the establishment of the school is wholly or mainly due to the need of providing secondary education for pupils for whom primary education was provided at schools in the area to be served by the proposed school, being schools which—
 - (i) are aided schools or special agreement schools; and
 - (ii) either were aided schools or special agreement schools before the relevant date or were established in pursuance of proposals approved before that date under subsection (4) of the said section thirteen, or have replaced schools satisfying the conditions of this sub-paragraph;

then, subject to the provisions of this section, he may, out of moneys provided by Parliament, pay to the governors of the proposed school, in respect of any sums expended by them on the provision of a site for the school or of the school buildings, a grant not exceeding three-quarters of those sums.

(3) Where under subsection (4) of section sixty-seven of the Education Act, 1944, the Minister determines that any alterations to the school premises of an aided school or of a special agreement school would amount to the establishment of a new school, subsection (2) of this section shall apply as if in paragraph (a) the words "and has directed that the proposed school shall be an aided school" were omitted.

(4) For the purposes of section one hundred and five of the Education Act, 1944 (which authorises the Minister of Education to make loans to the managers or governors of aided schools and special agreement schools for certain initial expenses involving capital expenditure), any expenses in respect of which the Minister may make a grant under subsection (2) of this section shall be included in the expression "initial expenses", and in determining the governors' share of any initial expenses the amount of any such grant paid or payable in respect of them shall be taken into account in the same way as grants under sections one hundred and three and one hundred and four of that Act.

(5) For the purposes of subsection (2) of this section, a school "replaces" another if, but only if, the Minister by an order under section sixteen of the Education Act, 1944, directs that it shall be established in substitution for the other, or grant is payable under section one hundred and four of that Act in respect of the provision at it of education for displaced pupils from the other, or it is constituted in pursuance of an order dividing the other under section two of the Education Act, 1946.

9 & 10 Geo. 6.
c. 50.

(6) The Minister shall not make a grant in respect of the same expenditure both under subsection (2) of this section and under section one hundred and three or one hundred and four of the Education Act, 1944.

(7) Nothing in this section shall extend to contributions or grants in respect of expenditure on work which—

- (a) was begun before the relevant date; or
- (b) was approved by the Minister before that date under subsection (6) of section thirteen of the Education Act, 1944, or under any arrangements relating to work to which that section does not apply; or
- (c) was included in a programme notified to a local education authority as the main building programme approved by

the Minister for the twelve months beginning with April, nineteen hundred and fifty-nine, or for any earlier period;

or in respect of expenditure on the provision of the site on which or buildings to which any such work was done or proposed to be done.

(8) In this section "the relevant date" means the fifteenth day of June, nineteen hundred and fifty-nine; and any provision of the Education Acts, 1944 to 1953, which assigns a meaning for the purposes of the Education Act, 1944, to any expression used in this section shall have effect also for the purposes of this section.

2.—(1) This Act may be cited as the Education Act, 1959, and this Act and the Education Acts, 1944 to 1953, may be cited together as the Education Acts, 1944 to 1959. Short title,
citation and
extent.

(2) This Act does not extend to Scotland or to Northern Ireland.

CHAPTER 61

An Act to authorise the payment under section seven of the National Galleries of Scotland Act, 1906, out of moneys provided by Parliament of expenditure incurred by the Board of Trustees for the National Galleries of Scotland in the performance of such functions, in addition to the management of the National Gallery and the National Portrait Gallery, as are conferred on them by or under that Act. [29th July, 1959]

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

1. Section seven of the National Galleries of Scotland Act, 1906 (which provides, among other things, for the payment out of moneys provided by Parliament of the expenditure incurred by the Board of Trustees for the National Galleries of Scotland in connection with the management of the National Gallery and the National Portrait Gallery) shall have effect as if after the words "National Portrait Gallery", in the second place where they occur, there were inserted the words "and with the performance of such other functions as are conferred on them by or under this Act." Expenditure
of Trustees for
National
Galleries of
Scotland.
6 Edw. 7. c. 50.

Citation.

2. This Act may be cited as the National Galleries of Scotland Act, 1959; and the National Galleries of Scotland Act, 1906, and this Act may be cited together as the National Galleries of Scotland Acts, 1906 and 1959.

CHAPTER 62

New Towns Act, 1959

ARRANGEMENT OF SECTIONS

PART I

DISPOSAL OF UNDERTAKINGS OF DEVELOPMENT CORPORATIONS, AND RELATED MATTERS

Section

1. Preliminary.
2. Establishment and functions of Commission for the New Towns.
3. Advances by Minister to Commission.
4. Housing.
5. Accounts, audit, annual report, etc.
6. General provision for transfer to Commission of property of development corporation, and for dissolution of corporation.
7. Special provision for transfer of sewerage and sewage disposal undertakings to local authority.
8. Power of local authorities to do work at request of Commission.
9. Supplementary.
10. General provision as to expenses.

PART II

MISCELLANEOUS

11. Advances to development corporations.
12. Power to reduce or withhold housing subsidies.
13. Contributions by development corporations towards provision of amenities.
14. Short title, citation and extent.

SCHEDULE:

First Schedule—Constitution etc. of Commission for the New Towns.
Second Schedule—Provisions relating to transfer to Commission of property of development corporation.

An Act to make, as respects England and Wales, new provision in place of section fifteen of the New Towns Act, 1946, as to the disposal of the undertakings of development corporations and other matters arising when a development corporation has achieved or substantially achieved the purposes for which it is established; to amend the law relating to development corporations by increasing the limit on the advances which may be made to them under subsection (1) of section twelve of that Act, by providing for housing subsidies to be wholly or partly withheld in respect of dwellings disposed of by them, and by authorising them to make contributions towards the provision of amenities; and for purposes connected with the matters aforesaid.

[29th July, 1959]

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

DISPOSAL OF UNDERTAKINGS OF DEVELOPMENT CORPORATIONS, AND RELATED MATTERS

1. As respects England and Wales, the provision made by section fifteen of the New Towns Act, 1946, for the dissolution of development corporations and the disposal of their undertakings shall not have effect, and instead their assets and liabilities shall be disposed of, and the corporations shall be dissolved, in accordance with the provisions of this Part of this Act. Preliminary.

2.—(1) There shall be a body corporate by the name of the Commission for the New Towns having perpetual succession, a common seal and power to hold land without licence in mortmain, and incorporated for the purpose of taking over, holding, managing and turning to account the property previously vested in the development corporation for a new town and transferred to the Commission by an order under this Act. Establishment and functions of Commission for the New Towns.

PART I
—cont.

(2) It shall be the general duty of the Commission to maintain and enhance the value of the land held by them and the return obtained by them from it, but in discharging their functions in relation to any town the Commission shall have regard to the purpose for which the town was developed under the New Towns Act, 1946, and to the convenience and welfare of persons residing, working or carrying on business there.

(3) The Commission in discharging their functions shall comply with such directions as may be given to them by the Minister of Housing and Local Government (in this Act referred to as "the Minister"), but in giving any such direction he shall have regard to the provisions of subsection (2) of this section.

(4) Subject to the provisions of this Act and to any direction given to them by the Minister, the Commission shall have power, with a view to the better fulfilment of the purpose mentioned in subsection (1) of this section by the improvement of any of their towns, or to the convenience or welfare of persons residing, working or carrying on business there,—

- (a) to acquire (otherwise than by transfer under this Act), hold, manage and turn to account land situated in or near the town, or any interest in or rights over such land ;
- (b) with the approval of the Minister given with the concurrence of the Treasury, to make contributions towards the cost of providing amenities for the town, or of providing for it water supplies or sewerage or sewage disposal services ;
- (c) to promote or assist by any means, and in particular by making advances towards the cost of purchasing land, or of erecting, extending, improving or adapting buildings or works, the setting up or extension of businesses in the town ;
- (d) to dispose of any property for such purposes and in such manner as they think fit.

(5) The Commission shall not without the authority given generally or specially of the Minister—

- (a) transfer the freehold in any land, or grant a lease of any land for a term of more than ninety-nine years, except in the case of a private dwelling and in pursuance of an agreement to make the transfer or grant to the person occupying or proposing to occupy it as his residence ;
or
- (b) develop or redevelop any land, except in accordance with proposals submitted to the Minister and approved by him.

(6) The Commission shall not have power to dispose by way of gift, mortgage or charge of any land or, except as provided by paragraph (b) of subsection (4) of this section, of any other property; nor shall they have power to borrow money except by way of advance from the Minister under this Act.

(7) Where it appears to the Minister, after consultation with the Treasury and with the Commission, that the Commission have a surplus whether on capital or on revenue account after making allowance by way of transfer to reserve or otherwise for their future requirements (including any contributions that may be required to be made in any of their towns under the last mentioned paragraph (b)), the Commission shall, if the Minister after such consultation as aforesaid so directs, pay to the Minister such sum not exceeding the amount of that surplus as may be specified in the direction; and any sum received by the Minister under this subsection shall be paid into the Exchequer.

(8) It is hereby declared that the Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, and no property of the Commission is to be regarded as property of, or held on behalf of, the Crown; and nothing in this Act, except the express provision relating to stamp duty, shall be construed as exempting the Commission from liability to any tax, duty, rate, levy or other charge whatsoever, whether general or local.

(9) A transaction between a person and the Commission shall not be invalidated by reason of any non-compliance by the Commission with subsection (2) or subsection (3) of this section, unless the transaction is carried out in contravention of a direction of the Minister and that person had actual notice of the direction; nor shall any such transaction be invalidated by reason of any non-compliance by the Commission with the requirement of subsection (4) that they shall exercise the powers conferred by that subsection with the view there mentioned.

(10) References in this section to disposing of property, or of land, shall be construed as including references to granting any interest in or rights over it.

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

(12) The Commission shall come into being on such date as the Minister may appoint by order made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART I
—cont.

**Advances by
Minister to
Commission.**

3.—(1) For the purpose of enabling the Commission to meet liabilities properly chargeable to capital account (including the provision of working capital), or to make good to revenue account sums applied in meeting liabilities so chargeable, the Minister may make to the Commission advances repayable over such periods and on such terms as may be approved by the Treasury; but, subject to the following provisions of this Act, the aggregate amount outstanding at any time of advances made under this subsection shall not exceed five million pounds.

(2) The Minister may also advance to the Commission any sums required by them to meet a deficit on revenue account, and any such advance shall be repayable over such period and shall be made on such terms as may be approved by the Treasury; but the aggregate amount of the advances made under this subsection shall not exceed one million pounds.

(3) The Treasury may issue to the Minister out of the Consolidated Fund such sums as are necessary to enable him to make advances to the Commission under this section.

(4) For the purpose of providing the whole or part of any sum to be issued under subsection (3) of this section, or of providing for the replacement in whole or in part of any sum so issued, the Treasury may, at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(5) Any sums received by the Minister by way of repayment of or interest on advances under this section shall be paid into the Exchequer; and the Minister shall lay before each House of Parliament a statement of any sums payable to him by way of repayment of or interest on any such advances and not duly received by him.

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

- (a) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit; and**
- (b) so much of those sums as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.**

(7) The whole or part of any payment made to the Minister by the Commission under subsection (7) of section two of this Act shall, if the Minister with the approval of the Treasury so determines, be treated as made by way of repayment of such part of the principal of advances under this section, and as made in respect of the repayments due at such times, as may be so determined; and subsection (6) of this section shall apply to the corresponding payment into the Exchequer accordingly.

4.—(1) Subject to the following provisions of this Act, **Ex-Housing** Exchequer subsidies under section one of the Housing (Financial Provisions) Act, 1958, shall be payable in respect of new dwellings provided by the Commission, and in certain circumstances in respect of the sites of such dwellings, in accordance with the provisions of that Act applying in relation to new dwellings provided by a development corporation otherwise than in pursuance of authorised arrangements:

Provided that (without prejudice to any other provision relating to those subsidies) the Minister, with the concurrence of the Treasury, may by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament, terminate the payment of subsidies by virtue of this subsection in respect of further new dwellings in any town or any description of such dwellings, or reduce the amount of subsidies so payable.

(2) Subject as aforesaid, the following provisions of the Housing (Financial Provisions) Act, 1958 (being provisions which enable the like Exchequer payments to be made to development corporations in certain circumstances as to local authorities), shall apply to the Commission as they apply to development corporations, that is to say,—

- (a) section fourteen (grants for building experiments);
- (b) subsection (1) of section fifteen (grants for hostels).

(3) Where by virtue of the foregoing subsections there is for the time being payable in respect of any building a subsidy or contribution under section one or section fifteen of the Housing (Financial Provisions) Act, 1958, and the Commission's interest in the building is transferred to a local authority within the meaning of Part I of that Act, then—

- (a) the subsidy or contribution shall cease to be payable; and
- (b) the Minister shall (subject to any power under that Act to reduce, suspend or discontinue any payments) pay to the local authority sums equivalent to the subsidies or contributions which would be payable in respect of the building if it had not been so transferred;

PART I
—cont.

and any payment which the Minister is authorised to make under paragraph (b) of this subsection shall be made out of moneys provided by Parliament and shall be included in the expression “exchequer payment” as defined in subsection (2) of section fifty-eight of that Act.

(4) Where a subsidy is payable in respect of a dwelling by virtue of subsection (1) of this section, the Minister may, out of moneys provided by Parliament, make to the Commission such additional grant by way of annual payments (not exceeding eight pounds for any one year in respect of any one dwelling) as he may with the concurrence of the Treasury determine; and section nine of the Housing Subsidies Act, 1956 (which enables the Minister to recover from local authorities contributions in respect of dwellings provided in the area of one authority to relieve congestion or overpopulation in the area of another), shall have effect in relation to any such grant as if the dwelling had been provided by a development corporation and the grant had been made under subsection (2) of section twelve of the New Towns Act, 1946, and any sum recovered by the Minister by virtue of this provision shall be paid into the Exchequer.

(5) Subject to subsection (6) of this section, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, shall not apply to a tenancy where the interest of the landlord belongs to the Commission, and (without prejudice to the foregoing provision) a person shall not be entitled to retain possession against the Commission by virtue of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939; and accordingly subsection (3) of section one hundred and four of the Housing Act, 1957 (which provides for the imposition by local authorities of conditions as to rent and other matters on the sale by them of houses), shall not apply to sales to the Commission.

(6) In section sixteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951 (which confers on a service man during his period of service with the armed forces security of tenure in respect of a rented family residence in respect of which he would otherwise have no statutory protection), after paragraph (a) of subsection (2) there shall be inserted the following paragraph—

“(aa) that the reversion immediately expectant on the tenancy qualifying for protection belongs to the Commission for the New Towns.”

Accounts,
audit, annual
report, etc.

5.—(1) The Commission shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year annual accounts in such form as the Minister may with the approval of the Treasury direct, being a form

which will show the Commission's financial position both generally and in relation to each of their towns.

PART I
—cont.

(2) The accounts of the Commission shall be audited by an auditor to be appointed annually by the Minister.

(3) No person shall be qualified to be so appointed auditor unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales ;

the Society of Incorporated Accountants ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified and Corporate Accountants ;

the Institute of Chartered Accountants in Ireland ;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(4) As soon as the annual accounts of the Commission for any financial year have been audited, the Commission shall send to the Minister a copy of the accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditor thereon.

(5) The Minister shall prepare in respect of each financial year, in such form and manner and at such times as the Treasury may direct, an account of the sums issued to him out of the Consolidated Fund and advanced to the Commission under this Act, of sums received by him from the Commission and paid into the Exchequer in respect of the principal of and interest on sums so advanced, and of sums received by him from the Commission and paid into the Exchequer under subsection (7) of section two of this Act.

(6) On or before the thirtieth day of November in each year, the Minister shall transmit to the Comptroller and Auditor General the account prepared by him under the last foregoing subsection in respect of the last foregoing financial year ; and the Comptroller and Auditor General shall examine and certify the account prepared by the Minister and lay before each House of Parliament copies of that account, together with his report thereon.

(7) The Commission shall, as soon as possible after the end of each financial year, make to the Minister a report dealing generally and in relation to each of their towns with their operations during that year, and shall include in the report a copy

PART I
—*cont.*

of their audited accounts for that year ; and the Minister shall lay a copy of every such report before each House of Parliament.

(8) Without prejudice to the requirement imposed by the last foregoing subsection, the Commission shall provide the Minister with such information relating to their undertaking as the Minister may from time to time require, and for that purpose shall permit any person authorised by the Minister in that behalf to inspect and make copies of the accounts, books, documents or papers of the Commission and shall afford such explanation thereof as that person or the Minister may reasonably require.

(9) The Commission's financial year shall begin with the first day of April, and references to a financial year in relation to the Commission shall be construed accordingly.

**General
provision for
transfer to
Commission
of property of
development
corporation,
and for
dissolution of
corporation.**

6.—(1) Where, after consultation with the council of the county and of any county district in which a new town is situated, the Minister is satisfied that the purposes for which the development corporation is established under the New Towns Act, 1946, have been substantially achieved, he shall by order direct—

- (a) on such date as may be specified in the order the property of the corporation (other than property excepted under the following provisions of this Act) shall vest in the Commission, and the corporation shall cease to act except for the purpose of taking such steps (if any) as may be authorised or required by the order to dispose of any property so excepted, to prepare its final accounts and report, or otherwise to wind up its affairs ; and
- (b) on that date or such later date as may be fixed by or under the order, the corporation shall be dissolved.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the transfer to the Commission by an order under this section of the property of a development corporation and with respect to matters arising out of the transfer or out of the dissolution of the corporation ; and the Minister may by order under this section make such further incidental or supplementary provisions as appear to the Minister to be necessary or expedient in relation to any such matter.

(3) Where by virtue of an order under section sixteen of the New Towns Act, 1946, a development corporation discharges functions in relation to more than one new town, the Minister may make an order under subsection (1) of this section in relation to that corporation and to any of those towns without the other or others, as if the corporation were not concerned with the other or others, but without providing for the dissolution of the corporation ; and in the case of any such order the provisions

of the Second Schedule to this Act shall apply subject to such modifications as may be provided by the order for the purpose in particular of determining what part of the corporation's property, rights, liabilities and obligations is to be transferred to the Commission.

(4) The power to make orders under this section shall be exercisable by statutory instrument, and shall include power to vary or revoke any provision of a previous order.

7.—(1) Where—

- (a) the development corporation for a new town has, in pursuance of an order under section nine of the New Towns Act, 1946, been carrying on a sewerage or sewage disposal undertaking; and
- (b) it appears to the Minister that, having regard to the extent to which the new town has been developed, the undertaking should be transferred to the local authority charged by section fourteen of the Public Health Act, 1936, with the duty of providing public sewers in the new town or any part of it;

Special provision for transfer of sewerage and sewage disposal undertakings to local authority.

then, subject to the provisions of this section, the Minister may by order provide for the transfer of the undertaking to that local authority, and any such order may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary or expedient for the purposes of the order (including provisions enlarging the area to which any powers and duties of the local authority extend).

(2) In the foregoing subsection, the expression "local authority" shall include any joint board constituted for a united district under section six of the Public Health Act, 1936; and, where it appears to the Minister expedient for the efficient provision of sewerage or sewage disposal services that the area of a new town or any larger area comprising it should be constituted a united district under that section for any purposes with a view to the transfer to the joint board of a sewerage or sewage disposal undertaking of the development corporation, then—

- (a) he may make an order accordingly constituting that area a united district, notwithstanding that no application in that behalf is made to him by the local authorities for the districts concerned or any of them; and
- (b) he may by the same order exercise the powers conferred by subsection (1) of this section for transferring the undertaking to the joint board.

PART I
—*cont.*

(3) The terms upon which an undertaking is transferred by an order under this section shall be such as the Minister, with the consent of the Treasury, may specify in the order, and those terms may provide for the payment by the transferee of such sums, to be satisfied in such manner, as may be so specified:

Provided that the total of the sums so paid shall not exceed the total capital cost of the undertaking less depreciation written off.

(4) Where a development corporation's sewerage or sewage disposal undertaking is transferred to the Commission under this Act, this section shall continue to apply to the undertaking as if the Commission were the development corporation.

(5) Before making an order under this section the Minister shall consult with the local authority or joint board to which it is proposed to transfer the undertaking (or, if that is a joint board to be constituted by the order, then with each council which would be represented on that board), and also with the council of the county comprising the area of that local authority or, as the case may be, of any local authority represented or to be represented on the board, and with any other authority appearing to him to be concerned.

(6) The power to make orders under this section shall be exercisable by statutory instrument, and in relation to any such order the provisions of subsection (4) of section six and subsection (2) of section nine of the Public Health Act, 1936 (which provide for the giving of notice, for special parliamentary procedure in the event of objection, and for revocation and variation), shall apply as they apply in relation to an order constituting a united district, except that the notice to be given of a proposed order other than an order for constituting, or for amending an order constituting, a united district shall be notice to the authority or board to which the undertaking in question is to be or has been transferred under subsection (1) of this section.

Power of local
authorities to
do work at
request of
Commission.

8.—(1) The council of a county or county district in which a new town or part of one is situated may, at the request of the Commission and for such consideration and on such other terms and conditions as may be agreed between the council and the Commission, do for the Commission any building or other work on land (including land outside the county or county district), being work undertaken for the purposes of the Commission's functions in relation to the new town, or any work preliminary to or connected with any such work on land as aforesaid, or allow the Commission to have for the purpose of any such work as aforesaid the services of officers or servants of the council or the use of premises or equipment of the council.

(2) This section shall apply in relation to a joint board discharging functions of any such council as aforesaid as it applies in relation to the council.

PART I
—cont.

9.—(1) Without prejudice to any other enactment authorising the holding of local inquiries, the Minister may cause a local inquiry to be held under this subsection for the purpose of the exercise of any of his functions under this Part of this Act; and subsections (2), (3) and (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and the costs of parties to, local inquiries), shall apply to inquiries held under this subsection as they apply to inquiries held under that section. Supplementary.

(2) References to undertakers in section fifteen of the Local Government Superannuation Act, 1953 (which enables local authorities to admit to their superannuation schemes employees of statutory undertakers), shall extend to the Commission.

(3) Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951 (which provides for the making to service men of payments to make up their civil remuneration), shall have effect as if in Part I of the Second Schedule to that Act the capacities specified in the first column included that of employee of the Commission, and the Commission were specified as respects that capacity in the second column.

(4) Section one hundred and ninety-two of the Highways Act, 1959 (which provides for payments in respect of street works to be made where a new building is erected on a private street), shall not apply in a case where the building is proposed to be erected on land belonging to or in the possession of the Commission.

(5) Property vested in any person by virtue of an order under this Act transferring it from a development corporation or from the Commission shall not be treated as so vested by way of sale for the purpose of section twelve of the Finance Act, 1895 (which provides for charging stamp duty in the case of certain statutory transfers by way of sale).

(6) Section fifteen of the New Towns Act, 1946, is hereby repealed; and for any reference in sections seventy-four and seventy-five of the Licensing Act, 1953, to an order under subsection (1) of the said section fifteen providing for the winding up and dissolution of the development corporation for any new town there shall be substituted a reference to an order under section six of this Act providing in relation to any new town for a transfer of the development corporation's property to the Commission.

PART I
—cont.

General
provision as
to expenses.

10. There shall be paid out of moneys provided by Parliament (in addition to any sums authorised by any other provision of this Act to be so paid)—

- (a) any administrative expenses incurred by the Minister for the purposes of this Part of this Act; and
- (b) any increase in the sums payable by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland, being an increase attributable—
 - (i) to expenditure incurred by local authorities in respect of payments made to the Minister or the Commission by virtue of the provisions of this Part of this Act relating to housing; or
 - (ii) to expenditure incurred by local authorities (whether in respect of payments made to the Commission or to development corporations or otherwise) by virtue of the provisions of this Part of this Act relating to sewerage or sewage disposal undertakings carried on for the purposes of new towns.

PART II

MISCELLANEOUS

Advances to
development
corporations.

11.—(1) The limit imposed by the proviso to subsection (1) of section twelve of the New Towns Act, 1946, on the aggregate amount of the advances made to development corporations under that subsection shall be increased from the three hundred million pounds provided for by section one of the New Towns Act, 1958, to four hundred million pounds, less the amount of any advances made to the Commission for the New Towns for the purposes mentioned in sub-paragraph (1) of paragraph 5 of the Second Schedule to this Act.

(2) Section one of the New Towns Act, 1958, is hereby repealed.

Power to
reduce or
withhold
housing
subsidies.

12.—(1) At the end of section nineteen of the Housing (Financial Provisions) Act, 1958 (which provides for reducing or withholding certain payments in respect of housing provided by development corporations in England and Wales), there shall be added the following subsection:—

“(4) The Minister may reduce the amount of any subsidy for the time being payable under section one of this Act in respect of a dwelling provided by a development corporation, or may suspend or discontinue the payment of any such subsidy, as he thinks just, if the dwelling is sold or leased for a term of more than one year to a person other than a local authority”.

(2) At the end of section eighty-seven of the Housing (Scotland) Act, 1950 (which makes similar provision in respect of housing provided by development corporations in Scotland), there shall be added the following subsection:—

PART II
—cont.

“(5) The Secretary of State may reduce the amount of any contribution or sum for the time being payable under this Act or under section two of the Housing and Town Development (Scotland) Act, 1957, in respect of a dwelling provided by a development corporation or may suspend or discontinue the payment of any such contribution or sum, as he thinks just, if the dwelling is sold.”

13. Without prejudice to the generality of the powers conferred on development corporations by the New Towns Act, 1946, a development corporation may, with the consent of the Minister or, in Scotland, of the Secretary of State, contribute such sums as he with the concurrence of the Treasury may determine by way of assistance towards the provision of amenities for the town with which it is concerned. Contributions by development corporations towards provision of amenities.

14.—(1) This Act may be cited as the New Towns Act, 1959, and this Act and the New Towns Acts, 1946 and 1958, may be cited together as the New Towns Acts, 1946 to 1959. Short title, citation and extent.

(2) Part I of this Act, except the provision in paragraph 1 of the First Schedule relating to disqualification for membership of the House of Commons, shall not extend to Scotland.

(3) Nothing in this Act, except the said provision, extends to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 2.

CONSTITUTION ETC. OF COMMISSION FOR THE NEW TOWNS

1.—(1) The members of the Commission, of whom there shall be not more than fifteen, shall be appointed by the Minister, and he shall appoint one of them to be chairman and one to be deputy chairman.

(2) Subject to the following provisions of this Schedule, a member of the Commission, and the chairman and deputy chairman, shall hold and vacate office as such in accordance with the terms of his appointment.

(3) If the chairman or deputy chairman of the Commission ceases to be a member of the Commission, he shall also cease to be chairman or deputy chairman.

(4) A member of the Commission may, by notice in writing addressed to the Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

1st SCH.
—cont.

(5) If the Minister is satisfied that a member of the Commission—

- (a) has become bankrupt or made an arrangement with his creditors ; or
- (b) is incapacitated by physical or mental illness ; or
- (c) has been absent from meetings of the Commission for a period longer than three consecutive months without the permission of the Commission ; or
- (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member ;

the Minister may remove him from his office as a member of the Commission.

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

(7) The Minister may, out of moneys provided by Parliament, pay to persons holding office as chairman, deputy chairman or member of the Commission such remuneration in respect of that office as he may with the consent of the Treasury determine, and the Commission may pay to those persons such reasonable allowances as may be so determined in respect of expenses properly incurred by them in the performance of their duties.

(8) In the case of any such person as the Minister may with the consent of the Treasury determine, the Minister may, in respect of that person's office as chairman, deputy chairman or member of the Commission, 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 ; and as soon as may be after the making of any determination under this sub-paragraph the Minister shall lay before each House of Parliament a statement of the amount of the pension, allowance or gratuity, or the contributions or other payments towards pension, allowance or gratuity, as the case may be, payable in pursuance of the determination.

(9) Section fifteen of the Local Government Superannuation Act, 1953 (which enables local authorities to admit to their superannuation schemes employees of statutory undertakers), as extended by subsection (2) of section nine of this Act, shall apply to members of the Commission as if they were employees of the Commission ; but where a member of the Commission is admitted by virtue of this sub-paragraph to participate in the benefits of a superannuation fund maintained by a local authority, then—

(a) sub-paragraph (8) of this paragraph shall not apply to him ; and

(b) the Minister shall make out of moneys provided by Parliament any payments which in consequence of the agreement are required to be made to the superannuation fund in respect of him by the employing authority, and may make from his remuneration any deductions which in consequence of the agreement the employing authority might make in respect of his contributions to that fund.

(10) The House of Commons Disqualification Act, 1957, shall be amended by inserting in Part II of the First Schedule, after the entry relating to the Colonial Development Corporation, the words "The Commission for the New Towns" (but that amendment shall not be made in the provisions substituted for the said Part II by the Third Schedule in relation to the Senate and House of Commons of Northern Ireland).

1ST SCH.
—cont.

2.—(1) The Commission may make arrangements for any part of their business in any town, or in two or more towns, to be conducted on behalf of the Commission (but subject to their general control) by a committee consisting partly of persons who are not members or servants of the Commission.

(2) It shall be the duty of the Commission to make, in relation to the management of land held by them in any town for the purpose of being let for dwellings, arrangements under this paragraph approved by the Minister.

(3) The Commission's appointments to any committee set up by virtue of this paragraph shall be subject to the Minister's approval.

(4) Before making any appointment to a committee set up in pursuance of sub-paragraph (2) of this paragraph, the Commission shall consult with the council of any county district comprising a substantial part of the area for which the committee is set up.

(5) The Commission may adopt, in addition to the common seal in general use by the Commission, such additional common seals as they think fit for use on their behalf by committees set up under this paragraph.

3.—(1) The quorum of the Commission and the arrangements relating to its meetings shall, subject to any directions given by the Minister, be such as the Commission may determine.

(2) The quorum of any committee set up under paragraph 2 of this Schedule and the arrangements relating to its meetings, so far as not provided for by the arrangements made for setting up the committee, shall be such as the committee may determine.

(3) The validity of any proceeding of the Commission or of such a committee shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

4.—(1) The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Commission to act for that purpose or, in the case of a seal adopted for use by a committee, by the signature of the chairman of the committee or of some other member of the committee authorised generally or specially by the committee to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by any person generally or specially authorised to act for that purpose by the Commission or a committee set up under paragraph 2 of this Schedule.

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

Section 6.

SECOND SCHEDULE

PROVISIONS RELATING TO TRANSFER TO COMMISSION OF PROPERTY OF DEVELOPMENT CORPORATION

1.—(1) Subject to the following provisions of this Schedule, where an order under this Act provides that on a specified date the property of a development corporation (so far as not excepted by the order) shall vest in the Commission, then on that date (hereafter in this Schedule referred to as “the transfer date”) there shall by virtue of the order and without further assurance be transferred to the Commission all property, rights, liabilities and obligations which immediately before the transfer date were property, rights, liabilities or obligations of the corporation.

(2) Subject as aforesaid, every agreement to which the development corporation was a party immediately before the transfer date, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the corporation, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect as from the transfer date as if—

(a) the Commission had been a party to the agreement ;

(b) for any reference (however worded and whether express or implied) to the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the Commission ;

(c) for any reference (however worded and whether express or implied) to any member or officer of the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to such person as the Commission may appoint, or, in default of appointment, to the member or officer of the Commission who corresponds as nearly as may be to the member or officer in question of the corporation.

(3) Other documents, not being enactments, which refer, whether specifically or generally, to the corporation shall be construed in accordance with sub-paragraph (2) of this paragraph so far as applicable.

(4) Without prejudice to the generality of the foregoing sub-paragraphs, where, by the operation of any of them, any right, liability or obligation vests in the Commission, the Commission and all other persons shall, as from the transfer date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for asserting, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Commission.

(5) Any legal proceedings or application to any authority pending on the transfer date by or against the development corporation (and not relating to property, rights, liabilities or obligations excepted by the order from the transfer to the Commission) may be continued on and after that date by or against the Commission.

2.—(1) Any such order as aforesaid may, if the Minister sees fit, except from the transfer to the Commission—

2ND SCH.
—cont.

- (a) any books, papers, or documents of the corporation ;
- (b) any property (including in particular any trade or business) which the corporation have agreed to transfer to some person other than the Commission, together with the corporation's rights, liabilities and obligations under that agreement, and any other rights, liabilities or obligations which it is necessary for the corporation to retain in order to give effect to that agreement ;
- (c) such other property as the Minister thinks expedient for the purpose of enabling the corporation to discharge any functions remaining to it ;

and may provide for the disposal of any property so excepted and of any property received by the corporation after the transfer date under any such agreement or otherwise.

(2) Any expenses of the corporation on or after the transfer date, so far as not defrayed out of any such property as is mentioned in the foregoing sub-paragraph, shall be defrayed by the Commission.

3.—(1) Subject to the following provisions of this Schedule, on the transfer date the New Towns Act, 1946, and any other enactment relating to areas designated under that Act as the site of a new town shall cease to apply to the town as an area so designated, except for the purpose of any functions remaining to the development corporation by virtue of paragraph 2 of this Schedule ; and nothing in paragraph 1 of this Schedule shall be construed as conferring on the Commission any rights, liabilities or obligations of a development corporation under any enactment.

(2) The foregoing sub-paragraph shall not affect the operation of paragraph 1 of this Schedule or of any other enactment in relation to things done by or to a development corporation before the transfer date or in relation to matters arising out of things so done ; but no order shall be made under any enactment on or after the transfer date by virtue of this sub-paragraph.

(3) Without prejudice to the generality of sub-paragraph (2) of this paragraph,—

- (a) any permission granted by an order in force on the transfer date under section thirteen of the Town and Country Planning Act, 1947, for development in the new town shall continue in force as if references in the order to the development corporation included the Commission ;
- (b) where an undertaking for the supply of water or a sewerage or sewage disposal undertaking carried on by the development corporation is transferred to the Commission, the Commission shall have power to carry on the undertaking, and any enactment applying in relation to the carrying on or disposal of the undertaking by the corporation or to the corporation in virtue of the undertaking shall have effect also in relation to the carrying on or disposal of it by the Commission and to the Commission in virtue of it ;

2ND SCH.
—*cont.*

- (c) where the development corporation were making contributions under section eleven of the New Towns Act, 1946, to expenditure of a local authority or statutory undertakers, or had obtained the Minister's consent to making such contributions, the Commission shall have power to make or continue to make those contributions, whether or not the development corporation had undertaken any obligation to do so ;
- (d) where the development corporation had entered into authorised arrangements within the meaning of Part I of the Housing (Financial Provisions) Act, 1958, then for the purpose of those arrangements the Commission shall be deemed to be a housing association within the meaning of the Housing Act, 1957, and any enactment applying in relation to the development corporation as a housing association or in virtue of the arrangements shall apply in like manner to the Commission.

(4) Section seven of the New Towns Act, 1946 (which relates to the provision of highways), and, so far as it has effect for the purposes of the said section seven, section twenty-three of that Act shall, notwithstanding anything in sub-paragraph (1) of this paragraph, continue to have effect in relation to the town for such period (if any) as may be specified in the order under section six of this Act relating to the town ; and that order may provide that any other enactment applying in relation to the town immediately before the transfer date shall continue to apply, subject or not to any modifications specified in the order.

(5) Where an enactment ceases to apply in relation to the town by virtue of this Schedule, subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall have effect as it has effect on the repeal of one Act by another.

4.—(1) Where—

- (a) the Commission, by virtue of this Schedule, provide any housing accommodation in pursuance of authorised arrangements made between a development corporation and a local authority ; or
- (b) any housing accommodation provided by a development corporation (whether in pursuance of any such arrangements or not) is transferred to the Commission under this Act, including housing accommodation not completed at the transfer date ;

subsections (1) to (4) of section four of this Act shall not apply, but (without prejudice to the generality of the foregoing paragraphs of this Schedule) there shall or may be made to or by the Commission, the Minister and any local authority the like payments by way of or in respect of any subsidy, grant or contribution as would be required or authorised to be made by any enactment, or by any agreement or arrangements made by virtue of any enactment, as if the Commission were that corporation and were acting in discharge of the corporation's functions under the New Towns Act, 1946.

(2) Where a house or hostel provided by or transferred to the Commission as aforesaid is transferred to a local authority within the meaning of Part I of the Housing (Financial Provisions) Act, 1958, the foregoing sub-paragraph shall not have the effect of applying subsection (3) of section nineteen or subsection (2) of section twenty-two of that Act, but—

- (a) any subsidy or contribution payable by virtue of that sub-paragraph in respect of the house or hostel shall cease to be payable ; and
- (b) the Minister shall (subject to any power under that Act to reduce, suspend or discontinue any payments) pay to the local authority sums equivalent to the subsidies or contributions which would be payable in respect of the house or hostel if it had not been transferred to the authority ;

and any payment which the Minister is authorised to make under paragraph (b) of this sub-paragraph shall be included in the expression "exchequer payment" as defined in subsection (2) of section fifty-eight of that Act.

(3) In respect of expenditure of a development corporation on matters other than the provision of housing accommodation, the Minister may with the approval of the Treasury make to the Commission payments not exceeding those which, in his opinion, he would have made to the corporation under subsection (2) of section twelve of the New Towns Act, 1946.

(4) There shall be paid out of moneys provided by Parliament—

- (a) any increase attributable to sub-paragraph (1) of this paragraph in the sums so payable by the Minister under any enactment ; and
- (b) any expenses of the Minister under sub-paragraph (2) or (3) of this paragraph ;

and there shall be paid into the Exchequer any sums received by the Minister by virtue of sub-paragraph (1) of this paragraph.

5.—(1) The power of the Minister to make advances to the Commission under subsection (1) of section three of this Act shall extend to the making of advances for the purpose of enabling the Commission to meet liabilities transferred to them from a development corporation, being liabilities properly chargeable to capital account by the corporation, or to make good to revenue account sums applied by a development corporation in meeting liabilities so chargeable.

(2) Advances made to the Commission for the purposes mentioned in sub-paragraph (1) of this paragraph shall be left out of account in applying the limit imposed by subsection (1) of section three of this Act on advances under that subsection, but the making of an advance to the Commission for those purposes shall be subject to the same limit on the amount of the advance as if it were being made to a development corporation under subsection (1) of section twelve of the New Towns Act, 1946.

(3) Where the liabilities of a development corporation for the repayment of advances under subsection (1) of section twelve of the New Towns Act, 1946, or for the payment of interest on such advances, are transferred to the Commission, subsections (5) to (7)

2ND SCH.
—cont.

of section three and subsection (5) of section five of this Act shall apply in relation to those advances, instead of any corresponding provision of the New Towns Act, 1946, as they apply in relation to advances to the Commission under subsection (1) of section three of this Act.

6. In this Schedule “enactment” means any Act of Parliament and any order, rules, regulations or similar instrument having effect by virtue of an Act of Parliament, and includes enactments passed or made on or after the date of the passing of this Act, except in so far as any such enactment provides to the contrary.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Finance Act, 1895	58 & 59 Vict. c. 16.
Increase of Rent and Mortgage Interests (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951... ..	14 & 15 Geo. 6. c. 65.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2. c. 25.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Housing Subsidies Act, 1956... ..	4 & 5 Eliz. 2. c. 33.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.
Housing and Town Development Act, (Scotland) 1957	5 & 6 Eliz. 2. c. 38.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
New Towns Act, 1958	6 & 7 Eliz. 2. c. 12.
Housing (Financial Provisions) Act, 1958	6 & 7 Eliz. 2. c. 42.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.

CHAPTER 63

An Act to increase the amount of the liabilities which may be undertaken by the Board of Trade in respect of guarantees under sections one and two of the Export Guarantees Act, 1949. [29th July, 1959]

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 subsection (4) of section one of the Export Guarantees Act, 1949 (which, as amended by the Export Guarantees Act, 1952, imposes a limit of seven hundred and fifty million pounds in respect of guarantees given by the Board of Trade under that section) for the words "seven hundred and fifty million pounds" there shall be substituted the words "one thousand million pounds".

Raising of limits on guarantees under the Export Guarantees Act, 1949. 12, 13 & 14 Geo. 6. c. 14. 15 & 16 Geo. 6. & 1 Eliz. 2. c. 21.

(2) In subsection (2) of section two of the said Act of 1949 (which, as amended by section one of the Export Guarantees Act, 1957, imposes a limit of two hundred and fifty million pounds in respect of guarantees given by the Board of Trade under the said section two) for the words "two hundred and fifty million pounds" there shall be substituted the words "four hundred million pounds".

5 & 6. Eliz. 2. c. 23.

2.—(1) This Act may be cited as the Export Guarantees Act, 1959; and the Export Guarantees Acts, 1949 to 1957, and this Act may be cited together as the Export Guarantees Acts, 1949 to 1959.

Short title, citation and repeals.

(2) The Export Guarantees Act, 1952, and section one of the Export Guarantees Act, 1957, are hereby repealed.

CHAPTER 64

An Act further to regulate the requiring of payments for furniture, fittings or other articles as a condition of the grant, renewal, continuance or assignment of tenancies of dwellings. [29th July, 1959]

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:—

Punishment of attempts to obtain from prospective tenants excessive prices for furniture, fittings, etc.

12, 13 & 14
Geo. 6. c. 40.
5 & 6 Eliz. 2.
c. 25.

1.—(1) Any person who, in connection with the proposed grant, renewal, continuance or assignment, on terms which require the purchase of furniture, of a tenancy to which for the time being section two of the Landlord and Tenant (Rent Control) Act, 1949 (which prohibits the requiring of premiums), or that section as extended by section thirteen of the Rent Act, 1957, applies—

- (a) offers the furniture at a price which he knows or ought to know is unreasonably high, or otherwise seeks to obtain such a price for the furniture, or
- (b) fails to furnish, to any person seeking to obtain or retain accommodation whom he provides with particulars of the tenancy, a written inventory of the furniture, specifying the price sought for each item,

shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) Where a local authority have reasonable grounds for suspecting that an offence under paragraph (a) of the foregoing subsection has been committed as respects a tenancy or proposed tenancy of any premises, they may give notice to the person entitled to possession of the premises or his agent that on such date as may be specified in the notice (not being earlier than twenty-four hours after the giving of the notice or, if the premises are unoccupied, than the expiration of such period after the giving of the notice as may be reasonable in the circumstances) facilities will be required for entry on the premises and inspection of the furniture therein; and where such a notice is given any person authorised by the local authority may avail himself of any facilities for such entry and inspection provided on the specified date, but shall, if so required, produce some duly authenticated document showing that he is authorised as aforesaid.

Any notice under this subsection may be given by post.

(3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person required under the foregoing subsection to give facilities has failed to give them, the justice may by warrant under his hand empower the local authority, by any person authorised by them, to enter the premises in question, if need be by force, and inspect the furniture therein.

This subsection shall, in its application to Scotland, have effect as if for any reference to a justice of the peace there were substituted a reference to the sheriff or to a magistrate or justice of the peace having jurisdiction in the place where the premises are situated.

(4) A person empowered by or under the foregoing provisions of this section to enter premises may take with him such other persons as may be necessary, and if the premises are unoccupied shall leave them as effectively secured against trespassers as he found them.

(5) A person who wilfully obstructs any person acting in pursuance of a warrant issued under subsection (3) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

(6) A local authority in England or Wales shall have power to institute proceedings for any offence under this section.

(7) A local authority shall have power to publish information, for the assistance of persons offering or seeking tenancies, as to the operation of this Act.

(8) In this Act "furniture" includes fittings and other articles, and "local authority" means the council of a county borough, county district or metropolitan borough or the Common Council of the City of London, or as respects Scotland the council of a county or burgh.

2.—(1) This Act may be cited as the Landlord and Tenant (Furniture and Fittings) Act, 1959. Short title,
commence-
ment, repeal
and extent.

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

(3) In section three of the Landlord and Tenant (Rent Control) Act, 1949, subsection (2) (which enables a person asked to purchase furniture to require a written statement of the price demanded) is hereby repealed.

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

CHAPTER 65

An Act to amend the Fatal Accidents Act, 1846, and the Carriage by Air Act, 1932, by enlarging the class of persons for whose benefit an action may be brought thereunder, and to provide for certain benefits to be left out of account in assessing damages in such an action.
[29th July, 1959]

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

Extension
of classes of
dependants.
9 & 10 Vict.
c. 93.

1.—(1) The persons for whose benefit or by whom an action may be brought under the Fatal Accidents Act, 1846, shall include any person who is, or is the issue of, a brother, sister, uncle or aunt of the deceased person.

(2) In deducing any relationship for the purposes of the said Act and this Act—

- (a) 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 thereto,
- (b) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood, and the stepchild of any person as his child; and
- (c) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

7 & 8 Eliz. 2.
c. 5.

(3) In this section “adopted” means adopted in pursuance of an adoption order made under the Adoption Act, 1958, or any previous enactment relating to the adoption of children, or any corresponding enactment of the Parliament of Northern Ireland; and for the purpose of any proceedings under the Fatal Accidents Act, 1846, an adoption authorised by any such order made in Scotland or Northern Ireland may be proved by the production of any document receivable as evidence thereof in that country.

25 & 26 Geo. 5.
c. 30.

(4) In section six of the Law Reform (Married Women and Tortfeasors) Act, 1935, there shall be substituted, for the words “wife, husband, parent or child” in paragraph (b) of subsection (1), the word “dependants”, and for paragraph (a) of subsection (3) the following paragraph:—

- “(a) the expression ‘dependants’ means the persons for whose benefit actions may be brought under the Fatal Accidents Acts, 1846 to 1959; and”.

(5) In paragraph 1 of the Second Schedule to the Carriage by Air Act, 1932 (which specifies the persons for whose benefit actions in respect of a passenger's death may be brought under that Act) the following shall be substituted for the words from "In this paragraph" to the end of the paragraph:—

"(2) For the purposes of this paragraph the following shall be taken to be the members of the passenger's family, that is to say, the passenger's wife or husband, parents, grandparents, children and grandchildren and any person who is, or is the issue of, a brother, sister, uncle or aunt of the passenger.

(3) Subsection (2) of section one of the Fatal Accidents Act, 1959, shall apply in deducing any relationship for the purposes of this paragraph as it applies in deducing any relationship for the purposes of the Fatal Accidents Acts, 1846 to 1959, but as if it extended to the whole of the United Kingdom; and the definition of 'adopted' in subsection (3) of that section shall apply accordingly."

2.—(1) In assessing damages in respect of a person's death in any action under the Fatal Accidents Act, 1846, or under the Carriage by Air Act, 1932, there shall not be taken into account any insurance money, benefit, pension or gratuity which has been or will or may be paid as a result of the death. Exclusion of certain benefits in assessment of damages.

(2) In this section—

"benefit" means benefit under the National Insurance Acts, 1946 (as amended by any subsequent enactment, whether passed before or after the commencement of this Act), or any corresponding enactment of the Parliament of Northern Ireland and any payment by a friendly society or trade union for the relief or maintenance of a member's dependants;

"insurance money" includes a return of premiums; and

"pension" includes a return of contributions and any payment of a lump sum in respect of a person's employment.

3.—(1) This Act may be cited as the Fatal Accidents Act, 1959; and the Fatal Accidents Act, 1846, the Fatal Accidents Act, 1864, and this Act may be cited together as the Fatal Accidents Acts, 1846 to 1959. Short title, etc. 27 & 28 Vict. c. 95.

(2) References in this Act to the Fatal Accidents Act, 1846, are references thereto as amended by and read together with the Fatal Accidents Act, 1864.

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

(4) This Act shall apply only to actions brought in respect of deaths occurring after the commencement of this Act.

(5) The following provisions of this Act, that is to say, subsection (5) of section one, and so much of section two as relates to actions under the Carriage by Air Act, 1932, extend to Scotland and Northern Ireland, so much of section three and the Schedule as relates to the Law Reform (Personal Injuries) Act, 1948, extends to Scotland, and so much of that section and Schedule as relates to the Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1948, extends to Northern Ireland; but except as aforesaid this Act does not extend to Scotland or Northern Ireland.

Section 3.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Vict. c. 93.	The Fatal Accidents Act, 1846.	In section five the words "and stepfather and stepmother" and "and stepson and stepdaughter".
8 Edw. 7. c. 7.	The Fatal Accidents (Damages) Act, 1908.	The whole Act.
24 & 25 Geo. 5. c. 41.	The Law Reform (Miscellaneous Provisions) Act, 1934.	Subsections (1) and (2) of section two.
11 & 12 Geo. 6. c. 41.	The Law Reform (Personal Injuries) Act, 1948.	Subsection (5) of section two.
12 & 13 Geo. 6. c. 23 (N.I.)	The Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1948.	In section three, in paragraph (a) of subsection (5), the words "or under the Carriage by Air Act, 1932".

CHAPTER 66

Obscene Publications Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Test of obscenity.
2. Prohibition of publication of obscene matter.
3. Powers of search and seizure.
4. Defence of public good.
5. Citation, commencement and extent.

An Act to amend the law relating to the publication of obscene matter; to provide for the protection of literature; and to strengthen the law concerning pornography. [29th July, 1959]

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) For the purposes of this Act an article shall be deemed Test of obscenity. to be obscene if its effect or (where the article comprises two or more distinct items) the effect of any one of its items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(2) In this Act “article” means any description of article containing or embodying matter to be read or looked at or both, any sound record, and any film or other record of a picture or pictures.

(3) For the purposes of this Act a person publishes an article who—

(a) distributes, circulates, sells, lets on hire, gives, or lends it, or who offers it for sale or for letting on hire; or

(b) in the case of an article containing or embodying matter to be looked at or a record, shows, plays or projects it:

Provided that paragraph (b) of this subsection shall not apply to anything done in the course of a cinematograph exhibition (within the meaning of the Cinematograph Act, 1952), other than one excluded from the Cinematograph Act, 1909, by subsection (4) of section seven of that Act (which relates to exhibitions in private houses to which the public are not admitted), or to anything done in the course of television or sound broadcasting. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 68. 9 Edw. 7. c. 30.

Prohibition of publication of obscene matter.

2.—(1) Subject as hereinafter provided, any person who, whether for gain or not, publishes an obscene article shall be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months;
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding three years or both.

15 & 16 Geo. 6 & 1 Eliz 2. c. 55. (2) Notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, summary proceedings for an offence against this section may be brought at any time within twelve months from the commission of the offence; and paragraph 16 of the First Schedule to the Magistrates' Courts Act, 1952 (under which an offence at common law of publishing, exhibiting or selling obscene articles may be tried summarily) is hereby repealed.

(3) A prosecution on indictment for an offence against this section shall not be commenced more than two years after the commission of the offence.

(4) A person publishing an article shall not be proceeded against for an offence at common law consisting of the publication of any matter contained or embodied in the article where it is of the essence of the offence that the matter is obscene.

(5) A person shall not be convicted of an offence against this section if he proves that he had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his publication of it would make him liable to be convicted of an offence against this section.

(6) In any proceedings against a person under this section the question whether an article is obscene shall be determined without regard to any publication by another person unless it could reasonably have been expected that the publication by the other person would follow from publication by the person charged.

Powers of search and seizure.

3.—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that, in any premises in the petty sessions area for which he acts, or on any stall or vehicle in that area, being premises or a stall or vehicle specified in the information, obscene articles are, or are from time to time, kept for publication for gain, the justice may issue a warrant under his hand empowering any constable to enter (if need be by force) and search the premises, or to search the stall or vehicle, within fourteen days from the date of the warrant, and to seize and remove any articles found therein or thereon which the constable has reason to believe to be obscene articles and to be kept for publication for gain.

(2) A warrant under the foregoing subsection shall, if any obscene articles are seized under the warrant, also empower the seizure and removal of any documents found in the premises or, as the case may be, on the stall or vehicle which relate to a trade or business carried on at the premises or from the stall or vehicle.

(3) Any articles seized under subsection (1) of this section shall be brought before a justice of the peace acting for the same petty sessions area as the justice who issued the warrant, and the justice before whom the articles are brought may thereupon issue a summons to the occupier of the premises or, as the case may be, the user of the stall or vehicle to appear on a day specified in the summons before a magistrates' court for that petty sessions area to show cause why the articles or any of them should not be forfeited; and if the court is satisfied, as respects any of the articles, that at the time when they were seized they were obscene articles kept for publication for gain, the court shall order those articles to be forfeited:

Provided that if the person summoned does not appear, the court shall not make an order unless service of the summons is proved.

(4) In addition to the person summoned, any other person being the owner, author or maker of any of the articles brought before the court, or any other person through whose hands they had passed before being seized, shall be entitled to appear before the court on the day specified in the summons to show cause why they should not be forfeited.

(5) Where an order is made under this section for the forfeiture of any articles, any person who appeared, or was entitled to appear, to show cause against the making of the order may appeal to quarter sessions; and no such order shall take effect until the expiration of fourteen days after the day on which the order is made, or, if before the expiration thereof notice of appeal is duly given or application is made for the statement of a case for the opinion of the High Court, until the final determination or abandonment of the proceedings on the appeal or case.

(6) If as respects any articles brought before it the court does not order forfeiture, the court may if it thinks fit order the person on whose information the warrant for the seizure of the articles was issued to pay such costs as the court thinks reasonable to any person who has appeared before the court to show cause why those articles should not be forfeited; and costs ordered to be paid under this subsection shall be enforceable as a civil debt.

(7) For the purposes of this section the question whether an article is obscene shall be determined on the assumption that copies of it would be published in any manner likely having regard to the circumstances in which it was found, but in no other manner.

20 & 21 Vict.
c. 83.

(8) The Obscene Publications Act, 1857, is hereby repealed, without prejudice, however, to the execution of any warrant issued thereunder before the commencement of this Act or to the taking of any proceedings in pursuance of a warrant so issued.

Defence of
public good.

4.—(1) A person shall not be convicted of an offence against section two of this Act, and an order for forfeiture shall not be made under the foregoing section, if it is proved that publication of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of other objects of general concern.

(2) It is hereby declared that the opinion of experts as to the literary, artistic, scientific or other merits of an article may be admitted in any proceedings under this Act either to establish or to negative the said ground.

Citation, com-
mencement and
extent.

5.—(1) This Act may be cited as the Obscene Publications Act, 1959.

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

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

CHAPTER 67

Factories Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Cleanliness.
2. Dangerous substances.
3. Hoists or lifts and lifting machines.
4. Floors, passages and stairs.
5. Safe means of access and safe place of employment.
6. Dangerous fumes and lack of oxygen.
7. Explosive dust.
8. Steam boilers.
9. Exercise by fire authorities of functions relating to means of escape in case of fire.
10. Means of escape in case of fire.
11. Prevention of fire.
12. Fire fighting.
13. Safety provisions in case of fire.
14. Power to extend provisions as to fire warnings and means of escape in case of fire.
15. Extension to other premises, etc. of regulations under ss. 11 and 12.
16. Testing or examination of fire warnings.
17. Power of entry of officers of fire authorities, etc.
18. Washing facilities.
19. First aid.
20. Lifting excessive weights.
21. Special regulations for safety and health.

22. Prohibition of importation and sale of prohibited materials and articles made therewith.
23. Exemptions from provisions regulating hours of employment.
24. Tenement factories and parts of buildings let off as separate factories.
25. Railway running sheds.
26. Promotion of health, safety and welfare.
27. Exercise of power to make regulations, etc.
28. Offences under s. 17 of principal Act.
29. Amendments as to certain penalties.
30. Offences by persons not primarily liable.
31. Revocation of Defence Regulation 59.
32. Regulations and orders.
33. Interpretation.
34. Short title, citation, repeal, commencement and extent.

SCHEDULES:

First Schedule—Modifications of certain provisions in relation to factories occupying parts of buildings.

Second Schedule—Increase of maximum penalties.

Third Schedule—Repeals.

An Act to amend the Factories Acts, 1937 and 1948, and make further provision as to the health, safety and welfare of persons employed in factories or in premises or operations to which those Acts apply; to revoke Regulation 59 of the Defence (General) Regulations, 1939; and for connected purposes. [29th July, 1959]

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 sub-paragraph (ii) of paragraph (c) of section one of the principal Act (which requires the periodical repainting of certain parts of factories kept painted with oil paint) the words "in a prescribed manner" shall be substituted for the words "with oil paint", the words "in a prescribed manner" shall be inserted after the word "repainted" and the words "at such intervals, being intervals of not more than seven years, as may be prescribed" shall be substituted for the words "at least once in every period of seven years". Cleanliness.

2.—(1) For the purposes of subsection (1) of section eighteen of the principal Act (which requires certain precautions where the edge of a fixed vessel, structure, sump or pit containing a dangerous liquid is less than three feet above the adjoining ground or platform) the adjoining ground or platform mentioned in that subsection shall be taken to be the highest ground or platform (whether contiguous or not) from which a person might fall into the vessel, structure, sump or pit. Dangerous substances.

(2) After the said subsection (1) there shall be inserted the following subsections:—

"(1A) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid but is

not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not—

- (a) at least eighteen inches wide, and
- (b) securely fenced on both sides to a height of at least three feet and securely fixed.

(1B) Where any such vessels, structures, sumps or pits as are mentioned in subsection (1A) of this section adjoin, and the space between them, clear of any surrounding brick or other work, is less than eighteen inches in width or is not securely fenced on both sides to a height of at least three feet, secure barriers shall be so placed as to prevent passage between them.

(1C) For the purposes of this section a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and a lower rail and toe boards."

(3) The Minister may by regulations extend any of the provisions of the said section eighteen so as to make them applicable—

- (a) to a vessel or structure, notwithstanding that it is not fixed ; or
- (b) to a vessel, structure, sump or pit, notwithstanding that the substance it contains is not a liquid ;

and the expression "scalding" in any provision extended under paragraph (b) of this subsection shall, in relation to a substance which is not a liquid, be taken to refer to the substance as likely to cause burns.

Hoists or lifts
and lifting
machines.

3.—(1) The person making the report of an examination under subsection (2) of section twenty-two or subsection (2) of section twenty-four of the principal Act (which respectively require the periodical examination of hoists or lifts and lifting machines) shall within twenty-eight days of the completion of the examination send to the inspector for the district a copy of the report in every case where the examination shows that the hoist or lift or lifting machine cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(2) In subsection (2) of the said section twenty-two for the words "fourteen days" (which specify the time within which the report has to be registered) there shall be substituted the words "twenty-eight days".

(3) Without prejudice to the provisions of subsection (7) of the said section twenty-four (which, in cases where a person working on or near the wheel-track of an overhead travelling crane would be liable to be struck by it, requires measures to prevent its close approach), if any person is employed or working

in any place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by an overhead travelling crane, effective measures shall be taken to warn him of the approach of the crane, unless his work is so connected with or dependent on the movements of the crane as to make a warning unnecessary.

4. At the end of subsection (1) of section twenty-five of the principal Act (which requires floors, steps, stairs, passages and gangways to be of sound construction and properly maintained) there shall be added the words "and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip". Floors, passages and stairs.

5. In subsection (1) of section twenty-six of the principal Act (which requires safe means of access to every place of work) there shall be added, at the end, the words "and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there"; and in subsection (2) of that section (which requires precautions where a person is liable to fall more than ten feet) for the words "ten feet" there shall be substituted the words "six feet six inches". Safe means of access and safe place of employment.

6. For section twenty-seven of the principal Act (which requires precautions against dangerous fumes) there shall be substituted the following section:— Dangerous fumes and lack of oxygen.

"Dangerous fumes and lack of oxygen.

27.—(1) The provisions of subsections (2) to (8) of this section shall have effect where work in any factory has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby.

(2) The confined space shall, unless there is other adequate means of egress, be provided with a man-hole, which may be rectangular, oval or circular in shape, and shall be not less than eighteen inches long and sixteen inches wide or (if circular) not less than eighteen inches in diameter, or in the case of tank wagons and other mobile plant not less than sixteen inches long and fourteen inches wide or (if circular) not less than sixteen inches in diameter.

(3) Subject to subsection (4) of this section, no person shall enter or remain in the confined space for any purpose unless he is wearing a suitable breathing apparatus and has been authorised to enter by a responsible person, and, where practicable, he is wearing a belt with a rope securely attached and a person keeping watch outside and capable of pulling him out is holding the free end of the rope.

(4) Where the confined space has been certified by a responsible person as being, for a specified period, safe for entry without breathing apparatus and the period so specified has not expired, subsection (3) of this section shall not apply, but no person shall enter or remain in the space unless he has been warned when that period will expire.

(5) A confined space shall not be certified under subsection (4) of this section unless—

- (a) effective steps have been taken to prevent any ingress of dangerous fumes, and
- (b) any sludge or other deposit liable to give off dangerous fumes has been removed and the space contains no other material liable to give off dangerous fumes, and
- (c) the space has been adequately ventilated and tested for dangerous fumes and has a supply of air adequate for respiration ;

but no account shall be taken for the purposes of paragraph (b) of this subsection of any deposit or other material liable to give off dangerous fumes in insignificant quantities only.

(6) There shall be provided and kept readily available a sufficient supply of breathing apparatus of a type approved by the chief inspector, of belts and ropes, and of suitable reviving apparatus and oxygen, and the apparatus, belts and ropes shall be maintained and shall be thoroughly examined, at least once a month or at such other intervals as may be prescribed, by a competent person ; and a report on every such examination, signed by the person making the examination and containing the prescribed particulars, shall be kept available for inspection.

(7) A sufficient number of the persons employed shall be trained and practised in the use of the apparatus mentioned in subsection (6) of this section and in a method of restoring respiration.

(8) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the foregoing provisions of this section in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.

(9) No person shall enter or remain in any confined space in which the proportion of oxygen in the air is liable to have been substantially reduced unless either—

- (a) he is wearing a suitable breathing apparatus ;
or

(b) the space has been and remains adequately ventilated and a responsible person has tested and certified it as safe for entry without breathing apparatus.

(10) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed."

7. In subsection (1) of section twenty-eight of the principal Act (which requires certain precautions where dust liable to explode on ignition may escape into any workroom) the words "into any workroom" shall be omitted and for the words "the dust" there shall be substituted the words "any dust that may escape in spite of the enclosure". Explosive dust.

8.—(1) In section twenty-nine of the principal Act the following shall be substituted for subsections (6) and (7):— Steam boilers.

"(6) A steam boiler shall not be used in any factory unless it has been examined, together with its fittings and attachments, in such manner as the Minister may by special regulations prescribe and no greater period than may be so prescribed has elapsed since the examination, but the regulations may provide for extending in special circumstances the time during which a boiler which has been examined as required by the regulations may be used in a factory without being again so examined.

(7) The Minister may by special regulations prescribe the manner in which a steam boiler, together with its fittings and attachments, is to be examined after any such repairs as may be specified in the regulations; and where such repairs are carried out to a steam boiler after it has been examined under subsection (6) of this section, then, notwithstanding that the period prescribed under that subsection has not expired, the steam boiler shall not be used in any factory until the examination prescribed under this subsection has been made.";

and in subsection (8) of that section for the words "every such examination" there shall be substituted the words "every examination under this section" and the words from "For the purposes" to the end of the subsection, and in subsection (9) thereof the words preceding "no new steam boiler shall be taken into use" shall be omitted.

(2) Until the coming into operation of subsection (1) of this section the Minister may by order grant such exemptions from the requirements of subsection (6) of the said section twenty-nine (as originally enacted), to such extent and subject to such conditions, as may be specified in the order, and any

such exemption may extend to any class or description of factory or boiler or any particular factory or boiler.

(3) The Minister may by special regulations vary the period of twenty-eight days within which a report of any examination under the said section twenty-nine is to be entered in or attached to the register under subsection (8) of that section or a copy thereof sent to the inspector under subsection (11) thereof.

(4) In subsection (15) of the said section twenty-nine (which excludes the application of that section in the case of certain boilers) after the words "in the service of His Majesty" there shall be inserted the words "or belonging to and used by the United Kingdom Atomic Energy Authority".

Exercise by fire authorities of functions relating to means of escape in case of fire.

9.—(1) The functions of the district council under sections thirty-four and thirty-five of the principal Act (which relate to means of escape in case of fire) shall, after the coming into operation of this subsection, be exercisable by the fire authority; and accordingly any reference in the principal Act (except in subsection (4) of section one hundred and fifty-six thereof) to the district council which is or includes a reference to the authority exercising functions under either of those sections shall, as the case may require, be construed as a reference or as including a reference to the fire authority.

(2) An examination under section thirty-four of the principal Act may be carried out either by an officer of the fire authority authorised in writing by that authority or, where in any county, county borough or burgh the council thereof is not the fire authority and the fire authority so requests, by an officer of that council authorised in writing by the council.

(3) Sections two hundred and fifty to two hundred and fifty-two of the Local Government Act, 1933, or, in Scotland, sections three hundred and one to three hundred and three of the Local Government (Scotland) Act, 1947 (which relate to the procedure for making byelaws, penalties for offences against byelaws and evidence of byelaws) shall apply to any byelaw made under section thirty-five of the principal Act by an authority which is not a local authority within the meaning of the said Act of 1933 or the said Act of 1947 as if it were such an authority; and where (in Scotland) any such byelaw is made by an authority not having a common seal it shall be authenticated by the signature of two members and the clerk of the authority.

(4) In this section, the expression "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—

(a) where in accordance with arrangements made under section twelve of that Act all the functions of the fire

authority under that Act in respect of the whole or part of their area are discharged by another fire authority, it means in relation to that area or that part, that other fire authority ; and

- (b) in relation to an area in Scotland the fire brigade for which is administered by such a joint committee as is mentioned in paragraph (b) of subsection (4) of section thirty-six of that Act, it means that joint committee.

(5) Neither subsection (1) of this section nor any change in the authority which is the fire authority in relation to any area shall affect the validity of any byelaw made under section thirty-five of the principal Act or of any certificate under section thirty-four thereof issued by, or notice under that section given by or to, the authority exercising functions under those sections before the coming into operation of the said subsection (1) or, as the case may be, before the change ; but the authority ceasing to exercise those functions shall send to the authority exercising them after that time a copy of any certificate under the said section thirty-four which relates to a factory in the area in relation to which the last-mentioned authority are the fire authority and of any notice under that section which relates to such a factory and was given within twelve months before that time.

(6) In subsection (5) of section thirty-five of the principal Act (which modifies the section in its application to London) there shall be substituted, for the words from "as if references" to "to London", the words "as if subsection (4) were omitted."

10.—(1) Where an application to certify a factory under subsection (1) of section thirty-four of the principal Act is made in the prescribed form to the fire authority (within the meaning of section nine of this Act) and, if regulations made by the Minister so require, the application is accompanied by such plans as may be prescribed by the regulations, no offence shall be deemed to be committed under that section by reason of the use of the factory during any period that may elapse between the making of the application and the grant or refusal of the certificate. Means of escape in case of fire.

(2) Where on the making of such an application the fire authority inform the applicant that they will not grant the certificate unless specified alterations are made to the premises they shall specify the time within which the alterations are to be carried out and, if the certificate is not granted, it shall be deemed to have been refused at the expiration of the time so specified or such further time as the authority may have allowed.

(3) Before specifying, for the purposes of subsection (2) of this section or the said section thirty-four, any alterations to any premises outside London the fire authority, except where they

are the local authority (within the meaning of the Public Health Act, 1936 or the Building (Scotland) Act, 1959) for the area in which the premises are situated, shall consult that local authority.

(4) The fire authority shall inform the inspector for the district in any case in which a certificate under the said section thirty-four has been, or is deemed to have been, refused or has been cancelled.

(5) The powers of a fire authority under the said section thirty-four to examine a factory shall include power, after a factory has been certified under that section, to examine the factory and every part thereof for the purpose of ascertaining whether there has been a change of conditions by reason of which the existing means of escape have become insufficient.

(6) In subsection (10) of the said section thirty-four (which enables the occupier of a factory to appeal if he is aggrieved by a refusal to grant a certificate under that section or by being required to carry out alterations) there shall be inserted, after the words "to grant a certificate under this section" the words "or to amend such a certificate", and after the words "alterations at the factory" the words "or by the period within which he is required to carry them out".

(7) In subsection (13) of the said section thirty-four (which specifies the factories to which that section applies) there shall be added, after paragraph (d), the words "and the Minister may by regulations provide that this section shall also apply to any class or description of factory specified in the regulations".

(8) In subsection (2) of section one hundred and sixteen of the principal Act (which requires a copy of the certificate under the said section thirty-four to be attached to the general register) the words "a copy of" shall be omitted.

**Prevention
of fire.**

11.—(1) The Minister may make special regulations as to the measures to be taken to reduce the risk of fire breaking out in any factory or of any such fire or smoke therefrom spreading in any factory, and such regulations may, among other things, prescribe requirements as to the internal construction of a factory and the materials used in that construction.

(2) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

Fire fighting.

12.—(1) In every factory there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use.

(2) The Minister may by special regulations prescribe for any class or description of factory or part thereof specified means

for fighting fire, and any such regulations may provide for the testing or examination of the means so specified and for the recording of particulars of the tests or examinations and of any defects found and action taken to remedy the defects.

(3) The Minister may make special regulations requiring means to be provided in any class or description of factory for notifying the fire brigade in case of fire and requiring employed persons to be made familiar with their use.

(4) Special regulations made under this section may provide, as regards any of their provisions, that some other person or persons shall be responsible for a contravention thereof instead of or as well as the occupier.

(5) Any requirement imposed by regulations made under subsection (2) of this section may be so imposed either in substitution for or without prejudice to the general requirements of subsection (1) of this section.

(6) The Minister may by order grant exemption from the requirements of subsection (1) of this section and any such order may apply to any particular factory or part of a factory or any class or description of factory.

13.—(1) Section thirty-six of the principal Act (which relates to safety provisions in case of fire) shall be amended as follows:—

Safety provisions in case of fire.

- (a) in subsection (5) (which enables the chief inspector to grant exemption from compliance with the requirements of subsection (4)) for the words "the last foregoing subsection" there shall be substituted the words "subsections (2) to (4) of this section";
- (b) in subsection (6) (which requires fire exits to be marked in red letters of adequate size) the word "red" shall be omitted; and
- (c) for subsection (7) (which in the case of certain factories requires the provision of fire warnings) there shall be substituted the following subsection:—

"(7) In every building which is, forms part of or comprises a factory to which section thirty-four of this Act applies, effective means, capable of being operated without exposing any person to undue risk, shall be provided and maintained for giving warning in case of fire, which shall be clearly audible throughout the building or, where the factory is part only of the building, in every part of the building which is used for the purposes of the factory".

(2) The Minister may by order grant exemption from or modify the requirements of the said subsection (7) in any case

where it appears to him that those requirements are unnecessary or, as the case may be, would, unless modified, be unreasonable; and any such order may apply to any particular factory or part of a factory or any class or description of factory.

Power to extend provisions as to fire warnings and means of escape in case of fire.

14. The Minister may by regulations apply to any class or description of factory the provisions of subsection (7) of section thirty-six of the principal Act (which in the case of certain factories requires the provision of fire warnings) or section thirty-seven of that Act (which in the case of certain factories requires steps to be taken to make all the persons employed familiar with the means of escape in case of fire and their use).

Extension to other premises, etc. of regulations under ss. 11 and 12.

15. The provisions of sections eleven and twelve of this Act, so far as they enable the Minister to make regulations, shall be deemed to be among those mentioned in subsection (2) of section one hundred and three, subsection (1) of section one hundred and five, subsection (1) of section one hundred and six, subsection (1) of section one hundred and seven, and subsection (1) of section one hundred and eight of the principal Act (which extend the application of certain provisions of that Act).

Testing or examination of fire warnings.

16.—(1) There shall be tested or examined at least once in every period of three months and whenever an inspector so requires every means for giving warning in case of fire which is required to be provided by or under the principal Act or this Act.

(2) The Minister may by regulations provide that in relation to any class or description of appliance or in relation to any class or description of factory subsection (1) of this section shall have effect with the substitution for the period of three months of such period as may be specified in the regulations.

(3) The Minister may by regulations prescribe the nature of the test or examination to be carried out in pursuance of this section.

(4) There shall be entered in or attached to the general register the date of every test or examination carried out in pursuance of this section and particulars of any defect found and the date and particulars of any action taken to remedy any such defect.

Power of entry of officers of fire authorities, etc.

17.—(1) The like powers of entry and inspection as are conferred by the principal Act on an inspector shall be exercisable—

(a) (without prejudice to the generality of subsection (1) of section nine of this Act) by any officer carrying out, in pursuance of subsection (2) of that section, an examination under section thirty-four of the principal Act; and

(b) by an officer of the fire brigade maintained by a fire authority within the meaning of section nine of this Act, when authorised in writing by an inspector, for the purpose of reporting to the inspector on any matter falling within the inspector's duties relating to fire ;

and the provisions of the principal Act as to furnishing means required by an inspector and delaying or obstructing an inspector shall apply in relation to such officers acting in pursuance of this section as they apply in relation to inspectors.

(2) An officer exercising any power conferred by this section shall, if asked to do so, produce his authority.

(3) An inspector shall not authorise an officer of a fire brigade to enter or inspect any premises except with the consent of the authority maintaining the brigade.

(4) Subsection (6) of section one hundred and twenty-eight of the principal Act (which imposes penalties for the improper disclosure of secrets) shall apply in relation to any person entering a factory in pursuance of powers conferred by this section as it applies in relation to a person entering a factory in pursuance of powers conferred by subsection (5) of that section.

18.—(1) The facilities required by subsection (1) of section **Washing** forty-two of the principal Act shall include a supply of clean **facilities.** running hot and cold or warm water.

(2) Without prejudice to the power exercisable by the Minister under subsection (3) of the said section forty-two (which enables the Minister to provide for the exemption of factories from any of the requirements of that section in cases where by reason of special circumstances the application of the requirement would in his opinion be unreasonable) the Minister may by regulations provide for exempting from so much of subsection (1) of this section as requires the water supplied to be running water factories in which the largest number of persons at work at any one time does not exceed such number as may be specified in the regulations.

19.—(1) For the purposes of subsection (3) of section forty-**First aid.** five of the principal Act (which requires persons in charge of first-aid boxes or cupboards to be trained in first-aid treatment if more than fifty persons are employed in the factory) a person shall not be deemed to be so trained unless he satisfies the prescribed conditions ; and the Minister may by regulations extend that requirement to cases where the persons employed exceed such lower number as may be specified in the regulations.

(2) Where a contravention of the said subsection (3) is committed through a failure to comply with the said requirement it shall be a defence in any proceedings for the contravention to prove that the defendant made all reasonable efforts to secure compliance but was unable to do so.

Lifting
excessive
weights.

20. In subsection (1) of section fifty-six of the principal Act (which relates to lifting excessive weights) the word "young" shall be omitted.

Special
regulations
for safety
and health.

21. The power of the Minister to make special regulations under section sixty of the principal Act (which enables him to prohibit or control the use in factories of dangerous materials, appliances or processes) shall be exercisable whether or not there has been any actual use in any factory; and accordingly there shall be omitted—

- (a) in subsection (1) of that section, the words "used in factories"; and
- (b) in subsection (3) thereof, the words "in which the manufacture, machinery, plant, process or description of manual labour is used" and the word "such".

Prohibition of
importation
and sale of
prohibited
materials and
articles made
therewith.

22.—(1) For subsection (2) of section sixty-one of the principal Act (which empowers Her Majesty to prohibit by Order in Council the importation into the United Kingdom of articles in the manufacture of which any prohibited material or process has been employed) there shall be substituted the following subsection:—

"(2) Where by any regulations made under this Act the use of any material or process is prohibited, Her Majesty may by Order in Council prohibit, either absolutely or subject to exemptions, the importation into the United Kingdom of the material or of any articles in the manufacture of which the material or process has been employed, and any such Order in Council may be varied or revoked by a subsequent Order in Council."

(2) In subsection (4) of the said section sixty-one (which provides for the forfeiture of any article the importation of which is prohibited by or under that section) after the word "article", wherever it occurs, there shall be inserted the words "or material".

Exemptions
from
provisions
regulating
hours of
employment.

23.—(1) Where the Minister is satisfied, on an application made to him in that behalf, that it is desirable in the public interest to do so for the purpose of maintaining or increasing the efficiency of industry or transport, he may, after such consultations as he may think appropriate or as may be required under subsection (5) of this section, exempt the employment of persons of or over the age of sixteen from any of the following provisions, except in so far as they relate to mines and quarries, that is to say,—

- (a) Part VI of the principal Act, except sections ninety-nine and one hundred;

- (b) subsection (3) of section one of the Employment of Women, Young Persons, and Children Act, 1920; and
- (c) the Hours of Employment (Conventions) Act, 1936.

(2) An exemption granted under this section may extend to the employment of persons generally, of a class of persons or of particular persons, and to employment generally, or any class of employment or particular employment, and may be granted to such extent and on such conditions as may be specified in the instrument by which it is granted and, subject to subsection (4) of this section, either indefinitely or for such period as may be so specified.

(3) An exemption under this section extending only to particular persons or a particular employment or to a class of persons or employment defined by reference to particular premises or to work supervised from particular premises, and any exemption under this section for a particular day or particular days only, shall be granted by order, to be known as a special exemption order, and any other exemption under this section shall be granted by special regulations, to be known as general exemption regulations.

(4) An exemption granted by a special exemption order shall not be for more than one year, without prejudice however to the granting of the like exemption for further periods by further special exemption orders.

(5) The Minister shall not make general exemption regulations except—

- (a) on the application of a joint industrial council, conciliation board or other similar body constituted by organisations which appear to him to be representative respectively of workers and employers concerned; or
- (b) on the application of a wages council; or
- (c) on the joint application of an organisation which appears to him to be representative of employers concerned and of an organisation which appears to him to be representative of workers concerned; or
- (d) on the application of an organisation which appears to him to be representative of employers concerned and after consulting an organisation which appears to him to be representative of workers concerned; or
- (e) on the application of an organisation which appears to him to be representative of workers concerned and after consulting an organisation which appears to him to be representative of employers concerned.

(6) The Minister shall publish in the London Gazette such particulars of special exemption orders as he considers appropriate.

(7) In this section "organisation" includes—

- (a) in relation to workers, an association of trade unions, and
- (b) in relation to employers, an association of organisations of employers and also any body 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 "trade union" includes an association of trade unions.

Tenement factories and parts of buildings let off as separate factories.

24.—(1) The provisions of sections one hundred and one and one hundred and two of the principal Act (which, in the case of tenement factories and parts of buildings let off as separate factories, impose liabilities under certain provisions of that Act on the owner instead of the occupier) shall cease to have effect so far as they relate to means of escape in case of fire and safety provisions in case of fire, and the provisions of the First Schedule to this Act shall have effect in substitution therefor.

(2) The reference in the said section one hundred and two to the provisions of Part II of the principal Act with respect to the construction and maintenance of floors, passages and stairs shall be construed as including a reference to section four of this Act.

Railway running sheds.

25. Where running repairs to locomotives are carried out in any premises used for the purposes of a railway undertaking paragraph (vi) of subsection (1) of section one hundred and fifty-one of the principal Act (which extends the definition of the expression "factory" by including certain premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant is carried on, not being any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out) shall have effect in relation to those premises as if the words from "not being any premises" to the end of the paragraph were omitted.

Promotion of health, safety and welfare.

26.—(1) The Minister shall promote health, safety and welfare in factories and premises and operations to which the principal Act applies by collecting and disseminating information and by investigating or assisting in the investigation of problems of health, safety and welfare; and for the purpose of investigating such problems he may provide and maintain such laboratories and other services as appear to him requisite.

(2) The Minister may appoint persons to advise him in connection with his functions under this section and may pay to any such person such travelling and other allowances, including compensation for loss of remunerative time, as he may with the approval of the Treasury determine.

(3) Any expenses incurred by the Minister under this section shall be defrayed out of moneys provided by Parliament.

27.—(1) Any power conferred by the principal Act, the Factories Act, 1948, or this Act to make regulations, rules or orders shall include power to make different provisions in relation to different circumstances. Exercise of power to make regulations, etc.

(2) Any power so conferred to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector.

(3) Any regulation, rule or order made before the coming into operation of this section under any power conferred by the principal Act or the Factories Act, 1948, shall, so far as may be necessary, be deemed to have been made under that power as extended by this section.

28.—(1) An offence under subsection (2) of section seventeen of the principal Act (which prohibits the sale or letting on hire of machines which are not effectively guarded) or under that subsection as extended under subsection (3) of that section shall, where necessary for the purpose of conferring jurisdiction on any court to entertain proceedings for the offence, be deemed to have been committed in the place where the machine (or as the case may be the machinery or plant to which the said subsection (2) has been extended) is for the time being. Offences under s. 17 of principal Act.

(2) Proceedings for such an offence may be commenced at any time within the period of six 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; and for the purposes of this subsection a certificate, purporting to be signed by or on behalf of the Minister, as to the date on which such evidence came to his knowledge shall be conclusive evidence thereof.

29.—(1) Section one hundred and thirty-three of the principal Act (which provides for additional penalties in cases of death or injury) shall cease to have effect, and for section one hundred and thirty-one of that Act (which imposes penalties for offences for which no express penalty is provided by that Act) there shall be substituted the following section:— Amendments as to certain penalties.

“Fines for offences for which no express penalty provided.

131.—(1) Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable—

(a) if he is an employed person, to a fine not exceeding fifteen pounds;

(b) in any other case to a fine not exceeding sixty pounds ;

and if the contravention in respect of which he was convicted is continued after the conviction he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding fifteen pounds for each day on which the contravention is so continued.

(2) In relation to a contravention which was likely to cause the death of, or bodily injury to, any person, subsection (1) of this section shall have effect as if for the references in paragraphs (a) and (b) to fifteen pounds and sixty pounds there were respectively substituted references to seventy-five pounds and three hundred pounds."

(2) The maximum penalties provided for by the provisions mentioned in the first column of the Second Schedule to this Act shall be increased by substituting for the amounts specified therein (which are set out in the second column of that Schedule) the amounts set out in the third column of that Schedule.

(3) This section shall not apply in relation to any offence committed before the coming into operation of this section.

Offences by persons not primarily liable.

30.—(1) Any reference in sections one hundred and thirty-six to one hundred and thirty-eight of the principal Act (which provide for proceedings against and the punishment of the actual offender as well as or instead of the occupier or owner) to an occupier or owner shall be construed as including any other person liable for an act or default or, as the case may be, charged with an offence.

(2) The fine that may be imposed under the said section one hundred and thirty-six on an employed person where the offence is one for which no express penalty is provided shall be that specified in section one hundred and thirty-one of the principal Act in relation to employed persons, notwithstanding that the person primarily liable is not an employed person.

Revocation of Defence Regulation 59.

31.—(1) Regulation 59 of the Defence (General) Regulations, 1939 (which provides for exemptions from the principal Act) is hereby revoked.

(2) This section shall not affect the continued operation of any order made under the said Regulation 59, but any such order may be revoked by order of the Minister and shall, in so

far as it could have been made under this Act, have effect as if so made; and any provision made by such an order which could have been made by special regulations under section twenty-three of this Act shall be deemed, until the order is revoked, to be contained in such regulations.

32.—(1) Any regulation or order made in the exercise of powers conferred by this Act shall be made by statutory instrument, except— Regulations and orders.

- (a) an order applicable only to particular persons, premises, boilers, employment, operations or work or to persons employed at particular premises or on work supervised from particular premises;
- (b) an order revoking an order made otherwise than by statutory instrument.

(2) Any statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

33.—(1) In this Act—

Interpretation.

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

“ the principal Act ” means the Factories Act, 1937;

and any expression used in this Act and in the principal Act has the same meaning in this Act as in that Act.

(2) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as applied, by or under any subsequent enactment, including, except where the context otherwise requires, this Act.

(3) References in the principal Act or in the Factories Act, 1948, to the principal Act shall be construed as including references to this Act.

(4) References in any enactment to the Factories Acts, 1937 and 1948, shall be construed as including references to this Act.

34.—(1) This Act may be cited as the Factories Act, 1959, and this Act and the Factories Acts, 1937 and 1948, may be cited together as the Factories Acts, 1937 to 1959. Short title, citation, repeal, commencement and extent.

(2) The enactments specified in Part I of the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Part, and the Regulations specified in Part II of that Schedule are hereby revoked to the extent specified in the second column of that Part.

(3) This Act shall come into operation on such day as the Minister may by order appoint, and different days may be appointed for different purposes of this Act.

(4) This Act, except subsection (1) of section twenty-two, does not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 24.

MODIFICATIONS OF CERTAIN PROVISIONS IN RELATION TO FACTORIES OCCUPYING PARTS OF BUILDINGS

1. Where a factory which is part of a building is either—
 - (a) a part of a tenement factory ; or
 - (b) a part let off as a separate factory but not a part of a tenement factory ;

the owner of the building shall be substituted for the occupier as the person on whom any duties are imposed or rights conferred by the provisions to which this paragraph applies or on whom any notice is to be served thereunder or who is liable for any contravention thereof.

2. For the purposes of the provisions to which paragraph 1 of this Schedule applies—

- (a) the whole of a tenement factory shall be deemed to be one factory ; and
- (b) any such factory as is mentioned in sub-paragraph (b) of that paragraph shall be deemed to include any part of the building used for the purposes of the factory.

3. The provisions to which paragraph 1 of this Schedule applies are sections thirty-four to thirty-six of the principal Act and section sixteen of this Act, except subsections (1) and (8) of the said section thirty-six and so much of subsection (2) of the said section thirty-four as requires the means of escape to be kept free from any obstruction caused by the use of the factory.

4. Subsections (1) and (8) of section thirty-six of the principal Act shall apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.

5. The occupier of any such factory as is mentioned in paragraph 1 of this Schedule shall inform the owner of the building of any such proposal as is mentioned in subsection (5) of section thirty-four of the principal Act.

6. In relation to a building comprising such a factory as is mentioned in sub-paragraph (b) of paragraph 1 of this Schedule, subsection (7) of section thirty-six of the principal Act shall have effect as if it required the warning referred to therein to be a

warning in case of fire occurring anywhere in the building and to be audible in every part of the building which is used for the purposes of that or any other factory.

1st Sch.
—cont.

7.—(1) If on a complaint made by the owner of a building it appears to a magistrates' court that any occupier prevents him from carrying out any work, test or examination which he is required to carry out under the foregoing provisions of this Schedule, the court may order the occupier to permit him to do so.

(2) In the application of this paragraph to Scotland, for the references to a complaint and to a magistrates' court there shall be substituted respectively references to a summary application and to the sheriff.

8. In relation to any such factory as is mentioned in paragraph 1 of this Schedule, the provisions of the principal Act and this Act requiring certificates in respect of means of escape in case of fire and the registration of such certificates and of tests or examinations carried out in pursuance of section sixteen of this Act shall have effect subject to the following modifications, that is to say—

- (a) the certificate under section thirty-four of the principal Act shall be issued to the owner of the building in which the factory is comprised and a copy thereof (or, if the certificate relates to more than one factory, of the relevant parts thereof) shall be issued to the occupier of the factory ;
- (b) where the certificate relates to a tenement factory it shall, notwithstanding sub-paragraph (a) of paragraph 2 of this Schedule, contain particulars as to each of the separate factories ;
- (c) the references in subsection (1) of section thirty-four of the principal Act and in section sixteen of this Act to the general register shall be construed as references to a register to be kept by the owner of the building, and subsection (3) of section one hundred and forty-two of the principal Act (which makes the general register evidence of certain matters) shall apply in relation to any register kept by the owner in pursuance of this paragraph as if he were the occupier of the factory ;
- (d) the reference in subsection (2) of section one hundred and sixteen of the principal Act (as amended by this Act) to the certificate shall be construed as a reference to the copy issued in pursuance of this paragraph.

9. Where, in the case of a certificate issued under section thirty-four of the principal Act before the coming into operation of this Schedule,—

- (a) neither the certificate nor a copy thereof was issued to the owner mentioned in sub-paragraph (a) of paragraph 8 of this Schedule ; or

1st Sch.
—cont.

(b) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier mentioned in that sub-paragraph ;

the council by whom the certificate was issued shall, at his request, send him a copy thereof or, as the case may be, of the relevant part thereof ; and the owner may, in the case of any such certificate, comply with the requirement as to its registration by attaching a copy thereof to the register mentioned in sub-paragraph (c) of the said paragraph 8.

Section 29.

SECOND SCHEDULE
INCREASE OF MAXIMUM PENALTIES

Amended provision	Original maximum penalty	New maximum penalty
The Factories Act, 1937:		
Section 17 (2)	£100	£200
Section 29 (12)	£50	£100
Section 34 (1)	£50	£200
	£5 for each day	£20 for each day
Section 62 (4)	£50	£100
Section 64 (3)	£5	£10
Section 66 (2)	£2	£4
Section 68 (1) (g)	£10	£20
	£10 for every day	£20 for every day
Section 104 (2) (e)	£5	£10
Section 110 (5)	£10	£20
Section 114 (3)	£5	£10
Section 123 (4)	£5	£20
Section 132	£5 for each day	£10 for each day
Section 134	£5	£10
The Factories Act, 1948:		
Section 5 (3)	£20	£40
	£5 for each day	£10 for each day

Section 34.

THIRD SCHEDULE

REPEALS

PART I

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8. & 1 Geo. 6. c. 67.	The Factories Act, 1937.	In section twenty-eight, in subsection (1), the words "into any work-room". In section twenty-nine, in subsection (8), the words from "For the purposes" to the end of the subsection; and in subsection (9), the words from the beginning to the second "and".

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
1 Edw. 8. & 1 Geo. 6. c. 67—cont.	The Factories Act, 1937—cont.	<p>In section thirty-four, subsection (12); and in subsection (14), paragraph (a). In section thirty-six, in subsection (6), the word “red”.</p> <p>In section fifty-six, in subsection (1), the word “young”.</p> <p>In section sixty, in subsection (1), the words “used in factories”; and in subsection (3), the words from “in which” to “is used” and the word “such”.</p> <p>In section one hundred and one, in paragraph (ii) of subsection (1), the words “means of escape in case of fire, safety provisions in case of fire” and in paragraph (b) of the proviso to that subsection, the words “the provisions of Part II with respect to safety provisions in case of fire or”.</p> <p>In section one hundred and two, the words from “means of escape” (in the first place where those words occur) to the end of the words preceding the proviso and the words “means of escape in case of fire and safety provisions in case of fire” where they occur in the proviso.</p> <p>In section one hundred and sixteen, in subsection (2), the words “a copy of”.</p> <p>Section one hundred and thirty-three.</p>
11 & 12 Geo. 6. c. 55.	The Factories Act, 1948.	<p>In section eight, subsection (2). In section eleven, subsections (2) and (3). In the First Schedule, in subsection (1) of section sixty of the principal Act as set out therein, the words “used in factories”.</p>

PART II

REGULATIONS REVOKED

The Defence (General) Regulations, 1939.	Regulation 59. Part V so far as applicable to Regulation 59.
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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Employment of Women, Young Persons and Children Act, 1920	10 & 11 Geo. 5. c. 65.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Hours of Employment (Conventions) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 22.
Public Health Act, 1936... ..	26 Geo. 5. & 1 Edw. 8. c. 49.
Factories Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 67.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Factories Act, 1948	11 & 12 Geo. 6. c. 55.
Building (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 24.

CHAPTER 68

An Act to revise the statute law by repealing obsolete, spent, unnecessary or superseded enactments.
[29th July, 1959]

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:—

Repeal of obsolete, &c., Acts.

1. The Acts specified in the First Schedule to this Act (being Acts which are obsolete, spent or unnecessary or have been superseded by other enactments), are hereby repealed.

Repeal of obsolete, &c., provisions in miscellaneous branches of law.

2. The Acts specified in the first and second columns of the Second Schedule to this Act (which to the extent specified in the third column of that Schedule are obsolete, spent or unnecessary or have been superseded by other enactments) are hereby repealed to that extent.

Saving for powers of Parliament of Northern Ireland.
10 & 11 Geo. 5. c. 67.

3. 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 six of the Government of Ireland Act, 1920.

Short title.

4. This Act may be cited as the Statute Law Revision Act, 1959.

SCHEDULES

Section 1.

FIRST SCHEDULE

OBSOLETE, &C., ACTS REPEALED

Session and Chapter	Short Title
7 Geo. 2. c. 19 ...	The Adulteration of Hops Act, 1733.
17 Geo. 2. c. 30 ...	The Linen (Trade Marks) Act, 1743.
18 Geo. 2. c. 24 ...	The Linen (Trade Marks) Act, 1744.
13 Geo. 3. c. 32 ...	The Stealing of Vegetables Act, 1772.
6 Geo. 4. c. 59 ...	The British North America (Seigniorial Rights) Act, 1825.
7 Geo. 4. c. 67 ...	The Bankers (Scotland) Act, 1826.
5 & 6 Vict. c. 120 ...	The Newfoundland Act, 1842.
7 & 8 Vict. c. 68 ...	The Ecclesiastical Courts Act, 1844.
8 & 9 Vict. c. 77 ...	The Hosiery Act, 1845.
8 & 9 Vict. c. 128 ...	The Silk Weavers Act, 1845.
14 & 15 Vict. c. 63 ...	The New Brunswick Boundary Act, 1851.
27 & 28 Vict. c. 64 ...	The Public House Closing Act, 1864.
37 & 38 Vict. c. 49 ...	The Licensing Act, 1874.
38 & 39 Vict. c. 71 ...	The Ecclesiastical Commissioners Act, 1875.
38 & 39 Vict. c. 76 ...	The Ecclesiastical Fees Act, 1875.
10 & 11 Geo. 5. c. 20	The Veterinary Surgeons Act (1881) Amendment Act, 1920.
12 & 13 Geo. 5. c. 21	The Treaties of Washington Act, 1922.
12 & 13 Geo. 5. c. 53	The War Service Canteens (Disposal of Surplus) Act, 1922.
21 & 22 Geo. 5. c. 2	The Cunard (Insurance) Agreement Act, 1930.
9 & 10 Geo. 6. c. 56	The British Museum Act, 1946.

SECOND SCHEDULE

Section 2.

REPEALS OF OBSOLETE, &C., PROVISIONS IN MISCELLANEOUS BRANCHES OF LAW

Army (Prize and Savings Bank) Provisions

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Will. 4. c. 53.	The Army Prize Money Act, 1832.	The whole Act.
11 & 12 Vict. c. 55.	The Paymaster General Act, 1848.	Sections seven, eight and nine.
22 & 23 Vict. c. 20.	The Military Savings Bank Act, 1859.	The whole Act.
26 & 27 Vict. c. 12.	The Secretary at War Abolition Act, 1863.	In the Schedule, the words "the Military Savings Bank Act, 1859".
27 & 28 Vict. c. 36.	The Army Prize (Shares of Deceased) Act, 1864.	The whole Act.
29 & 30 Vict. c. 47.	The Indian Prize Money Act, 1866.	The whole Act.

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2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 38.	The Indian Prize Money Act, 1868.	The whole Act.
25 & 26 Geo. 5. c. 11.	The Regimental Charitable Funds Act, 1935.	In section one, in subsection (1), the words from "and upon" onwards.
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	In the First Schedule, paragraph 2.

Colonial and other Loans Provisions

Session and Chapter	Short Title	Extent of Repeal
7 Edw. 7. c. 37	The Transvaal Loan (Guarantee) Act, 1907.	The whole Act.
21 & 22 Geo. 5. c. 26.	The Mauritius Loan (Guarantee) Act, 1931.	The whole Act.
22 & 23 Geo. 5. c. 17.	The Tanganyika and British Honduras Loans Act, 1932.	Sections three, four and five and the Schedule.
23 & 24 Geo. 5. c. 5.	The Austrian Loan Guarantee Act, 1933.	The whole Act.

Legal Procedure Provisions

Session and Chapter	Short Title	Extent of Repeal
18 Eliz. 1. c. 5	The Common Informers Act, 1575.	The whole Act.
31 Eliz. 1. c. 5	The Common Informers Act, 1588.	The whole Act.
21 Jac. 1. c. 4	The Common Informers Act, 1623.	The whole Act.
10 & 11 Car. 1. c. 11 (Ir.).	The Common Informers Act (Ireland), 1634.	The whole Act.
11 Geo. 4 and 1 Will. 4. c. 36.	The Contempt of Court Act, 1830.	Section two. In section fifteen, rules 15, 19 and 20. Section seventeen.

Local Government Provisions

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Will. 4. c. 76.	The Poor Law Amendment Act, 1834.	The preamble. Sections eighty-five and eighty-six. Section one hundred and nine, with the exception of the definition of "poor rate".

2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Section twenty-two. Section sixty, except so far as it relates to perambulations.
11 & 12 Vict. c. 91.	The Poor Law Audit Act, 1848.	Sections sixty-two and seventy-four.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	Sections one and two.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section eleven, in subsection (1), the words from "the town clerk" (where first occurring) to "the borough, and", in subsection (2), the words from "and the Local Government Board" onwards, and, in subsection (3), the words "shall be in a form approved by the Local Government Board and", and the words "in manner provided in that form". In section one hundred and twenty, in subsection (2), paragraphs (a) and (c). In section one hundred and twenty-one, in subsection (4), paragraphs (b) and (c).

National Debt Provisions

Session and Chapter	Short Title	Extent of Repeal
51 & 52 Vict. c. 2.	The National Debt (Conversion) Act, 1888.	In section two, in subsection (5), the words "and paid out of the permanent annual charge of the National Debt". In section twelve, in subsection (2), the words "or the growing produce thereof". In section thirteen, in subsection (1), the words from "or the growing produce thereof" onwards.
8 Edw. 7. c. 16	The Finance Act, 1908 ...	Section nine.
1 & 2 Geo. 5. c. 48.	The Finance Act, 1911 ...	Section sixteen.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920 ...	Section fifty-eight.
12 & 13 Geo. 5. c. 17.	The Finance Act, 1922 ...	Part IV.
13 & 14 Geo. 5. c. 14.	The Finance Act, 1923 ...	Section thirty-four.

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2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926 ...	Section forty-one.
18 & 19 Geo. 5. c. 17.	The Finance Act, 1928 ...	Sections twenty-four and twenty-five.
21 & 22 Geo. 5. c. 49.	The Finance (No. 2) Act, 1931.	Section twenty-one.
22 & 23 Geo. 5. c. 25.	The Finance Act, 1932 ...	Sections twenty-one and twenty-two.
23 & 24 Geo. 5. c. 19.	The Finance Act, 1933 ...	Section thirty-five.
24 & 25 Geo. 5. c. 32.	The Finance Act, 1934 ...	Section twenty-three.
25 & 26 Geo. 5. c. 24.	The Finance Act, 1935 ...	Section twenty-seven.
26 Geo. 5. & 1 Edw. 8. c. 34.	The Finance Act, 1936 ...	Section thirty.
1 Edw. 8 & 1 Geo. 6. c. 54.	The Finance Act, 1937 ...	Section twenty-six.
1 & 2 Geo. 6. c. 46.	The Finance Act, 1938 ...	Section fifty-three.
2 & 3 Geo. 6. c. 41.	The Finance Act, 1939 ...	Section thirty-four.
3 & 4 Geo. 6. c. 29.	The Finance Act, 1940 ...	Section sixty-one.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947 ...	Sections sixty-eight, seventy and seventy-one.
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948 ...	Section eighty.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	Section forty-six and, in section forty-seven, subsection (1).
14 Geo. 6. c. 15	The Finance Act, 1950 ...	Section forty-nine.
14 & 15 Geo. 6. c. 43.	The Finance Act, 1951 ...	Section forty-three.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.	The Finance Act, 1952 ...	Section seventy-five.
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	Section thirty-four.

Purchase Tax Provisions

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 6. c. 48.	The Finance (No. 2) Act, 1940.	In section twenty-three, in subsection (3), paragraph (a) and, in paragraph (b), the words "after the passing of that Act". In section twenty-seven, in subsection (1), the words from "after the date" to "of this Act". Section thirty-seven.

2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942 ...	In section seventeen, subsection (2). In section eighteen, subsection (4).
6 & 7 Geo. 6. c. 28.	The Finance Act, 1943 ...	In section eleven, subsection (2).
7 & 8 Geo. 6. c. 23.	The Finance Act, 1944 ...	In section eleven, in subsection (1), paragraph (a). Part II of the Second Schedule.
9 & 10 Geo. 6. c. 64.	The Finance Act, 1946 ...	Section nineteen. In section twenty-two, subsection (3).
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948 ...	In section twenty-two, in subsection (1), the words from "but" to the end, and in subsection (2), paragraph (a).
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	In section eleven, subsection (5).
4 & 5 Eliz. 2. c. 17.	The Finance (No. 2) Act, 1955.	Section one. In section five, subsection (2).
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958 ...	In section one, subsection (1). The First Schedule.

Road and Rail Transport Provisions

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Will. 4. c. 22.	The London Hackney Carriage Act, 1831.	Section forty-eight.
2 & 3 Will. 4. c. 120.	The Stage Carriages Act, 1832.	The whole Act except section forty-eight and, in section one hundred and three, the words from "it shall be lawful" (where first occurring) to "this Act".
3 & 4 Will. 4. c. 48.	The London Hackney Carriages Act, 1833.	The whole Act.
3 & 4 Vict. c. 97.	The Railway Regulation Act, 1840.	Section three.
7 & 8 Vict. c. 85.	The Railway Regulation Act, 1844.	Section one. In section two, the words from "provided also" onwards. In section three, the words "revision or".

2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Vict. c. 85— <i>cont.</i>	The Railway Regulation Act, 1844— <i>cont.</i>	In section four, the words "revision or", in the first two places where they occur, the words "whether of revision or purchase", "the guarantee or" and "as the case may be", and the words "or either of them" in both places where they occur.
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	In section five, the words "revision or". In section eighty-six, the words from "and to make such reasonable charges" onwards. Sections ninety-one to ninety-three. In section ninety-five, the words from the beginning to "maintained and" and the words "board or".
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	In section ninety-six, the words "by notice to be annexed to the list of tolls". In section seventy-nine, the words from "and to make such reasonable charges" onwards. Sections eighty-four to eighty-six. In section eighty-eight, the words from the beginning to "maintained and" and the words "board or". In section eighty-nine, the words "by notice to be annexed to the list of tolls".
9 & 10 Vict. c. 57.	The Railway Regulation (Gauge) Act, 1846.	The whole Act.
27 & 28 Vict. c. 121.	The Railways Construction Facilities Act, 1864.	Sections forty-nine and fifty. In section fifty-three, the words from "or from any revision" onwards.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Part (iii) of the Schedule.
46 & 47 Vict. c. 34.	The Cheap Trains Act, 1883.	Sections seventeen, eighteen, twenty and twenty-one. Sections three and five. In section eight, the definitions of "fare" and "minimum fare" and the words from "Provided that" onwards.

2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act, 1888.	Sections thirteen, twenty-four and twenty-nine. In section thirty-five, in subsection (1), paragraph (a). Section thirty-eight. Except so far as they relate to charges of an independent inland waterway undertaking which are not charges with respect to which a Provisional Order was made and confirmed by Parliament in pursuance of sections twenty-four and thirty-six of the Act, section twenty-five from "Provided that" onwards, sections twenty-six, thirty-one and thirty-six, and subsections (2), (3) and (5) of section thirty-seven.
54 & 55 Vict. c. 12.	The Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891.	The whole Act.
55 & 56 Vict. c. 44.	The Railway and Canal Traffic Act, 1892.	The whole Act.
59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	So much of the Second Schedule as relates to the Cheap Trains Act, 1883.
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act, 1919.	Section three, with the exception of paragraph (d) of subsection (1) so far as applied by subsequent enactments. Section thirteen. In section fourteen, in subsection (1), the words "or for the purchase of privately owned railway wagons", the words from "(a) in the case" to "other securities" and the words "or the growing produce thereof", and subsection (2).
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921.	Section six.
11 & 12 Geo. 5. c. 55.	The Railways Act, 1921.	Section eleven. Sections twenty-eight to thirty-eight. Sections forty to fifty-five. Section fifty-seven. Section sixty-one. Section seventy-two. The Fourth and Fifth Schedules.

2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 5. c. 34.	The London Traffic Act, 1924.	Section thirteen. In section sixteen, the definitions of "omnibus", "trolley vehicle", "tramway car", "licensing authority" and "proprietor".
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	Section sixty-six. In section sixty-eight, subsection (6).
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	Section ninety-six. In section fifty-one, subsection (8). Section fifty-five. In section sixty-one, subsections (10) and (11). In section sixty-two, subsection (7). Sections sixty-five and sixty-six. In the Thirteenth Schedule, the entry relating to section sixteen of the London Traffic Act, 1924.
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	In section seven, subsections (2), (3) and (4). In section eight, in subsection (3), the words "Subject to the provisions of subsection (3) of the last preceding section". In section ten, in subsection (2), the words "(except the provisions of subsections (2), (3) and (4) of section seven)". In section twenty-nine, in subsection (6), the words from "and subsection (5)" onwards, and subsection (7). In section thirty-six, in subsection (1), the definition of "Authorised vehicle".
24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	Sections forty and forty-four. Sections thirty and thirty-two. In section thirty-nine, the words from "as respects" to "this section" and the proviso. In section forty-one, in paragraph (8), subsection (3) of the section directed by that paragraph to be substituted for section twenty-three.

2ND SCH.

Session and Chapter	Short Title	Extent of Repeal
25 & 26 Geo. 5. c. 27.	The London Passenger Transport (Agreement) Act, 1935.	The whole Act.
26 Geo. 5 & 1 Edw. 8. c. 6.	The Railways (Agreement) Act, 1935.	The whole Act.
1 Edw. 8. & 1 Geo. 6. c. 28.	The Harbours, Piers and Ferries (Scotland) Act, 1937.	Section twenty-four.
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947.	Section eighty-two. In section eighty-three, subsections (1) to (4). Section eighty-four.
1 & 2 Eliz. 2. c. 13.	The Transport Act, 1953.	In section twenty-one, subsection (3), and in subsection (4), the words "or standard", and the words from "Notwithstanding anything" onwards. In the Fourth Schedule, in Part I, in paragraph 1, in sub-paragraph (2), the words "notwithstanding anything in subsection (1) of the said section eighty-three".

CHAPTER 69

Wages Councils Act, 1959

ARRANGEMENT OF SECTIONS

PART I

ESTABLISHMENT OF WAGES COUNCILS

Section

1. Establishment of wages councils.
2. Applications for wages council orders.
3. Proceedings on references as to the establishment of wages councils.
4. Abolition, and variation of field of operation, of wages councils.
5. Applications for abolition of wages councils.
6. References to commission of inquiry as to variation or revocation of wages council orders.

Section

7. Central co-ordinating committees.
8. Wages councils: advisory committees.
9. General provisions as to commissions of inquiry.
10. General duty of wages councils to consider references by government departments.

PART II

WAGES REGULATION ORDERS

11. Power to fix remuneration and holidays.
12. Effect and enforcement of wages regulation orders.
13. Permits to infirm and incapacitated persons.
14. Computation of remuneration.
15. Apportionment of remuneration.
16. Employers not to receive premiums.
17. Records and notices.
18. Criminal liability of agent and superior employer, and special defence open to employer.
19. Officers.
20. Penalty for false entries and records, producing false records or giving false information.
21. Presumption as to employment of road haulage workers.

PART III

SUPPLEMENTARY

22. Provisions as to orders and regulations.
23. Expenses.
24. Interpretation.
25. Consequential amendment of House of Commons Disqualification Act, 1957.
26. Transitional provisions, savings and repeals.
27. Short title, commencement and extent.

SCHEDULES:

First Schedule—Provisions as to making, revocation and variation of Wages Council Orders.

Second Schedule—Constitution, officers and proceedings of Wages Councils and Co-ordinating Committees.

Third Schedule—Provisions as to Advisory Committees.

Fourth Schedule—Constitution, officers and proceedings of Commissions of Inquiry.

Fifth Schedule—Transitional and saving provisions.

Sixth Schedule—Enactments repealed.

An Act to consolidate the enactments relating to Wages Councils.
[29th July, 1959]

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

ESTABLISHMENT OF WAGES COUNCILS

1.—(1) Subject to the provisions of this Part of this Act, the Minister may by order establish a wages council to perform, in relation to the workers described in the order and their employers, the functions specified in the subsequent provisions of this Act. Establishment of wages councils.

(2) An order establishing a wages council may be made by the Minister either—

- (a) if he is of opinion that no adequate machinery exists for the effective regulation of the remuneration of the workers described in the order and that, having regard to the remuneration existing among those workers, or any of them, it is expedient that such a council should be established ; or
- (b) if he thinks fit, to give effect to a recommendation of a commission of inquiry made on the reference to them, in accordance with the following section, of an application made in accordance therewith for the establishment of a wages council ; or
- (c) if he thinks fit, to give effect to the recommendation of a commission of inquiry made in a case where the Minister, being of opinion that no adequate machinery exists for the effective regulation of the remuneration of any workers or the existing machinery is likely to cease to exist or be adequate for that purpose and a reasonable standard of remuneration among those workers will not be maintained, refers to the commission the question whether a wages council should be established with respect to any of those workers and their employers.

PART I
—cont.

(3) The provisions in that behalf of the First Schedule to this Act shall have effect with respect to the making of orders establishing wages councils.

(4) The provisions in that behalf of the Second Schedule to this Act shall have effect with respect to the constitution, officers and proceedings of wages councils.

Applications
for wages
council orders.

2.—(1) An application for the establishment of a wages council with respect to any workers and their employers may be made to the Minister either—

(a) by a joint industrial council, conciliation board or other similar body constituted by organisations representative respectively of those workers and their employers ; or

(b) jointly by any organisation of workers and any organisation of employers which claim to be organisations that habitually take part in the settlement of remuneration and conditions of employment for those workers,

on the ground, in either case, that the existing machinery for the settlement of remuneration and conditions of employment for those workers is likely to cease to exist or be adequate for that purpose.

(2) Subject to the provisions of this and the following subsection, where such an application as aforesaid is made to him the Minister—

(a) if he is satisfied that there are sufficient grounds to justify the reference of the application to a commission of inquiry, and, in the case of an application under paragraph (b) of the foregoing subsection, that the claim of the organisations habitually to take part in the settlement of remuneration and conditions of employment for those workers is well-founded, shall refer the application to a commission of inquiry to inquire into and report on the application ;

(b) if he is not so satisfied shall notify the applicants to that effect, in which case no further steps shall be taken on the application unless and until he is so satisfied by fresh facts brought to his notice :

Provided that before taking either of the said courses, the Minister may require the applicants to furnish such information, if any, in relation to the application as he considers necessary.

(3) If, on considering an application under subsection (1) of this section, it appears to the Minister either—

- (a) that there is a joint industrial council, conciliation board or other similar body constituted by organisations of workers and organisations of employers, being a council, board or body which would or might be affected by the establishment of a wages council in pursuance of the application ; or
- (b) that there are organisations of workers and organisations of employers representative respectively of workers other than workers to whom the application relates and their employers, who would or might be affected by the establishment of a wages council as aforesaid,

being a council, board or body, or, as the case may be, organisations, which are parties to joint voluntary machinery for the settlement of remuneration and conditions of employment but are not parties to the application for a wages council, the Minister shall, before deciding to refer the application to a commission of inquiry, give notice of the application to that council, board or body or, as the case may be, to those organisations, shall consider any observations in writing which may be submitted to him by them within such period as he may direct, not being less than one month from the date of the notice, and, if he decides to refer the application to a commission of inquiry, shall transmit a copy of the observations to the commission.

(4) If, before an application is referred to a commission of inquiry, it is withdrawn by the applicants, no further proceedings shall be had thereon.

3.—(1) Where the Minister makes to a commission of inquiry any such reference as is mentioned in paragraph (b) or (c) of subsection (2) of section one of this Act, it shall be the duty of the commission to consider not only the subject matter of the reference but also any other question or matter which, in the opinion of the commission, is relevant thereto, and in particular to consider whether there are any other workers (being workers who, in the opinion of the commission, are engaged in work which is complementary, subsidiary or closely allied to the work performed by the workers specified in the reference or any of them) whose position should be dealt with together with that of the workers, or some of the workers, specified as aforesaid ; and in relation to any such reference to a commission of inquiry, any reference in this Part of this Act to the workers with whom the commission is concerned shall be construed as a reference to the workers specified as aforesaid and any such other workers as aforesaid.

Proceedings on references as to establishment of wages councils.

(2) If the commission is of opinion with respect to the workers with whom it is concerned or any of those workers whose

PART I
—cont.

position should, in the opinion of the commission, be separately dealt with—

- (a) that there exists machinery set up by agreement between organisations representing workers and employers respectively which is, or can be made by improvements which it is practicable to secure, adequate for regulating the remuneration and conditions of employment of those workers ; and
- (b) that there is no reason to believe that that machinery is likely to cease to exist or be adequate for that purpose,

the commission shall report to the Minister accordingly and may include in its report any suggestions which it may think fit to make as to the improvement of that machinery.

(3) Where any such suggestions are so included, the Minister shall take such steps as appear to him to be expedient and practicable to secure the improvements in question.

(4) If the commission is of opinion with respect to the workers with whom it is concerned or any of those workers whose position should, in the opinion of the commission, be separately dealt with—

- (a) that machinery for regulating the remuneration and conditions of employment of those workers is not, and cannot be made by any improvements which it is practicable to secure, adequate for that purpose, or does not exist ; or
- (b) that the existing machinery is likely to cease to exist or be adequate for that purpose,

and that as a result a reasonable standard of remuneration among those workers is not being or will not be maintained, the commission may make a report to the Minister embodying a recommendation for the establishment of a wages council in respect of those workers and their employers.

(5) In considering for the purposes of section one of this Act whether any machinery is, or is likely to remain, adequate for regulating the remuneration and conditions of employment of any workers, the commission shall consider not only what matters are capable of being dealt with by that machinery, but also to what extent those matters are covered by the agreements or awards arrived at or given thereunder, and to what extent the practice is, or is likely to be, in accordance with those agreements or awards.

4.—(1) The Minister may at any time abolish a wages council by order made—

PART I
—cont.

- (a) to give effect to an application in that behalf made to him in accordance with the following section, or
- (b) without any such application, subject however to the provisions of section six of this Act.

Abolition,
variation of
field of
operation, of
wages councils.

(2) The Minister may at any time by order vary the field of operation of a wages council.

(3) An order under this section abolishing or varying the field of operation of one or more wages councils may include provision for the establishment of one or more wages councils operating in relation to all or any of the workers in relation to whom the first mentioned council or councils would have operated but for the order, and such other workers, if any, as may be specified in the order.

(4) Where an order of the Minister under this section directs that any workers shall be excluded from the field of operation of one wages council and brought within the field of operation of another, the order may provide that anything done by, or to give effect to proposals made by, the first-mentioned council shall have effect in relation to those workers as if it had been done by, or to give effect to proposals made by, the second-mentioned council and may make such further provision as appears to the Minister to be expedient in connection with the transition.

(5) Where an order of the Minister under this section directs that a wages council shall be abolished or shall cease to operate in relation to any workers, then, save as is otherwise provided by the order, anything done by, or to give effect to proposals made by, the wages council shall, except as respects things previously done or omitted to be done, cease to have effect or, as the case may be, cease to have effect in relation to the workers in relation to whom the council ceases to operate.

(6) The provisions in that behalf of the First Schedule to this Act shall have effect with respect to the making of orders under this section.

5.—(1) An application such as is mentioned in paragraph (a) of subsection (1) of the foregoing section may be made to the Minister either—

Applications
for abolition of
wages councils.

- (a) by a joint industrial council, conciliation board or other similar body constituted by organisations of workers and organisations of employers which represent respectively substantial proportions of the workers and

PART I
—cont.

employers with respect to whom that wages council operates ; or

- (b) jointly by organisations of workers and organisations of employers which represent respectively substantial proportions of the workers and employers aforesaid.

(2) The grounds on which any such application may be made are that the council, board or body provides, or, as the case may be, that the organisations jointly provide, machinery which is, and is likely to remain, adequate for the effective regulation of remuneration and conditions of employment for those workers.

References to commission of inquiry as to variation or revocation of wages council orders.

6.—(1) The Minister—

- (a) shall in any case where an application for the abolition of a wages council has been made to him under the foregoing section and he does not thereupon proceed to the making of an order giving effect to the application,

(b) may in any other case where he is considering whether to exercise his power under section four of this Act to abolish or vary the field of operation of a wages council, refer to a commission of inquiry the question whether the council should be abolished or, as the case may be, its field of operation varied.

(2) On a reference under this section of a question as to the abolition of a wages council a commission of inquiry, if of opinion that it is expedient to do so having regard—

- (a) to the extent to which there is, and is likely to remain, adequate machinery set up by agreement between organisations representing workers and employers respectively for the effective regulation of remuneration and conditions of employment of workers within the field of operation of the wages council to which the reference relates, or

- (b) to the extent (if any) to which it is practicable and desirable to bring within the field of operation of another wages council all or any of the workers within the field of operation of the council to which the reference relates,

or to both those considerations, may make a report to the Minister recommending—

- (i) the abolition of the wages council to which the reference relates, or

(ii) the narrowing of the field of operation of the council, and (in either case), if the commission is of opinion that it is expedient as aforesaid, also recommending the transfer of

workers to the field of operation of another wages council, whether already existing or to be established.

PART I
—cont.

(3) On a reference under this section as to the variation of the field of operation of a wages council the commission may make a report to the Minister recommending any such variation (including the transfer of workers to the field of operation of any other wages council, whether already existing or to be established) which appears to the commission desirable in all the circumstances.

(4) In considering for the purposes of section four of this Act whether any machinery is, or is likely to remain, adequate for regulating the remuneration and conditions of employment of any workers, a commission of inquiry shall consider not only what matters are capable of being dealt with by that machinery, but also to what extent those matters are covered by the agreements or awards arrived at or given thereunder, and to what extent the practice is, or is likely to be, in accordance with those agreements or awards.

7.—(1) The Minister may, if he thinks fit so to do, by order establish a central co-ordinating committee in relation to any two or more wages councils, or abolish, or vary the field of operation of, any central co-ordinating committee so established :

Central
co-ordinating
committees.

Provided that, except where either of the two following subsections applies, the Minister shall, before making any such order, consult the wages councils concerned.

(2) Where a commission of inquiry makes a recommendation for the establishment of a wages council, it may include in its report a recommendation for the establishment, in relation to any wages council established in accordance with the recommendation and any other wages council (including a council proposed to be established by another recommendation embodied in the same report), of a central co-ordinating committee, or for the variation of the field of operation of an existing central co-ordinating committee so that it operates also in connection with any wages council established in accordance with the recommendation.

(3) Where a commission of inquiry makes a recommendation for the abolition of a wages council, it may include in its report a recommendation for the variation of the field of operation of an existing central co-ordinating committee so that it no longer operates in relation to the council to be abolished, or a recommendation for the abolition of any central co-ordinating committee theretofore operating in relation to the wages council to be abolished.

(4) The Minister may by order give effect to a recommendation made under either of the two foregoing subsections.

PART I
—cont.

(5) It shall be the duty of any central co-ordinating committee from time to time—

- (a) to consider whether the field of operation of the wages councils in relation to which it is established is properly divided as between those councils and to report thereon to the Minister ;
- (b) to make recommendations to those councils with respect to the principles to be followed by them in the exercise of their powers under this Act ;
- (c) to consider any question referred to it by the Minister or by the said councils or any two or more of them, and to report thereon to the Minister, or to the councils which referred the question, as the case may be.

(6) The provisions in that behalf of the Second Schedule to this Act shall have effect with respect to the constitution, officers and proceedings of central co-ordinating committees.

Wages
councils:
advisory
committees.

8.—(1) A wages council may request the Minister to appoint a committee for any of the workers within the field of operation of the council and the Minister shall appoint a committee accordingly, and the council may refer to it for a report and recommendations any matter relating to those workers which the council thinks it expedient so to refer.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to committees appointed under this section.

General
provisions
as to
commissions
of inquiry.

9.—(1) The provisions of the Fourth Schedule to this Act shall have effect with respect to the constitution, officers and proceedings of commissions of inquiry.

(2) On any reference under this Part of this Act to a commission of inquiry, the commission shall make all such investigations as appear to it to be necessary and shall publish in the prescribed manner a notice stating the questions which it is its duty to consider by virtue of the reference and further stating that it will consider representations with respect thereto made to it in writing within such period as may be specified in the notice, not being less than forty days from the date of the publication thereof; and it shall consider any representations made to it within that period and then make such further inquiries as it considers necessary including, so far as it considers necessary, the hearing of oral evidence.

(3) Any power conferred by this Part of this Act on the Minister to make an order giving effect to a recommendation of a commission of inquiry shall be construed as including power to make an order giving effect to that recommendation with such

modifications as he thinks fit, being modifications which, in his opinion, do not effect important alterations in the character of the recommendation.

PART I
—cont.

(4) Where the Minister receives any report from a commission of inquiry he may, if he thinks fit, refer the report back to the commission and the commission shall thereupon reconsider it having regard to any observations made by him and shall make a further report, and the like proceedings shall be had on any such further report as in the case of an original report.

(5) The Minister shall publish every report made to him by a commission of inquiry under this Part of this Act:

Provided that where he refers a report back to the commission, he shall not be bound to publish it until he publishes the further report of the commission.

10.—(1) A wages council shall consider, as occasion requires, any matter referred to it by the Minister or any government department with reference to the industrial conditions prevailing as respects the workers and employers in relation to whom it operates, and shall make a report upon the matter to the Minister or, as the case may be, to that department.

General duty
of wages
councils
to consider
references by
government
departments.

(2) A wages council may, if it thinks it expedient so to do, make of its own motion a recommendation to the Minister or any government department with reference to the said conditions and, where such a recommendation is so made, the Minister or, as the case may be, that department, shall forthwith take it into consideration.

PART II

WAGES REGULATION ORDERS

11.—(1) Subject to and in accordance with the provisions of this section, any wages council shall have power to submit to the Minister proposals (hereafter in this Act referred to as "wages regulation proposals")—

Power to fix
remuneration
and holidays.

(a) for fixing the remuneration to be paid, either generally or for any particular work, by their employers to all or any of the workers in relation to whom the council operates;

(b) for requiring all or any such workers as aforesaid to be allowed holidays by their employers.

The power to submit proposals for fixing remuneration shall include power to submit proposals for fixing holiday remuneration.

PART II
—cont.

(2) Wages regulation proposals for requiring a worker to be allowed a holiday shall not be made unless both holiday remuneration in respect of the period of the holiday and remuneration other than holiday remuneration have been or are being fixed under this Part of this Act for that worker, shall provide for the duration of the holiday being related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday, and, subject as aforesaid, may make provision as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed; and wages regulation proposals for fixing holiday remuneration may contain provisions as to the times at which, and the conditions subject to which, that remuneration shall accrue and shall become payable, and for securing that any such remuneration which has accrued due to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

(3) Before submitting any wages regulation proposals to the Minister, a wages council shall make such investigations as it thinks fit and shall—

- (a) publish, in the prescribed manner, notice of the proposals, and
- (b) give such notice thereof as may be prescribed for the purpose of informing, so far as practicable, all persons affected thereby,

stating the place where copies of the proposals may be obtained and the period (which shall not be less than fourteen days from the date of publication of the notice) within which written representations with respect to the proposals may be sent to the council; and the council shall consider any written representations made to it within that period and shall make such further inquiries as it considers necessary and may then submit the proposals to the Minister either without amendment or with such amendments as it thinks fit having regard to the representations:

Provided that if the council, before publishing its proposals, resolves that, in the event of no representation with respect to the proposals being made to it within the said period, the proposals shall, without more, be submitted to the Minister, the proposals shall, if no representation is so made, be submitted to the Minister accordingly.

(4) Where the Minister receives any wages regulation proposals, he shall make an order (hereafter in this Act referred to as a "wages regulation order") giving effect to the proposals as from such date as may be specified in the order:

Provided that the Minister may, if he thinks fit, refer the proposals back to the council and the council shall thereupon reconsider them having regard to any observations made by the Minister and may, if it thinks fit, re-submit the proposals to the Minister either without amendment or with such amendments as it thinks fit having regard to those observations; and where proposals are so re-submitted, the like proceedings shall be had thereon as in the case of original proposals.

The date to be so specified shall be a date subsequent to the date of the order, and where, as respects any worker who is paid wages at intervals not exceeding seven days, the date so specified does not correspond with the beginning of the period for which the wages are paid, the order shall, as respects that worker, become effective as from the beginning of the next such period following the date specified in the order.

(5) As soon as the Minister has made a wages regulation order, he shall give notice of the making thereof to the wages council and that council shall give such notice of the order and the contents thereof, and shall then and subsequently give such notice of any other prescribed matters affecting the operation thereof, as may be prescribed for the purpose of informing, so far as practicable, all persons who will be thereby affected.

(6) Any wages regulation proposals and any wages regulation order for giving effect thereto may make different provision for different cases, and may also contain provision for the amendment or revocation of previous wages regulation orders.

(7) No wages regulation order shall have effect so as to prejudice any rights as to remuneration or holidays conferred on any worker by or under any Act other than this Act.

12.—(1) If a contract between a worker to whom a wages regulation order applies and his employer provides for the payment of less remuneration than the statutory minimum remuneration, it shall have effect as if for that less remuneration there were substituted the statutory minimum remuneration, and if any such contract provides for the payment of any holiday remuneration at times or subject to conditions other than those specified in the order, it shall have effect as if for those times or conditions there were substituted the times or conditions specified in the order.

Effect and enforcement of wages regulation orders.

(2) If an employer fails to pay a worker to whom a wages regulation order applies remuneration not less than the statutory minimum remuneration, or fails to pay to any such worker holiday remuneration at the times and subject to the conditions specified in the order or fails to allow to any such worker the holidays fixed by the order, he shall be liable on summary

PART II
—*cont.*

conviction to a fine not exceeding twenty pounds for each offence, and where the employer or any other person charged as a person to whose act or default the offence was due has been found guilty of an offence under this section consisting of a failure to pay remuneration not less than the statutory minimum remuneration, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid to the worker by way of remuneration, if the provisions of this Part of this Act had been complied with, and the amount actually so paid.

(3) Where proceedings are brought under the foregoing subsection in respect of an offence consisting of a failure to pay remuneration not less than the statutory minimum remuneration, then, if notice of intention so to do has been served with the summons, warrant or complaint,—

(a) evidence may, on the employer or any other person charged as a person to whose act or default the offence was due having been found guilty of the offence, be given of any like contravention on the part of the employer in respect of any period during the two years immediately preceding the date of the offence; and

(b) on proof of the failure, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid during that period to the worker by way of remuneration, if the provisions of this Part of this Act had been complied with, and the amount actually so paid.

(4) The powers given by this section for the recovery of sums due from an employer to a worker shall not be in derogation of any right to recover such sums by civil proceedings.

(5) In the application of this section to Scotland subsections (2) and (3) shall have effect as if the words “ or any other person charged as a person to whose act or default the offence was due ” were omitted.

Permits to
infirm and
incapacitated
persons.

13.—(1) If, as respects any worker employed or desiring to be employed in such circumstances that a wages regulation order applies or will apply to him, the wages council is satisfied, on application being made to it for a permit under this section either by the worker or the employer or a prospective employer, that the worker is affected by infirmity or physical incapacity which renders him incapable of earning the statutory minimum remuneration, it may, if it thinks fit, grant, subject to such conditions, if any, as it may determine, a permit authorising his employment at less than the statutory minimum remuneration,

and while the permit is in force the remuneration authorised to be paid to him by the permit shall, if those conditions are complied with, be deemed to be the statutory minimum remuneration.

PART II
—cont.

(2) Where an employer employs any worker in reliance on any document purporting to be a permit granted under the foregoing subsection authorising the employment of that worker at less than the statutory minimum remuneration, then, if the employer has notified the wages council in question that, relying on that document, he is employing or proposing to employ that worker at a specified remuneration, the document shall, notwithstanding that it is not or is no longer a valid permit relating to that worker, be deemed, subject to the terms thereof and as respects only any period after the notification, to be such a permit until notice to the contrary is received by the employer from the council.

14.—(1) Subject to the provisions of this Part of this Act, any reference in this Part of this Act to remuneration shall be construed as a reference to the amount obtained or to be obtained in cash by the worker from his employer after allowing for the worker's necessary expenditure, if any, in connection with his employment, and clear of all deductions in respect of any matter whatsoever, except any deduction lawfully made—

Computation
of remunera-
tion.

- (a) under the Income Tax Acts, the National Insurance (Industrial Injuries) Act, 1946, the National Insurance Act, 1946, or any enactment requiring or authorising deductions to be made for the purposes of a superannuation scheme ;
- (b) at the request in writing of the worker, either for the purposes of a superannuation scheme or a thrift scheme or for any purpose in the carrying out of which the employer has no beneficial financial interest, whether directly or indirectly ; or
- (c) in pursuance of, or in accordance with, such a contract in that behalf as is mentioned in section one, two or three of the Truck Act, 1896, and in accordance with the provisions of that section.

(2) Notwithstanding anything in subsection (1) of this section, wages regulation proposals and wages regulation orders may contain provisions authorising specified benefits or advantages, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of workers, by the employer or by some other person under arrangements with the employer and not being benefits or advantages the provision of which is illegal by virtue of the Truck Acts, 1831 to 1940, or of any other enactment, to be reckoned as payment of wages by the

PART II
—cont.

employer in lieu of payment in cash, and defining the value at which any such benefits or advantages are to be reckoned.

(3) If any payment is made by a worker in respect of any benefit or advantage provided as mentioned in the foregoing subsection, then,—

- (a) if the benefit or advantage is authorised by virtue of that subsection to be reckoned as therein mentioned, the amount of the payment shall be deducted from the defined value for the purposes of the reckoning ;
- (b) if the benefit or advantage is authorised by virtue of that subsection to be reckoned as therein mentioned, any excess of the amount of the payment over the defined value shall be treated for the purposes of subsection (1) of this section as if it had been a deduction not being one of the excepted deductions therein mentioned ;
- (c) if the benefit or advantage is specified in a wages regulation order as one which has been taken into account in fixing the statutory minimum remuneration, the whole of the payment shall be treated for the purposes of subsection (1) of this section as if it had been a deduction not being one of the excepted deductions therein mentioned.

(4) Nothing in this section shall be construed as authorising the making of any deduction, or the giving of remuneration in any manner, which is illegal by virtue of the Truck Acts, 1831 to 1940, or of any other enactment.

Apportionment of remuneration

15. Where for any period a worker receives remuneration for work for part of which he is entitled to statutory minimum remuneration at one or more time rates and for the remainder of which no statutory minimum remuneration is fixed, the amount of the remuneration which is to be attributed to the work for which he is entitled to statutory minimum remuneration shall, if not apparent from the terms of the contract between the employer and the worker, be deemed for the purposes of this Act to be the amount which bears to the total amount of the remuneration the same proportion as the time spent on the part of the work for which he is entitled to statutory minimum remuneration bears to the time spent on the whole of the work.

Employers not to receive premiums.

16.—(1) Where a worker to whom a wages regulation order applies is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account, any payment by way of premium :

Provided that nothing in this section shall apply to any such payment duly made in pursuance of any instrument of apprenticeship not later than four weeks after the commencement of

the apprenticeship or to any such payment made at any time if duly made in pursuance of any instrument of apprenticeship approved for the purposes of this proviso by a wages council.

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—cont.

(2) If any employer acts in contravention of this section, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, and the court may, in addition to imposing a fine, order him to repay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

17.—(1) The employer of any workers to whom a wages regulation order applies shall keep such records as are necessary to show whether or not the provisions of this Part of this Act are being complied with as respects them, and the records shall be retained by the employer for three years.

Records and notices.

(2) The employer of any workers shall post in the prescribed manner such notices as may be prescribed for the purpose of informing them of any wages regulation proposals or wages regulation order affecting them, and, if it is so prescribed, shall give notice in any other prescribed manner to the said workers of the said matters and of such other matters, if any, as may be prescribed.

(3) If an employer fails to comply with any of the requirements of this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.

18.—(1) Where the immediate employer of any worker is himself in the employment of some other person and that worker is employed on the premises of that other person, that other person shall for the purposes of this Part of this Act be deemed to be the employer of that worker jointly with the immediate employer.

Criminal liability of agent and superior employer, and special defence open to employer.

(2) Where an employer is charged with an offence under this Part of this Act, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person to whose act or default he alleges that the offence in question was due brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and, if the employer further proves that he has used all due diligence to secure that this Part of this Act and any relevant regulation or order made thereunder are complied with, he shall be acquitted of the offence.

PART II
—*cont.*

(3) Where a defendant seeks to avail himself of the provisions of subsection (2) of this section—

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives evidence and any witnesses called by him in support of his pleas and to call rebutting evidence ;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(4) Where it appears to an officer acting for the purposes of this Part of this Act that an offence has been committed in respect of which proceedings might be taken under this Part of this Act against an employer, and the officer is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the employer could establish a defence under subsection (2) of this section, the officer may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer.

In any such proceedings the defendant may be charged with and, on proof that the offence was due to his act or default, be convicted of, the offence with which the employer might have been charged.

(5) The three last foregoing subsections shall not apply to Scotland, but—

- (a) where an offence for which an employer is, under this Part of this Act, liable to a fine was due to an act or default of an agent of the employer or other person, then, whether proceedings are or are not taken against the employer, that agent or other person may be charged with and convicted of the offence, and shall be liable on conviction to the same punishment as might have been inflicted on the employer if he had been convicted of the offence ;
- (b) where an employer who is charged with an offence under this Part of this Act proves to the satisfaction of the court that he has used due diligence to secure compliance with this Part of this Act and any relevant regulation or order made thereunder and that the offence was due to the act or default of some other person, he shall be acquitted of the offence.

Officers.

19.—(1) The Minister, with the approval of the Treasury as to numbers and salaries, may appoint officers to act for the purposes of this Part of this Act, and may, in lieu of or in addition to appointing any officers under this section, arrange

with any government department that officers of that department shall act for the purposes of this Part of this Act.

PART II
—cont.

(2) Every officer acting for the purposes of this Part of this Act shall be furnished by the Minister with a certificate of his appointment or authority so to act, and when acting under this Part of this Act shall, if so required by any person affected, produce the certificate to him.

(3) An officer acting for the purposes of this Part of this Act shall have power for the performance of his duties—

- (a) to require the production of wages sheets or other records of wages kept by an employer, and records of payments made to outworkers by persons giving out work, and any other such records as are required by this Part of this Act to be kept by employers, and to inspect and examine those sheets or records and copy any material part thereof ;
- (b) to require the production of any licence or certificate granted under the Road and Rail Traffic Act, 1933, and of any records kept in pursuance of section sixteen of that Act, and to examine any such licence, certificate or records and copy it or them or any material part thereof ;
- (c) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments to be made for the work ;
- (d) at all reasonable times to enter any premises at which any employer to whom a wages regulation order applies carries on his business (including any place used, in connection with that business, for giving out work to outworkers and any premises which the officer has reasonable cause to believe to be used by or by arrangement with the employer to provide living accommodation for workers) ;
- (e) to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers ;
- (f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Part of this Act, any person whom he has reasonable cause to believe to be or to have been a worker to whom a wages regulation order applies or applied or the employer of any such person or a servant or agent of the employer employed in the employer's business, and to require every such person to be so

PART II
—*cont.*

examined and to sign a declaration of the truth of the matters in respect of which he is so examined:

Provided that no person shall be required under paragraph (f) of this subsection to give any information tending to criminate himself.

(4) In England or Wales an officer acting for the purposes of this Part of this Act may institute proceedings for any offence under this Part of this Act and may, although not of counsel or a solicitor, conduct any such proceedings.

(5) An officer acting for the purposes of this Part of this Act who is authorised in that behalf by general or special directions of the Minister may, if it appears to him that a sum is due from an employer to a worker on account of the payment to him of remuneration less than the statutory minimum remuneration, institute on behalf of and in the name of that worker civil proceedings for the recovery of that sum and in any such proceedings the court may make an order for the payment of costs by the officer as if he were a party to the proceedings.

The power given by this subsection for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

(6) Any person who obstructs an officer acting for the purposes of this Part of this Act in the exercise of any power conferred by this section, or fails to comply with any requirement of such an officer made in the exercise of any such power, shall be liable on summary conviction to a fine not exceeding twenty pounds:

Provided that it shall be a defence for a person charged under this subsection with failing to comply with a requirement to prove that it was not reasonably practicable to comply therewith.

Penalty for false entries in records, producing false records or giving false information.

20. If any person makes or causes to be made or knowingly allows to be made any entry in a record required by this Part of this Act to be kept by employers, which he knows to be false in a material particular, or for purposes connected with this Part of this Act produces or furnishes, or causes or knowingly allows to be produced or furnished, any wages sheet, record, list or information which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Presumption as to employment of road haulage workers.

21. If any person is convicted under Part I of the Road and Rail Traffic Act, 1933, of using a goods vehicle for a purpose for which an A licence or a B licence is required, otherwise than under such a licence, any work performed by a worker in connection with the vehicle while it was so used shall, for the

purposes of any wages regulation order the operation whereof depends on whether or not a vehicle is specified in or authorised to be used by an A licence or a B licence, be deemed to have been work performed in connection with a vehicle specified in an A licence or a B licence granted under that Act, as the case may be.

PART II
—cont.

PART III

SUPPLEMENTARY

22.—(1) The Minister may make regulations for prescribing anything which by this Act is authorised or required to be prescribed. Provisions as to orders and regulations.

(2) Any power to make orders or regulations conferred on the Minister by this Act shall be exercisable by statutory instrument.

(3) Any statutory instrument containing any order of the Minister made under Part I of this Act or regulations made under any of the provisions of this Act shall (together, in the case of an order, with the report of any commission of inquiry relating thereto) be laid before Parliament after being made, and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any power conferred by this Act to prescribe the manner in which anything is to be published shall include a power to prescribe the date which is to be taken for the purposes of this Act as the date of the publication.

23. The expenses of the Minister in carrying this Act into effect, and any expenses authorised by the Minister with the consent of the Treasury to be incurred by a wages council, a commission of inquiry, or a central co-ordinating committee established under this Act by order of the Minister, shall be defrayed out of moneys provided by Parliament. Expenses.

24. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“home-worker” means a person who contracts with a person, for the purposes of that person’s business, for the execution of work to be done in a place not under the control or management of the person with whom he contracts, and who does not normally make use of the services of more than two persons in the carrying out of contracts for the execution of work with statutory minimum remuneration ;

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

PART III
—*cont.*

- “organisation” includes, in relation to workers, an association of trade unions, and, in relation to employers, an association of organisations of employers ;
- “prescribed” means prescribed by regulations made by the Minister ;
- “statutory provision” means a provision contained in or having effect under any enactment ;
- “superannuation scheme” means any enactment, rules, deed or other instrument, providing for the payment of annuities or lump sums to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits ;
- “statutory minimum remuneration” means remuneration (including holiday remuneration) fixed by a wages regulation order ;
- “thrift scheme” means any arrangement for savings, for providing money for holidays or for other purposes, under which a worker is entitled to receive in cash sums equal to or greater than the aggregate of any sums deducted from his remuneration or paid by him for the purposes of the scheme ;
- “time rate” means a rate where the amount of the remuneration is to be calculated by reference to the actual number of hours worked ;
- “trade union” includes an association of trade unions ;
- “wages council” and “commission of inquiry” mean respectively a wages council and a commission of inquiry established or set up under this Act ;
- “wages regulation order” means an order under section eleven of this Act ;
- “wages regulation proposals” means proposals under section eleven of this Act ;
- “work with statutory minimum remuneration” means work of a description for which, when executed by a worker, statutory minimum remuneration is provided under Part II of this Act ;
- “worker” means any person 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 or a contract personally to execute any work or labour,

except that it does not include any person who is employed casually and otherwise than for the purposes of the employer's business:

PART III
—cont.

Provided that a home-worker under a contract for the execution of work with statutory minimum remuneration shall be treated for the purposes of the statutory provisions relating to the obligation to pay statutory minimum remuneration (other than holiday remuneration) and the statutory provisions providing for, or ancillary to, the enforcement of that obligation as if he were a worker as hereinbefore defined notwithstanding that the contract is not a contract of service or a contract for the execution of the work by the home-worker personally, and references in this Act to an employer and to an outworker shall be construed accordingly.

25.—(1) In Part III of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain offices the holders of which are disqualified under that Act) and in the Part substituted therefor by the Third Schedule to that Act in its application to the Senate and the House of Commons of Northern Ireland, for the entry relating to Wages Councils, Central Co-ordinating Committees and Commissions of Inquiry there shall be substituted:—

Consequential amendment of House of Commons Disqualification Act, 1957.

“ Member of a Wages Council or Central Co-ordinating Committee appointed under paragraph 1 (a) of the Second Schedule to the Wages Councils Act, 1959, Chairman of a Committee appointed under paragraph 1 (1) (a) of the Third Schedule to that Act, or Member of a Commission of Inquiry appointed under paragraph 1 (a) of the Fourth Schedule to that Act ”.

(2) This section extends to Northern Ireland.

26. Subject to the transitional and saving provisions contained in the Fifth Schedule to this Act, the enactments specified in the Sixth Schedule thereto are hereby repealed to the extent specified in the third column of that Schedule.

Transitional provisions, savings and repeals.

27.—(1) This Act may be cited as the Wages Councils Act, 1959.

Short title, commencement and extent.

(2) This Act shall come into operation on the expiration of the period of one month beginning with the date of the passing thereof.

(3) Save as otherwise expressly provided, this Act shall not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Sections 1, 4.

PROVISIONS AS TO MAKING, REVOCATION AND VARIATION OF WAGES COUNCIL ORDERS

1. In this Schedule, except in so far as the context otherwise requires, "order" means an order, whether made in pursuance of the recommendation of a commission of inquiry or not, for establishing or abolishing a wages council or varying the field of operation of a wages council.

2. Before making an order, the Minister shall publish, in the prescribed manner, notice of his intention to make the order, specifying a place where copies of a draft thereof may be obtained and the time (which shall not be less than forty days from the date of the publication) within which any objection made with respect to the draft order must be sent to him.

3. Every objection so made must be in writing, and must state—

(a) the specific grounds of objection, and

(b) the omissions, additions or modifications asked for,

and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objection.

4. If there are no objections which the Minister is required by the foregoing paragraph to consider or if, after considering all such objections, he is of opinion that all those objections either—

(a) in the case of an order to be made in pursuance of the recommendation of a commission of inquiry, were made to the commission and were expressly dealt with in the report embodying the recommendation; or

(b) in any case, will be met by modifications which he proposes to make under this paragraph or are frivolous,

he may make the order either in the terms of the draft or subject to such modifications, if any, as he thinks fit, being modifications which, in his opinion, do not effect important alterations in the character of the draft order as published.

5. Where the Minister does not proceed under the foregoing paragraph, he may, if he thinks fit, either—

(a) amend the draft order, in which case all the provisions of this Schedule shall have effect in relation to the amended draft order as they have effect in relation to an original draft order; or

(b) refer the draft order to a commission of inquiry for inquiry and report, in which case he shall consider the report of the commission and may then, if he thinks fit, make an order either in the terms of the draft or with such modifications as he thinks fit.

1ST SCH.
—*cont.*

6.—(1) Where any objection is made to the Minister and, under sub-paragraph (b) of the foregoing paragraph, he refers the draft order to a commission of inquiry, the Minister shall notify to the commission the objections which he wishes the commission to take into account, and the questions which it is the duty of the commission to consider and report on by virtue of the reference shall be all questions affecting the draft order which arise on or in connection with the objections so notified.

(2) The Minister shall include in the objections which he notifies to the commission all the objections which, under paragraph 3 of this Schedule, he is himself required to consider, other than any objections which he thinks fit to exclude, in the case of an order in pursuance of a recommendation of a commission of inquiry, on the ground that, in his opinion, they were made to the commission and were expressly dealt with in the report embodying the recommendation or, in any case, on the ground that they are in the Minister's opinion frivolous.

7.—(1) Where any of the councils affected by an order under section four of this Act is one of the councils in relation to which a central co-ordinating committee has been established under Part I of this Act, the Minister, before making the order, shall consult that committee and take into consideration any observations which it may make to him within fourteen days from the date on which he consults it.

(2) Where an order under section four of this Act directs that a wages council shall cease to operate in relation to any workers, and that another existing wages council shall operate in relation to them, but, save as aforesaid, does not affect the field of operation of any wages council, paragraphs 2 to 6 of this Schedule shall not apply but before making the order the Minister shall consult the councils concerned.

(3) On the reference under sub-paragraph (b) of paragraph 5 of this Schedule of a draft order for the abolition, or variation of the field of operation, of a wages council, subsection (2), or, as the case may be, (3) of section six of this Act shall apply as it would apply to the like reference under that section; and the power of the Minister under the said sub-paragraph (b) to modify the draft in making an order shall include power to make any alterations necessary to give effect to a recommendation of the commission, with or without modifications.

8. An order shall come into operation on the date on which it is first issued by Her Majesty's Stationery Office or on such later date as is specified in the order.

Sections 1, 7, 25.

SECOND SCHEDULE

CONSTITUTION, OFFICERS AND PROCEEDINGS OF WAGES COUNCILS AND CO-ORDINATING COMMITTEES

1. A wages council or central co-ordinating committee shall consist of persons appointed by the Minister, being—

- (a) not more than three persons chosen by the Minister as being independent persons ;
- (b) such number as the Minister thinks fit of persons who, in his opinion, represent employers in relation to whom the council or, as the case may be, the councils, in question is or are to operate ;
- (c) such number as the Minister thinks fit of persons who, in his opinion, represent workers in relation to whom the council or, as the case may be, the councils, in question is or are to operate.

2. Of the persons appointed under sub-paragraph (a) of paragraph 1 of this Schedule, one shall be appointed by the Minister to act as Chairman, and another may be appointed by the Minister to act as deputy chairman in the absence of the chairman.

3. Before appointing a person under sub-paragraph (b) or sub-paragraph (c) of the said paragraph 1, the Minister shall consult any organisations appearing to him to represent employers, or, as the case may be, workers, concerned, and the persons appointed under those sub-paragraphs shall be equal in number.

4. The Minister may appoint a secretary and such other officers as he thinks fit of a wages council or central co-ordinating committee.

5. The proceedings of a wages council or central co-ordinating committee shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.

6.—(1) A wages council or central co-ordinating committee may, if it thinks fit, delegate any of its powers under this Act to a committee or, as the case may be, sub-committee consisting of such number of persons, being members of the council or committee, as the council or committee thinks fit :

Provided that the members of the committee or sub-committee representing employers and the members of the committee or sub-committee representing workers shall be equal in number.

(2) The foregoing sub-paragraph does not empower a wages council to delegate its power to submit wages regulation proposals.

7. The Minister may make regulations as to the meetings and procedure of a wages council or central co-ordinating committee and of any committee or, as the case may be, sub-committee thereof, including regulations as to the quorum and the method of voting, but, subject to the provisions of this Act and to any regulations so made, a wages council or central co-ordinating committee and any committee or, as the case may be, sub-committee thereof may regulate its procedure in such manner as it thinks fit.

8.—(1) The term for which a member of a wages council or central co-ordinating committee is to hold office shall be such as may be determined by the Minister at the time of his appointment, and the conditions subject to which he is to hold office shall be such as may be prescribed.

2ND SCH.
—cont.

(2) Where the term for which the members of a wages council or central co-ordinating committee were appointed comes to an end before the Minister has appointed the persons who are to serve as members of the council or committee after the expiration of that term, they shall, except so far as the Minister otherwise directs, continue in office until the new appointments take effect.

9. There may be paid to the members of a wages council or central co-ordinating committee appointed under sub-paragraph (a) of paragraph 1 of this Schedule such remuneration, and to any member of any such council or committee such travelling and other allowances, as the Minister may, with the consent of the Treasury, determine, and all such remuneration and allowances shall be defrayed as part of the expenses of the Minister in carrying this Act into effect.

THIRD SCHEDULE

Sections 8, 25.

PROVISIONS AS TO ADVISORY COMMITTEES

1.—(1) Any committee appointed by the Minister at the request of a wages council shall consist of—

- (a) a chairman chosen as being an independent person ;
- (b) persons who appear to the Minister to represent the employers in relation to whom the committee will operate ; and
- (c) persons who appear to the Minister to represent the workers in relation to whom the committee will operate.

(2) On any such committee the persons appointed under head (b), and the persons appointed under head (c), of the foregoing sub-paragraph shall be equal in number.

2.—(1) The appointment of a member of any such committee as aforesaid shall be for such term as may be determined by the Minister before his appointment and shall be subject to such conditions as may be so determined.

(2) Where the term for which the members of an advisory committee were appointed comes to an end before the Minister has appointed the persons who are to serve as members of the committee after the expiration of that term, they shall, except so far as the Minister otherwise directs, continue in office until the new appointments take effect.

3. There may be paid to the chairman of any such committee as aforesaid such fees, and to any member of any such committee such travelling and other allowances, as the Minister may, with the consent of the Treasury, determine, and all such fees and allowances shall be defrayed out of moneys provided by Parliament.

FOURTH SCHEDULE

CONSTITUTION, OFFICERS AND PROCEEDINGS OF COMMISSIONS OF INQUIRY

1. Every commission of inquiry shall consist of persons appointed by the Minister, being—

- (a) not more than three persons chosen by the Minister as being independent persons ;
- (b) not more than two persons chosen by the Minister to represent employers ;
- (c) not more than two persons chosen by the Minister to represent workers.

2. Of the persons appointed under sub-paragraph (a) of paragraph 1 of this Schedule, one shall be appointed by the Minister to act as chairman, and another may be appointed by the Minister to act as deputy chairman in the absence of the chairman.

3. The persons appointed by the Minister under sub-paragraphs (b) and (c) of the said paragraph 1 shall be equal in number and shall be appointed after such consultation as the Minister may consider necessary with such organisations representing employers and workers respectively as he thinks fit, and the said persons shall be persons who, in the opinion of the Minister, are not connected with or likely to be affected by the matters to be inquired into by the commission.

4.—(1) The Minister may appoint such number of persons as he thinks fit as assessors to be available to any commission of inquiry, being persons who, in the opinion of the Minister, have an expert knowledge of any of the matters with which the commission's inquiry is concerned.

(2) An assessor shall not vote or otherwise be a party to any report or recommendation of the commission.

5. The Minister may appoint a secretary and such other officers as he thinks fit of any commission of inquiry.

6. The proceedings of a commission of inquiry shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.

7. The Minister may make regulations as to the meetings and procedure of commissions of inquiry, including regulations as to the quorum, but subject to the provisions of this Act and to any regulations so made, a commission of inquiry may regulate its procedure in such manner as it thinks fit.

8. There shall be paid to members of, and assessors to, any commission of inquiry such remuneration and such travelling and other allowances as the Minister may, with the consent of the Treasury, determine, and all such remuneration and allowances shall be defrayed as part of the expenses of the Minister in carrying this Act into effect.

FIFTH SCHEDULE

Section 26.

TRANSITIONAL AND SAVING PROVISIONS

1.—(1) The repeals effected by this Act shall not affect the continuance in force of any council, committee, commission, appointment, order, regulations or permit established, set up, made or granted, or deemed to be established, set up, made or granted, or any thing done, under any enactment repealed by this Act, and any such council, committee or commission shall continue, and any such appointment, order, regulations, permit or thing shall continue to have effect, as if established, set up, made, granted or done under the corresponding provisions of this Act.

(2) Any record kept or deemed to be kept, or notice displayed or deemed to be displayed, in pursuance of any enactment repealed by this Act shall be deemed to be kept or displayed in pursuance of the corresponding provision of this Act.

2. Any proceedings for the making of any order which are, or are deemed to be, in course of being held at the commencement of this Act under any enactment thereby repealed may be continued under the corresponding provision of this Act.

3.—(1) The following provisions of this paragraph shall have effect as respects any trade board which by virtue of subsection (2) of section twenty of the Wages Councils Act, 1945, was deemed to be a wages council established under Part I of that Act.

(2) If at the commencement of this Act the constitution of the board is not in all respects in accordance with the provisions of the said Act of 1945,—

- (a) the Minister may by order direct that, on such date as may be specified in the order, its constitution shall be in accordance with the provisions of this Act ;
- (b) until such date as may be so specified, any regulations made under the Trade Boards Acts, 1909 and 1918, with respect to its constitution shall, by virtue of this paragraph, continue to have effect.

4. Any order in force at the commencement of this Act confirming, varying or cancelling any rate under the Trade Boards Acts, 1909 and 1918, shall have effect as if it were a wages regulation order :

Provided that the amount of remuneration due to any worker to whom any such order relates shall (subject to any other provision made in that behalf under the Wages Councils Act, 1945, or this Act) be calculated in like manner as if the enactments repealed by the said Act of 1945 had not been so repealed.

5. Any reference in any enactment or document made before the passing of the Wages Councils Act, 1945, other than an enactment repealed by that Act, to a trade board shall be construed as including a reference to a wages council.

6.—(1) For the purposes of paragraph (a) of subsection (3) of section twelve of this Act a contravention of the Catering Wages Act,

5TH SCH.
—*cont.*

1943, shall be treated as a like contravention, and in relation to such a contravention the reference in paragraph (b) of that subsection to Part II of this Act shall be construed as a reference to the said Act of 1943.

(2) The reference in paragraph (a) of subsection (3) of section nineteen of this Act to Part II of this Act, and the reference in subsection (4) of that section to an offence under the said Part II, shall be construed respectively as including a reference to the Catering Wages Act, 1943, and to an offence under that Act.

7.—(1) Subsection (1) of section seventeen of this Act shall apply in relation to the Catering Wages Act, 1943, as if for the words from “to show” to “as respects them” there were substituted the words “to indicate, as respects those workers, compliance or non-compliance with the provisions of the Catering Wages Act, 1943”.

(2) As respects wages regulation proposals and wages regulation orders relating to workers within the field of operation of the Industrial and Staff Canteen Undertakings Wages Council, the Unlicensed Place of Refreshment Wages Council, the Licensed Residential Establishment and Licensed Restaurant Wages Council or the Licensed Non-residential Establishment Wages Council, being proposals or orders made before the commencement of the Terms and Conditions of Employment Act, 1959, it shall, except in so far as may be otherwise expressly provided by regulations under this Act, be sufficient compliance with subsection (2) of section seventeen of this Act to comply with the requirements in force, immediately before the commencement of the Terms and Conditions of Employment Act, 1959, under subsection (2) of section eleven of the Catering Wages Act, 1943, and the regulations under that Act.

8. Subsection (1) of section sixteen of this Act shall not apply to any payment made, under a contract entered into before the passing of the Terms and Conditions of Employment Act, 1959, by or in respect of a worker within the field of operation, as constituted by section one of that Act, of any of the wages councils specified in sub-paragraph (2) of the foregoing paragraph.

9. The repeals effected by this Act shall not affect any right of a worker to recover sums from his employer on account of the payment to the worker of remuneration less than the statutory minimum remuneration, or the power of an officer of the Minister to institute on behalf of and in the name of the worker civil proceedings for the enforcement of that right or the power of the court in such proceedings to make an order for the payment of costs by the officer.

10. The repeals effected by this Act shall not be construed as extending to Northern Ireland so much of the Terms and Conditions of Employment Act, 1959, as remains unrepealed or as affecting the meaning therein of the expression “worker”.

11. Any enactment or document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding provision of this Act.

12. Nothing in the foregoing paragraphs shall prejudice the operation of subsection (2) of section thirty-eight of the Interpretation Act, 1889.

SIXTH SCHEDULE
ENACTMENTS REPEALED

Section 26.

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 6. c. 17.	The Wages Councils Act, 1945.	The whole Act.
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act, 1946.	In section six, paragraph (c).
9 & 10 Geo. 6. c. 67.	The National Insurance Act, 1946.	In section six, in subsection (4), paragraph (c).
12, 13 & 14 Geo. 6. c. 7.	The Wages Councils Act, 1948.	The whole Act, except the words from " Parts II " to the end in paragraph (c) of subsection (1) of section one and the First Schedule.
7 & 8 Eliz. 2. c. 26.	The Terms and Conditions of Employment Act, 1959.	The whole Act, except section eight and so much of subsection (1) of section nine as provides for the short title.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Truck Act, 1896	59 & 60 Vict. c. 44.
Trade Boards Act, 1909	9 Edw. 7. c. 22.
Trade Boards Act, 1918	8 & 9 Geo. 5. c. 32.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
Catering Wages Act, 1943	6 & 7 Geo. 6. c. 24.
Wages Councils Act, 1945	8 & 9 Geo. 6. c. 17.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
House of Commons Disqualification Act, 1957 ...	5 & 6 Eliz. 2. c. 20.
Terms and Conditions of Employment Act, 1959 ...	7 & 8 Eliz. 2. c. 26.

CHAPTER 70

Town and Country Planning (Scotland) Act, 1959

ARRANGEMENT OF SECTIONS

PART I

COMPENSATION FOR COMPULSORY ACQUISITION OF LAND

Section

1. General provisions as to measure of compensation.
2. Assumptions as to planning permission.
3. Assumptions not directly derived from development plans.
4. Special assumptions in respect of certain land comprised in development plans.
5. Certification of appropriate alternative development.

Section

6. Appeals against certificates under s. 5.
7. Extension of ss. 5 and 6 to special cases.
8. Supplementary provisions as to certification of appropriate alternative development.
9. Modification of rules for assessment of compensation.
10. Acquisition of houses unfit for human habitation.
11. War-damaged land.
12. Other special cases.
13. Power to pay allowances to persons displaced.
14. Long-standing notices to treat.
15. Rights of owner where notice given of intention to proceed.
16. Recent entry under long-standing notice to treat.
17. Outstanding right to compensation for refusal, conditional grant, revocation or modification of planning permission.
18. Additional compensation for new planning permission in respect of land acquired.
19. Consideration for discharge of feu-duty, etc., in cases falling under s. 18.
20. Supplementary provisions as to compensation under s. 18 and additional consideration under s. 19.
21. Extension of ss. 18, 19 and 20 to planning permission where no planning decision made.
22. Extension of ss. 18, 19 and 20 to Crown development.

PART II**ACQUISITION, APPROPRIATION AND DISPOSAL OF LAND BY
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24. Exercise of powers of appropriation.
25. Adjustment of accounts on appropriation of land.
26. Amendment of s. 21 of Land Settlement (Scotland) Act, 1919.
27. Exercise of powers of disposing of land.
28. Amendment of s. 168 of Local Government (Scotland) Act, 1947, as to adjustment of accounts on disposal of land.
29. Protection of persons deriving title under transactions requiring consent.
30. General provisions relating to Part II.

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32. Appeals from certain decisions under Town and Country Planning Acts.
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37. Enforcement of limitations imposed by development orders.

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38. Notice requiring purchase of owner-occupier's interest.
39. Objection to notice requiring purchase of claimant's interest.
40. Reference of objection to Lands Tribunal.
41. Effect of valid notice requiring purchase of claimant's interest.
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44. Compensation for damage to requisitioned land.
45. Acquisition of land in connection with town development schemes.
46. Acquisition of land for trunk and special roads.
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48. Amendment of s. 81 of Lands Clauses Consolidation (Scotland) Act, 1845.
49. Recovery of certain sums from acquiring authorities.
50. Application of Act to Crown.
51. Adjustment of unexpended balances of established development value.
52. Provisions as to inquiries, notices and regulations.
53. Financial provisions.
54. Interpretation.
55. Consequential amendments and repeals.
56. Short title, citation, commencement and extent.

SCHEDULES:

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Second Schedule—Acquisition of houses as being unfit for human habitation.

Third Schedule—Application of sections eighteen and nineteen to special cases.

Fourth Schedule—Authorities to whom Part II applies.

Fifth Schedule—Supplementary provisions as to purchase of owner-occupier's interest.

Sixth Schedule—Reduction or extinguishment of unexpended balance of established development value.

Seventh Schedule—Enactments amended.

Eighth Schedule—Enactments repealed.

Ninth Schedule—Section seventeen of the Town and Country Planning (Scotland) Act, 1947, as amended.

An Act to re-enact in the form in which they apply to Scotland the provisions of the Town and Country Planning Act, 1959. [29th July, 1959]

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

COMPENSATION FOR COMPULSORY ACQUISITION OF LAND

1.—(1) The following provisions of the Town and Country Planning (Scotland) Act, 1947 (in this Act referred to as "the Act of 1947"), and of the Town and Country Planning (Scotland) Act, 1954 (in this Act referred to as "the Act of 1954"), that is to say,—

General provisions as to measure of compensation

(a) subsection (2) and subsections (4) to (6) of section forty-eight of the Act of 1947 (which require compensation

PART I

to be assessed on the basis of the existing use of the land), and

- (b) sections thirty-two to thirty-eight of the Act of 1954 (which provide for certain compensation in addition to compensation on the basis of existing use),

shall cease to have effect, except for the purpose of assessing compensation in respect of compulsory acquisitions to which this section does not apply; and, subject to the following provisions of this Part of this Act, compensation in respect of compulsory acquisitions to which this section applies shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (in this Act referred to as "the Act of 1919").

(2) This section applies to every compulsory acquisition of an interest in land in pursuance of a notice to treat served after the twenty-ninth day of October, nineteen hundred and fifty-eight.

**Assumptions
as to planning
permission.**

2.—(1) For the purpose of assessing compensation in respect of any compulsory acquisition to which section one of this Act applies, such one or more of the assumptions mentioned in sections three and four of this Act as are applicable to the relevant land or any part thereof shall be made in ascertaining the value of the relevant interest.

(2) Any planning permission which, in accordance with any of the provisions of those sections, is to be assumed as therein mentioned is in addition to any planning permission which may already be in force at the date of service of the notice to treat.

(3) Nothing in those provisions shall be construed as requiring it to be assumed that planning permission would necessarily be refused for any development, notwithstanding that it is not development for which, in accordance with those provisions, the granting of planning permission is to be assumed; but, in determining whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land, regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under the following provisions of this Part of this Act.

(4) For the purposes of any reference in this section, or in section three of this Act, to planning permission which is in force on the date of service of the notice to treat, it is immaterial whether the planning permission in question was granted—

- (a) unconditionally or subject to conditions, or
- (b) in respect of the land in question taken by itself or in respect of an area including that land, or
- (c) on an ordinary application or on an outline application or by virtue of a development order,

or is planning permission which, in accordance with any direction or provision given or made by or under any enactment, is deemed to have been granted.

3.—(1) In a case where—

(a) the relevant interest is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for development of the relevant land or part thereof, and

PART I
Assumptions
not directly
derived from
development
plans.

(b) on the date of service of the notice to treat there is not in force planning permission for that development, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, such as would permit development thereof in accordance with the proposals of the acquiring authority.

(2) For the purposes of paragraph (b) of the preceding subsection, no account shall be taken of any planning permission so granted as not to enure (while the permission remains in force) for the benefit of the land and of all persons for the time being interested therein.

(3) Subject to the next following subsection, it shall be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in the Third Schedule to the Act of 1947 (which relates to development included in the existing use of land).

(4) Notwithstanding anything in the last preceding subsection—

(a) it shall not by virtue of that subsection be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in Part II of the said Third Schedule, if it is development for which planning permission was refused at any time before the date of service of the notice to treat and compensation under section eighteen of the Act of 1947 became payable in respect of that refusal ;

(b) where, at any time before the said date, planning permission was granted, in respect of the relevant land or any part thereof, for development of any class specified in Part II of the said Third Schedule, but was so granted subject to conditions, and compensation under section eighteen of the Act of 1947 became payable in respect of the imposition of the conditions, it shall not by virtue of the last preceding subsection be assumed that planning permission for that development, in respect of the relevant land or that part thereof, as the case may be, would be granted otherwise than subject to those conditions ;

(c) where, at any time before the said date, an order was made under section twenty-four of the Act of 1947, in respect of the relevant land or any part thereof, requiring the removal of any building or the discontinuance of any use, and compensation became payable in

PART I

respect of that order under section twenty-five of that Act, it shall not by virtue of the last preceding subsection be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for the rebuilding of that building or the resumption of that use.

(5) Where a certificate is issued under the following provisions of this Part of this Act, it shall be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in relation thereto in that certificate as being development for which planning permission might reasonably have been expected to be granted:

Provided that if, in any such certificate, it is indicated that, in the opinion of the authority issuing the certificate, any such planning permission would only have been granted—

- (a) subject to conditions specified in the certificate, or
- (b) at a future time so specified, or
- (c) both subject to conditions so specified and at a future time so specified,

the assumption shall be that planning permission for development of that class would be granted, in respect of the relevant land or that part thereof, but would only be granted subject to those conditions, or at that future time, or both subject to those conditions and at that future time, as the case may be.

Special
assumptions
in respect of
certain land
comprised in
development
plans.

4.—(1) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of a site defined in the current development plan as the site of proposed development of a description specified in relation thereto in the plan, it shall be assumed that planning permission would be granted for that development.

(2) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan as an area allocated primarily for a use specified in the plan in relation to that area, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development which—

- (a) is development for the purposes of that use of the relevant land or that part thereof, and
- (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(3) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan as an area allocated primarily for a range of two or more uses specified in

the plan in relation to the whole of that area, it shall be assumed that planning permission would be granted in respect of the relevant land or that part thereof, as the case may be, for any development which—

- (a) is development for the purposes of a use of the relevant land or that part thereof, being a use falling within that range of uses, and
- (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(4) If the relevant land or any part thereof is land subject to comprehensive development it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development for the purposes of a use of the relevant land or that part thereof falling within the planned range of uses (whether it is the use which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, is indicated in the plan as the proposed use of the relevant land or that part thereof, or is any other use falling within the planned range of uses) being development for which, in the circumstances specified in the next following subsection, planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.

(5) The circumstances referred to in the last preceding subsection are those which would have existed if—

- (a) the area in question had not been defined in the current development plan as an area of comprehensive development, and no particulars or proposals relating to any land in that area had been comprised in the plan, and
- (b) in a case where, on the date of service of the notice to treat, land in that area has already been developed in the course of the development or redevelopment of the area in accordance with the plan, no land in that area had been so developed on or before that date;

and in that subsection “the planned range of uses” means the range of uses which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, are indicated in the plan as proposed uses of land in that area.

(6) Where in accordance with any of the preceding subsections it is to be assumed that planning permission would be granted as therein mentioned—

- (a) the assumption shall be that planning permission would be so granted subject to such conditions (if any) as, in the circumstances mentioned in the subsection in

PART I

question, might reasonably be expected to be imposed by the authority granting the permission, and

- (b) if, in accordance with any map or statement comprised in the current development plan, it is indicated that any such planning permission would be granted only at a future time, then (without prejudice to the preceding paragraph) the assumption shall be that the planning permission in question would be granted at the time when, in accordance with the indications in the plan, that permission might reasonably be expected to be granted.

(7) Any reference in this section to development for which planning permission might reasonably have been expected to be granted is a reference to development for which planning permission might reasonably have been expected to be granted if no part of the relevant land were proposed to be acquired by any authority to whom the Act of 1919 applies.

(8) In this section "the current development plan", in relation to any land, means a development plan comprising that land, in the form in which (whether as originally approved or made by the Secretary of State or as for the time being amended) that plan is in force on the date of service of the notice to treat, and "land subject to comprehensive development" means land which, on the date of service of the notice to treat, consists or forms part of an area defined in the current development plan as an area of comprehensive development.

Certification of appropriate alternative development.

5.—(1) Where an interest in land is proposed to be acquired by a public authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—

- (a) an area defined in the current development plan as an area of comprehensive development, or
- (b) an area shown in the current development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,

then, subject to the next following subsection, either of the parties directly concerned may apply to the local planning authority for a certificate under this section.

(2) If, in the case of an interest in land falling within the preceding subsection, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by one

of the parties directly concerned after the date of that reference except either—

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(a) with the consent in writing of the other of those parties,
or

(b) with the leave of the Lands Tribunal.

(3) An application for a certificate under this section made by one of the parties directly concerned—

(a) shall specify one or more classes of development appearing to the applicant to be classes of development which would in the relevant circumstances be appropriate for the land in question, and

(b) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served upon the other of those parties.

(4) Where an application is made to a local planning authority for a certificate under this section in respect of an interest in land, the local planning authority shall, not earlier than twenty-one days after the date specified in the statement accompanying the application in accordance with paragraph (b) of the last preceding subsection, issue to the applicant a certificate stating either—

(a) that, in the opinion of the local planning authority, planning permission for development of one or more classes specified in the certificate (whether being classes of development specified in the application or not) might, in the relevant circumstances, reasonably have been expected to be granted in respect of the land in question, or

(b) that, in the opinion of the local planning authority, planning permission could not, in the relevant circumstances, reasonably have been expected to be granted for any development of the land in question, other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.

(5) Where, in the opinion of the local planning authority, planning permission might reasonably have been expected to be granted as mentioned in paragraph (a) of the last preceding subsection, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both of them, as the case may be, in addition to the other matters required to be contained in the certificate.

(6) For the purposes of the last preceding subsection, a local planning authority may formulate general requirements applicable to such classes of cases as may be described therein; and any conditions required to be specified in a certificate in accordance with that subsection may, if it appears to the local planning

PART I

authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.

(7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development might, in the relevant circumstances, reasonably have been expected to be granted in respect of any land, the local planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.

(8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.

(9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority shall serve a copy of the certificate on the other of those parties.

(10) In this section “in the relevant circumstances”, in relation to an application for a certificate, means if the land to which the application relates were not proposed to be acquired by any authority to whom the Act of 1919 applies; and in this and the three next following sections “the parties directly concerned”, in relation to an interest in land, means the person entitled to the interest and the authority by whom it is proposed to be acquired.

Appeals
against
certificates
under s. 5.

6.—(1) Where the local planning authority have issued a certificate under the last preceding section in respect of an interest in land,—

- (a) the person for the time being entitled to that interest, or
- (b) any public authority possessing compulsory purchase powers by whom that interest is proposed to be acquired,

may appeal to the Secretary of State against that certificate.

(2) On any appeal under this section against a certificate the Secretary of State shall consider the matters to which the certificate relates, as if the application for a certificate under the last preceding section had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate:

Provided that before determining any such appeal the Secretary of State shall, if any such person or authority as is mentioned in paragraph (a) or paragraph (b) of the preceding subsection so desires, afford to each such person or authority and to the local planning authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Where an application is made for a certificate under the last preceding section, and at the expiry of the time prescribed for the issue thereof (or, if an extended period is at any time agreed upon in writing by the parties directly concerned and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with that section, the preceding provisions of this section shall apply as if the local planning authority had issued such a certificate containing such a statement as is mentioned in paragraph (b) of subsection (4) of the last preceding section.

7.—(1) Where an interest in land is proposed to be acquired in the circumstances mentioned in subsection (1) of section five of this Act, and, by reason that the person entitled to the interest is absent from the United Kingdom or cannot be found, the compensation payable in respect of the interest falls to be determined by the valuation of a valuator under section fifty-six of the Lands Clauses Consolidation (Scotland) Act, 1845, the valuator, before carrying out his valuation, may apply to the local planning authority for a certificate under the said section five; and the provisions of sections five and six of this Act shall apply in relation to an application made by virtue of this subsection as they apply in relation to an application made by virtue of subsection (1) of the said section five.

Extension of
ss. 5 and 6 to
special cases.

(2) Where, in pursuance of an application made by virtue of the preceding subsection, the local planning authority issue a certificate to the valuator, the authority shall serve copies of the certificate on both the parties directly concerned.

(3) Where an interest in land is proposed to be acquired in the circumstances mentioned in subsection (1) of section five of this Act, and that interest is the dominium utile of the land, an application to the local planning authority for a certificate under that section may be made by any person entitled to any feu duty or ground annual or other annual or recurring payment or incumbrance out of the land (not being stipend or standard charge in lieu of stipend) in the like circumstances and in the like manner as such an application may be made by the person entitled to the interest.

(4) Where, in pursuance of an application made by virtue of the last preceding subsection, the local planning authority issue a certificate to the applicant, the authority shall serve copies of the certificate on both the parties directly concerned.

PART I

(5) An application for a certificate made by virtue of subsection (1) or subsection (3) of this section shall specify the matters referred to in paragraph (a) of subsection (3) of the said section five, and shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on each of the parties directly concerned ; and, in relation to such an application, subsection (4) of the said section five shall have effect with the substitution, for the reference to the date specified in the statement accompanying the application in accordance with paragraph (b) of the said subsection (3), of a reference to the date specified in the statement accompanying the application in accordance with this subsection, or, where more than one date is so specified, the later of those dates.

(6) Where a certificate has been issued in pursuance of an application made by virtue of subsection (3) of this section, or in a case where an application for a certificate could have been made thereunder, the provisions of section six of this Act shall apply as if any reference to the person entitled to the interest in question, or to the parties directly concerned, included a reference to the person who made or could have made that application, as the case may be.

Supplementary provisions as to certification of appropriate alternative development.

8.—(1) Without prejudice to any other matters for which provision may be made by development orders, provision may be made by a development order for regulating the manner in which applications under section five or section seven of this Act, and appeals under section six of this Act, are to be made and dealt with respectively, and other procedural matters ancillary to such applications and appeals, and in particular—

- (a) for prescribing (subject to the provisions of subsection (4) of section five of this Act) the time within which a certificate is required to be issued under the said section five ;
- (b) for prescribing the manner in which notices of appeals under section six of this Act are to be given, and the time for giving any such notice ;
- (c) for requiring local planning authorities to furnish the Secretary of State, and such other persons (if any) as may be prescribed by or under the order, with such information as may be so prescribed with respect to applications under section five or section seven of this Act, including information whether any such application has been made in respect of any particular land and information as to the manner in which any such application has been dealt with, together, in such cases as may be so prescribed, with copies of certificates issued under the said section five ;

- (d) for requiring a local planning authority, on issuing a certificate specifying conditions by reference to general requirements in accordance with subsection (6) of the said section five, to supply a copy of those requirements (or of so much thereof as is relevant to the certificate) with each copy of the certificate, unless, before the certificate is issued, the requirements in question have been made available to the public in such manner as may be specified in the development order ;
- (e) for requiring a public authority possessing compulsory purchase powers who—
- (i) propose to acquire the dominium utile of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of section five of this Act), and
 - (ii) also propose to require the discharge of the land from any feu-duty or other incumbrance such as is mentioned in subsection (3) of section seven of this Act,
- to serve, at such time as may be specified in the order, notice of the proposals on the person entitled to the feu-duty or other incumbrance ;
- (f) for requiring a public authority possessing compulsory purchase powers, when serving a notice to treat in relation to, or purchasing, the dominium utile of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of section five of this Act) to give notice of the fact that they have done so to such persons as may be prescribed in the order, being persons who might be entitled to apply under subsection (3) of section seven of this Act for a certificate relating to the land.

(2) For the purposes of sections five and six of this Act, an interest in land shall be taken to be an interest proposed to be acquired by a public authority possessing compulsory purchase powers in the following (but no other) circumstances, that is to say,—

- (a) where, for the purposes of a compulsory acquisition by that authority of land consisting of or including the land in which that interest subsists, a notice required to be published or served in connection with that acquisition, either by an Act or by any Standing Order of either House of Parliament relating to petitions for private bills, has been published or served in accordance with that Act or Order ; or

PART I

- (b) where a notice requiring the purchase of that interest has been served under any enactment (including any enactment contained in this Act) and in accordance with that enactment that authority are to be deemed to have served a notice to treat in respect of that interest; or
- (c) where an offer in writing has been made by or on behalf of that authority to negotiate for the purchase of that interest.

(3) For the purpose of determining whether an application can be made at any time in relation to any land under subsection (1) of section five or under section seven of this Act, any reference in the said subsection (1) to the current development plan shall be construed as a reference to a development plan comprising that land, in the form in which (whether as originally approved or made by the Secretary of State or as for the time being amended) that plan is in force at that time:

Provided that in any case where—

- (a) the interest in land in question is to be acquired in the circumstances mentioned in paragraph (b) of the last preceding subsection, or
- (b) the acquiring authority (otherwise than in those circumstances) have served a notice to treat in respect of that interest, or
- (c) the acquiring authority have entered into a contract for the purchase of that interest,

any such reference shall be construed as a reference to a development plan comprising that land, in the form in which (whether as originally approved or made by the Secretary of State or as for the time being amended) that plan was in force on the date of service of the notice to treat, or on the date of the contract, as the case may be, or, in a case where both dates are applicable, on the later of those dates.

Modification
of rules for
assessment of
compensation.

9.—(1) In addition to the rules applicable in accordance with section two of the Act of 1919 (which prescribes rules for the assessment of compensation), the following provisions of this section shall have effect for the purpose of assessing the compensation payable in respect of compulsory acquisitions to which section one of this Act applies:

Provided that, in cases falling within the First Schedule to this Act, those provisions shall have effect subject to the provisions of that Schedule.

(2) In each of the cases mentioned in the first column of the following table, no account shall be taken of any increase or

diminution of the value of the relevant interest which is attributable—

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(a) to the carrying out of any such development as is mentioned in relation thereto in the second column of that table, or

(b) to the prospect that any such development will or may be carried out,

in so far as any such development (whether actual or prospective) is or would be development arising from the circumstances of that case.

TABLE

Case	Development
1. In the case of every acquisition for purposes involving development of any of the land authorised to be acquired.	Development of any of the land authorised to be acquired, other than the relevant land, being development for any of the purposes for which any part of the first-mentioned land (including any part of the relevant land) is to be acquired.
2. Where any of the relevant land forms part of an area defined in the current development plan as an area of comprehensive development.	Development of any land in that area, other than the relevant land, in the course of the development or redevelopment of the area in accordance with the plan.
3. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as the site of a new town by an order under the New Towns Act, 1946.	Development of any land in that area, other than the relevant land, in the course of the development of that area as a new town.
4. Where any of the relevant land forms part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act, 1957, relates, being a scheme which is in operation on the date of service of the notice to treat.	Development of any land in that area, other than the relevant land, in the course of the execution of the scheme.

(3) The provisions of the next following subsection shall have effect where, on the date of service of the notice to treat, the person entitled to the relevant interest is also entitled in the same

PART I

capacity to an interest in other land contiguous or adjacent to the relevant land (in this and the next following subsection referred to as "the interest in adjacent land"), and in any of the cases mentioned in the first column of the table set out in the last preceding subsection there is an increase in the value of the interest in adjacent land which is attributable—

- (a) to the carrying out of any such development as is mentioned in relation to that case in the second column of that table, or
- (b) to the prospect that there will or may be carried out any such development as is mentioned in relation to that case in the second column of that table (modified, for the purposes of this paragraph by the omission of the words "other than the relevant land" wherever those words occur),

in so far as any such development (whether actual or prospective) is or would be development arising from the circumstances of that case.

(4) Where the last preceding subsection applies, the increase in the value of the interest in adjacent land shall be taken into account, and the amount thereof shall be deducted from the amount of the compensation which apart from this subsection would be payable in respect of the compulsory acquisition:

Provided that nothing in this subsection shall affect the amount which is to be taken as the amount of the compensation for the purposes of section sixty-two of the Act of 1954 (which relates to the consideration payable for the discharge of land from feu-duty and other incumbrances).

(5) In determining whether the relevant land forms part of such an area as is mentioned in paragraph 3 of the table set out in subsection (2) of this section,—

- (a) in the case of an area designated as the site of a new town by an order which became operative on or before the twenty-ninth day of October, nineteen hundred and fifty-eight, regard shall be had to that order in the form in which, whether as originally made or as subsequently varied, it was in force on that day, and any variation becoming operative after that day shall be disregarded;
- (b) in the case of an area designated as the site of a new town by an order which became operative after the said twenty-ninth day of October, whether before or after the passing of this Act, regard shall be had to the order in its original form, and any variation of the order shall be disregarded.

(6) No account shall be taken of any depreciation of the value of the relevant interest which is attributable to the fact that

(whether by way of designation, allocation or other particulars contained in the current development plan, or by any other means) an indication has been given that the relevant land is, or is likely, to be acquired by an authority to whom the Act of 1919 applies.

(7) Any reference in this section to development (whether actual or prospective) which is or would be development arising from the circumstances of a case mentioned in the first column of the table set out in subsection (2) of this section—

- (a) in relation to any acquisition for purposes involving development of any of the land authorised to be acquired, shall (subject to the next following paragraph) be construed as a reference to development (whether actual or prospective) which would not have been likely to be carried out if the acquiring authority had not acquired, and did not propose to acquire, any of that land, and
- (b) in relation to any acquisition falling within one or more of paragraphs 2 to 4 in the said first column, shall be construed as including (or, if the acquisition is not for purposes involving development of any of the land authorised to be acquired, shall be construed as) a reference to any development (whether actual or prospective) which would not have been likely to be carried out if the area or areas referred to in that paragraph or those paragraphs had not been defined or designated as therein mentioned or (in a case falling within paragraph 4) if the scheme therein mentioned had not come into operation.

(8) In this section “the current development plan” has the same meaning as in section four of this Act, and “the land authorised to be acquired”, in relation to the compulsory acquisition of an interest in land in pursuance of a notice to treat,—

- (a) where the compulsory acquisition was authorised by a compulsory purchase order or a special enactment, means the aggregate of the land comprised in that authorisation, and
- (b) where the compulsory acquisition does not fall within the preceding paragraph, but is effected under powers exercisable by virtue of any enactment for defence purposes (within the meaning of the Land Powers (Defence) Act, 1958), means the aggregate of the land comprised in the notice to treat and of any land contiguous or adjacent thereto which is comprised in any other notice to treat served under the like powers not more than one month before and not more than one month after the date of service of that notice,

PART I and any reference to development of any land shall be construed as including a reference to the clearing of that land.

Acquisition of houses unfit for human habitation.

10. The provisions of the Second Schedule to this Act shall have effect as to compensation in respect of the acquisition of land in the circumstances mentioned in that Schedule.

War-damaged land.

11. Section fourteen of the War Damage Act, 1943 (which relates to war damage payments where partially damaged land is acquired by a public authority possessing compulsory purchase powers), section fifty of the Act of 1947 (which relates to acquisitions attracting converted value payments under the War Damage Act, 1943), and the following provisions of section fifty-three of the Act of 1947 (which relates to war-damaged land in respect of which compensation is assessable on the basis of equivalent reinstatement) that is to say—

(a) in subsection (2) of that section, the words from “and the right to receive any value payment” to the end of the subsection, and

(b) subsection (3) of that section,

shall not have effect (in so far as they would be applicable respectively apart from this section) in relation to a compulsory acquisition to which section one of this Act applies, or to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition.

Other special cases.

12.—(1) The provisions specified in the next following subsection shall cease to have effect, except (where applicable) for the purpose of assessing compensation in respect of compulsory acquisitions to which section one of this Act does not apply.

(2) The said provisions are—

(a) subsection (5) of section seventy-nine of the Act of 1947 (which relates to certain acquisitions of land held by local authorities for statutory purposes);

(b) subsection (4) of section eighty-one of that Act (which relates to certain acquisitions of operational land of statutory undertakers);

(c) subsection (4) of section eighty-two of that Act (which relates to certain acquisitions of land held for charitable purposes); and

(d) the provisions of subsection (4) of section eighty-one of that Act as applied by regulations under section eighty-six of that Act (which relates to the National Coal Board).

(3) In relation to compulsory acquisitions of interests in land which has been acquired by statutory undertakers for the purposes of their undertaking, the provisions of this Part of this Act shall have effect subject to the provisions of subsection

(5) of section forty-two of the Act of 1947 (which makes special provision as to the compensation payable in respect of certain acquisitions of land so acquired).

13.—(1) In connection with any compulsory acquisition to which section one of this Act applies, and in connection with any sale of an interest in land by agreement in circumstances corresponding to such an acquisition, the acquiring authority— Power to pay allowances to persons displaced.

- (a) may pay to any person displaced from a house or other building on that land such reasonable allowance as they think fit towards his expenses in removing therefrom; and
- (b) may pay to any person carrying on any trade or business in any such house or other building such reasonable allowance 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 upon his having to quit the house or building.

(2) In estimating loss, for the purposes of paragraph (b) of the preceding subsection, the authority shall have regard to the period for which the premises occupied by the person in question might reasonably have been expected to be available for the purpose of his trade or business, and to the availability of other premises suitable for that purpose.

(3) The preceding provisions of this section shall have effect without prejudice to the operation of any other enactments authorising the making of payments to or in respect of persons displaced or otherwise affected by acquisitions by public authorities possessing compulsory purchase powers.

14.—(1) This section applies to every notice to treat served before the thirteenth day of August, nineteen hundred and forty-seven, by a public authority possessing compulsory purchase powers, being a notice in respect of which the following conditions are fulfilled, that is to say,— Long-standing notices to treat.

- (a) that the acquisition of the interest in land to which the notice relates has not before the commencement of this Act been completed by the vesting of that interest in the acquiring authority;
- (b) that the acquiring authority have not before the commencement of this Act exercised any right of entering upon and taking possession of land in pursuance of that notice;
- (c) that compensation in respect of the acquisition of that interest has not before the commencement of this Act been paid to and accepted by the person entitled to the interest, or any other person competent to give an effective discharge for such compensation;

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- (d) that the amount of the compensation payable in respect of the acquisition of that interest has not before the commencement of this Act been determined by an official arbiter appointed under the Act of 1919, or determined under section fifty-six of the Lands Clauses Consolidation (Scotland) Act, 1845; and
- (e) that the notice has not been withdrawn before the commencement of this Act.

(2) If a public authority possessing compulsory purchase powers intend to proceed with the compulsory acquisition of an interest in land, in pursuance of a notice to treat to which this section applies, they shall, before the end of the period of six months beginning with the commencement of this Act, serve on the person for the time being entitled to that interest a notice in the prescribed form (in this Act referred to as a "notice of intention to proceed") stating that fact; and if, at the end of that period, no notice of intention to proceed has been served in accordance with this subsection in respect of an interest to which such a notice to treat relates, the notice to treat shall thereupon cease to have effect in so far as it relates to that interest.

(3) The form prescribed under the last preceding subsection shall include such explanation of the provisions of this and the next following section as appears to the Secretary of State to be requisite for informing recipients of notices of intention to proceed of their rights and obligations under those provisions.

(4) Where a notice of intention to proceed has been served, in respect of the compulsory acquisition of an interest in land, and, at the end of the period of one year beginning with the date of service of that notice, the compensation payable in respect of the acquisition of that interest has not been agreed, and no proceedings have been begun for the determination of any question relating to that compensation, the notice to treat, with respect to which the notice of intention to proceed was served, shall cease to have effect in so far as it relates to that interest:

Provided that this subsection shall not apply if, before the end of the said period of one year, the acquiring authority have exercised a right of entering upon and taking possession of land in pursuance of the notice to treat.

(5) The authority by whom a notice to treat to which this section applies has been served shall not be entitled after the commencement of this Act to exercise any rights or powers in pursuance of that notice, unless they have served a notice of intention to proceed in accordance with this section.

(6) Nothing in this section shall affect any question as to the validity of a notice to treat apart from the provisions of this section.

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15.—(1) Where a notice of intention to proceed has been served under the last preceding section, in respect of the compulsory acquisition of an interest in land in pursuance of a notice to treat to which that section applies (in this section referred to as “the original notice to treat”), the person for the time being entitled to that interest may (subject to the following provisions of this section) elect that compensation in respect of the compulsory acquisition of that interest shall be assessed as if the original notice to treat had been served on the first day of January, nineteen hundred and fifty-eight.

Rights of owner where notice given of intention to proceed.

(2) Any such election shall be signified in a notice of claim given in accordance with the provisions of subsection (2) of section five of the Act of 1919, and shall not have effect if that notice is given after the end of the period of six months beginning with the date of service of the notice of intention to proceed.

(3) A person who has become entitled to the interest in question in pursuance of a transaction effected for valuable consideration after the service of the original notice to treat, or who derives title to it from a person who so became entitled to it, shall not have any such right of election as is mentioned in subsection (1) of this section.

(4) Where such an election is signified in accordance with the preceding provisions of this section, the provisions of any enactment relating to the compulsory acquisition of interests in land or to compensation in respect of such acquisitions shall apply (subject to the next following subsection) as if the original notice to treat had been served on the first day of January, nineteen hundred and fifty-eight.

(5) If, after an election has been so signified by the person entitled to the relevant interest, the original notice to treat is withdrawn, the compensation payable to him under subsection (2) of section five of the Act of 1919, in respect of any loss or expenses occasioned by that notice having been given to him and withdrawn, shall be limited to the aggregate of—

- (a) any loss or expenses so occasioned after the service of the notice of intention to proceed, and
- (b) any expenses reasonably incurred by him, before the service of the last-mentioned notice, in preparing and supporting a claim for compensation in respect of the acquisition.

16.—(1) Where a notice to treat was served before the thirteenth day of August, nineteen hundred and forty-seven, by a public authority possessing compulsory purchase powers, and—

Recent entry under long-standing notice to treat.

PART I

- (a) the conditions specified in paragraphs (a), (c), (d) and (e) of subsection (1) of section fourteen of this Act are fulfilled in relation to that notice, but
- (b) on a date after the twenty-ninth day of October, nineteen hundred and fifty-eight, and before the commencement of this Act, the acquiring authority exercised a right of entering upon and taking possession of land in pursuance of that notice,

the following provisions of this section shall have effect.

(2) It shall be the duty of the acquiring authority, before the end of the period of six months beginning with the commencement of this Act, to serve on the person for the time being entitled to the relevant interest a notice in the prescribed form.

(3) The form prescribed under the last preceding subsection shall include such explanation of the provisions applicable by virtue of this section as appears to the Secretary of State to be requisite for informing recipients of notices under that subsection of their rights and obligations under those provisions.

(4) Where subsection (1) of this section applies, the provisions of section fifteen of this Act (except subsection (5) of that section) shall have effect as if the notice to treat had been a notice to which section fourteen of this Act applied, and the acquiring authority had served a notice of intention to proceed in respect of the compulsory acquisition of the relevant interest in pursuance of that notice to treat, and as if that notice of intention to proceed—

- (a) had been served on the date on which the acquiring authority served a notice under subsection (2) of this section in respect of the relevant interest, or
- (b) in default of service of such a notice under subsection (2) of this section, had been served at the end of the period of six months beginning with the commencement of this Act.

Outstanding
right to
compensation
for refusal,
conditional
grant,
revocation or
modification
of planning
permission.

17.—(1) The provisions of this section shall have effect in relation to a compulsory acquisition to which section one of this Act applies where—

- (a) before the service of the notice to treat a planning decision or order has been made in such circumstances as to give rise to a claim for compensation for depreciation of the value of an interest in land, being land which consists of or includes the whole or part of the relevant land ;
- (b) whether such a claim has been made or not, no notice stating that compensation has become payable for depreciation of the value of that interest in consequence

of that planning decision or order has been recorded before the date of service of the notice to treat; but

(c) such a notice is recorded on or after that date.

(2) Where the preceding subsection applies, the compensation payable in respect of the compulsory acquisition shall be assessed as if the notice referred to in paragraph (c) of the preceding subsection had been recorded before the date of service of the notice to treat.

(3) For the purposes of this section a planning decision or order shall be taken to give rise to a claim for compensation for depreciation of the value of an interest in land if (subject to the making and determination of a claim in accordance with the relevant provisions, and to the effect of any direction of the Secretary of State under section twenty-three or section forty-seven of the Act of 1954) a person is entitled to compensation for depreciation of the value of that interest in consequence of that decision or order.

(4) In this section any reference to compensation for depreciation of the value of an interest in land is a reference to compensation payable either—

(a) under Part II or Part V of the Act of 1954 in respect of depreciation of the value of that interest, or

(b) under subsection (1) of section twenty of the Act of 1947 in respect of loss or damage consisting of depreciation of the value of that interest;

any reference to recording is a reference to recording in the appropriate Register of Sasines under subsection (1) of section twenty-nine, or under section forty-one, of the Act of 1954, or under the provisions of the said subsection (1) as applied by section forty-eight of that Act; and “the relevant provisions”, in relation to compensation under Part II or Part V of the Act of 1954, means the provisions of the said Part II, or those provisions as applied by the said Part V, and, in relation to compensation under subsection (1) of section twenty of the Act of 1947, means the provisions of regulations made under the Act of 1947 with respect to claims for compensation under that subsection.

18.—(1) The provisions of this section shall have effect where, by a planning decision made before the end of the period of five years beginning with the date of completion of—

(a) a compulsory acquisition to which section one of this Act applies, or

(b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

permission is granted for the carrying out of additional development of any of the land which was comprised in the acquisition or sale.

Additional compensation for new planning permission in respect of land acquired.

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(2) Subject to the following provisions of this section, if the principal amount of the compensation which was payable in respect of the compulsory acquisition or, in the case of a sale by agreement, the amount of the purchase price, was less than the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest in question with the benefit of the planning decision referred to in the preceding subsection, the person to whom the compensation or purchase price was payable shall, on a claim duly made by him, be entitled to compensation from the acquiring authority of an amount equal to the difference.

(3) In the last preceding subsection the reference to the compensation which would have been payable in respect of a compulsory acquisition of the interest in question with the benefit of the planning decision therein mentioned is a reference to the compensation which would have been payable in respect of a compulsory acquisition of that interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date, if that planning decision had been made before that date and the permission thereby granted had been in force on that date.

(4) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates—

- (a) to land which on the relevant date consisted or formed part of an area defined in a development plan as an area of comprehensive development ; or
- (b) to land acquired by the acquiring authority, whether compulsorily or by agreement, under paragraph (a) of subsection (1) of section four of the New Towns Act, 1946 (which relates to the acquisition by development corporations of land within areas designated as the sites of new towns) ; or
- (c) to land acquired by the acquiring authority in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946 (whereby a development corporation can be required to purchase an interest in land in a new town) ; or
- (d) to land acquired by a local authority, whether compulsorily or by agreement, where on the relevant date the land consisted or formed part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act, 1957, related.

(5) If in accordance with the preceding provisions of this section the person referred to in subsection (2) of this section would be entitled to compensation as therein mentioned, but before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before

that act or event, would thereupon have vested in some other person, the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.

(6) The provisions of Parts I and III of the Third Schedule to this Act shall have effect for the purposes of this section.

(7) In this section any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission for that development—

- (a) either unconditionally or subject to conditions, and
- (b) either in respect of that land taken by itself or in respect of an area including that land, and
- (c) either on an ordinary application or on an outline application,

and any reference to an area defined in a development plan is a reference to an area defined in such a plan in the form in which (whether as originally approved or made by the Secretary of State or as subsequently amended) that plan was in force on the relevant date.

(8) In this section and in the following provisions of this part of this Act “additional development”, in relation to an acquisition or sale of an interest in land, means any development of the land in question other than the following, that is to say—

- (a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;
- (b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;
- (c) development for which planning permission was in force on the relevant date; and
- (d) development of which—

(i) in the case of a compulsory acquisition, it was, for the purpose of assessing compensation in respect thereof, assumed (in accordance with the provisions of section three or section four of this Act) that planning permission would be granted, or

(ii) in the case of a sale by agreement, it would have been so assumed that planning permission would be granted if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date;

PART I

“date of completion”, in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring authority; and “the relevant date”, in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat, and in relation to a sale of such an interest by agreement means the date of the making of the contract in pursuance of which the sale was effected.

Consideration for discharge of feu-duty, etc., in cases falling under s. 18.

19.—(1) In calculating for the purposes of paragraph (a) of subsection (2) of section sixty-two of the Act of 1954 (which relates to the consideration payable for the discharge of land from feu-duty and other incumbrances) the amount of the compensation payable in respect of the acquisition or sale of the dominium utile in any land, that amount shall be increased by an amount equal to the compensation, if any, which would be payable under the last preceding section in respect of that acquisition or sale if subsection (6) of that section were disregarded.

(2) In calculating for the purposes of paragraph (b) of the said subsection (2) the amount of the compensation which would have been so payable in the circumstances mentioned in that paragraph, that amount shall be increased by an amount equal to the compensation, if any, which would have been payable under the last preceding section in respect of that acquisition or sale if—

(a) those circumstances had existed, and

(b) subsection (6) of the last preceding section were disregarded.

(3) Where in respect of an acquisition or sale such as is mentioned in subsection (1) of the last preceding section any consideration has been paid under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Act of 1954), and a planning decision relating to the land in question is made thereafter in the circumstances mentioned in the said subsection (1), the person who has received the consideration shall, on a claim duly made by him, be entitled to receive from the acquiring authority an amount (in this and the next following subsection referred to as “additional consideration”) equal to the difference between—

(a) the amount of the consideration he has received, and

(b) the amount of the consideration he would have received if that planning decision had been made before the date when the consideration which he has received was determined and the permission thereby granted had been in force before that date,

if the last mentioned amount is greater than the amount mentioned in paragraph (a) of this subsection.

(4) If in accordance with the last preceding subsection a person would be entitled to additional consideration in respect of an acquisition or sale, but before the planning decision in question that person has died, or any other act or event has occurred whereby the right to the additional consideration, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to the additional consideration shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the additional consideration shall be payable to the persons claiming under him accordingly.

(5) The provisions of Parts II and III of the Third Schedule to this Act shall have effect for the purposes of this section.

20.—(1) For the purpose of facilitating the making of claims for compensation under section eighteen of this Act—

- (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in subsection (1) of that section, or
- (b) any person claiming under him, as being a person who, if compensation under that section became payable, would be entitled thereto by virtue of subsection (5) of that section,

Supplementary provisions as to compensation under s. 18, and additional consideration under s. 19.

may give to the acquiring authority an address for service under this section.

(2) Where, at any time after a person has given to an acquiring authority an address for service under this section a planning decision is made in the circumstances mentioned in subsection (1) of section eighteen of this Act, whereby permission is granted for the carrying out of additional development as therein mentioned, it shall be the duty of the acquiring authority to give notice of the decision in the prescribed form to that person at that address:

Provided that an acquiring authority shall not be required by virtue of this subsection to give notice of a planning decision to the person mentioned in paragraph (a) of the preceding subsection at a time after an address for service has been given to them by such a person as is mentioned in paragraph (b) of that subsection, if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred such as is mentioned in subsection (5) of the said section eighteen.

(3) A claim for compensation under section eighteen of this Act in respect of a planning decision—

- (a) if made by a person who has not given the acquiring authority an address for service under this section, shall not have effect if made more than six months after the date of the decision; and

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- (b) if made by a person who has given the acquiring authority such an address, shall not have effect if made after the end of the period of six months beginning with the date on which notice of the decision is given to him in accordance with the last preceding subsection:

Provided that, in relation to a planning decision where there is an appeal (including any appeal made by virtue of subsection (3) of section fourteen of the Act of 1947), references in this subsection to the date of the decision shall be construed as references to the date of the decision on the appeal.

(4) Where a person has given to an acquiring authority an address for service under this section, and that authority, before the end of the period mentioned in subsection (1) of section eighteen of this Act, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to the dominium utile, or a tenancy, of that land or that part thereof, as the case may be, they shall notify the local planning authority; and thereafter it shall be the duty of the local planning authority to give notice to the acquiring authority of any planning decision made in the circumstances mentioned in subsection (1) of the said section eighteen, whereby permission is granted for the carrying out of additional development as therein mentioned.

(5) Notice under the last preceding subsection of a planning decision—

- (a) in the case of a decision made by the local planning authority, shall be given within seven days after the making of the decision, and
- (b) in any other case, shall be given within seven days after the making of the decision has been notified to the local planning authority.

(6) Subject to the preceding provisions of this section, the provisions of the Act of 1919 (so far as applicable) shall apply in relation to the assessment of compensation under section eighteen of this Act as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

(7) The preceding provisions of this section, except subsection (6), shall apply to claims for additional consideration such as is mentioned in subsection (3) of the last preceding section as they apply to claims for compensation payable under section eighteen of this Act, with the substitution—

- (a) for any reference to the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in subsection (1) of the said section eighteen, of a reference to any person who has received consideration under section one

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hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Act of 1954) in respect of such an acquisition or sale,

- (b) for any reference to compensation under the said section eighteen, of a reference to additional consideration as aforesaid, and
- (c) for any reference to subsection (5) of the said section eighteen, of a reference to subsection (4) of the last preceding section.

21.—(1) The provisions of sections eighteen, nineteen and twenty of this Act (except subsection (2) of the said section twenty) shall have effect in relation to any planning permission which, in accordance with any direction or provision given or made by or under an enactment, is deemed to be granted for any development, as if a planning decision granting that permission had been made at the time when, in accordance with the enactment in question, the permission is deemed to be granted: Extension of ss. 18, 19 and 20 to planning permission where no planning decision made.

Provided that, in the case of a direction given under an enactment which contains no provision as to the time when the permission is deemed to be granted, those provisions shall have effect as if such a planning decision had been made at the time when the direction is given.

(2) The provisions of sections eighteen, nineteen and twenty of this Act (except subsection (2) of the said section twenty) shall have effect in relation to any planning permission which is granted for any development by virtue of a development order, as if—

- (a) a planning decision granting that permission had been made at the time of the occurrence of the event in consequence of which (in accordance with the provisions of the order) the development is deemed to be sanctioned by a government department, or
- (b) in a case not falling within the preceding paragraph, such a planning decision had been made at the time when the development is initiated.

(3) Where the provisions of sections eighteen and nineteen of this Act have effect as applied by subsection (1) or subsection (2) of this section, then if—

- (a) before the time of the planning decision which is to be assumed in accordance with those provisions as so applied, a person who (in accordance with the provisions of subsection (1) of section twenty of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority, and

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- (b) the development is proposed to be carried out by the acquiring authority, or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,

it shall (subject to the next following subsection) be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the first-mentioned person at the address given by him to the authority.

(4) An acquiring authority shall not be required by virtue of the last preceding subsection to give notice of proposed development to the person mentioned in paragraph (a) of subsection (1) of section twenty of this Act at a time after an address for service has been given to them by such a person as is mentioned in paragraph (b) of the said subsection (1), if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred such as is mentioned in subsection (5) of section eighteen of this Act.

(5) Any reference in this section to subsection (1) of section twenty of this Act shall include a reference to that subsection as extended by subsection (7) of that section, and any reference in this section to subsection (5) of section eighteen of this Act shall accordingly include a reference to subsection (4) of section nineteen of this Act.

Extension of
ss. 18, 19 and
20 to Crown
development.

22.—(1) Where, before the end of the period of five years beginning with the date of completion of—

- (a) a compulsory acquisition to which section one of this Act applies, or
(b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

there is initiated any additional development of any of the land which was comprised in the acquisition or sale, and by reason of any such circumstances as are mentioned in the next following subsection the development in question is development for which planning permission is not required, the provisions of sections eighteen, nineteen and twenty of this Act (except subsection (2) of the said section twenty) shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.

(2) The said circumstances are either or both of the following, that is to say,—

- (a) that the development is initiated by or on behalf of the Crown ;
(b) that there is a Crown interest in the land and the development is initiated in right of that interest.

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(3) Subject to the next following subsection, subsections (3) and (4) of section twenty-one of this Act shall apply where the provisions of sections eighteen and nineteen of this Act have effect as applied by subsection (1) of this section as they apply where those provisions have effect as applied by subsection (1) or subsection (2) of the said section twenty-one.

(4) Where, by virtue of the last preceding subsection, it is the duty of a government department to give notice of development initiated by or on behalf of that department, and the Minister or Board in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate, the department shall give notice of the development, but shall not be required to give any particulars of the nature thereof except to the extent specified in the certificate.

(5) 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.

PART II

ACQUISITION, APPROPRIATION AND DISPOSAL OF LAND BY LOCAL
AUTHORITIES AND OTHER PUBLIC BODIES

23.—(1) Where by any enactment—

(a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to acquire land by agreement, but

Exercise of
powers of
acquisition by
agreement.

(b) that power is so conferred subject to a provision (in whatever terms the provision is expressed, and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, with or without a further provision enabling conditions to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to acquisitions to which this section applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

(2) This section applies to every acquisition of land by agreement by an authority to whom this Part of this Act applies, in pursuance of a contract made after the commencement of this Act.

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(3) In this Part of this Act “authority to whom this Part of this Act applies” means a body of any of the descriptions specified in the Fourth Schedule to this Act; “land” includes any servitude and any other interest in, or right over, land; “Minister” means a Minister of the Crown or a government department; and “consent” includes approval, sanction and authorisation.

Exercise of
powers of
appropriation.

24.—(1) Subject to the following provisions of this section, where by any enactment—

- (a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to appropriate land for any purpose, whether the purpose is defined in the enactment specifically or by reference to some other power exercisable by the authority or class of authorities in question, but
- (b) that power is so conferred subject to a provision (in whatever terms the provision is expressed, and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, or for a purpose approved by a Minister so specified, with or without a further provision enabling conditions to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to any exercise of the power after the commencement of this Act by an authority to whom this Part of this Act applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

(2) The exercise after the commencement of this Act, by any authority to whom this Part of this Act applies, of any power of appropriation in relation to which subsection (1) of this section has effect shall be subject to the following provisions, that is to say,—

- (a) land which consists or forms part of a common or open space, or is held for use as allotments, shall not be appropriated except with the consent of the Secretary of State;
- (b) land which has been acquired (whether before or after the commencement of this Act) by an authority to whom this Part of this Act applies, and has been so acquired by that authority in the exercise (directly or indirectly) of compulsory powers, and has not subsequently been appropriated by that authority for any purpose other than that for which it was so acquired, shall not be appropriated by that authority for any other purpose except with the consent of the Minister

who, at the time of the appropriation, is the Minister concerned with the function for the purposes of which the land was acquired by the authority.

(3) Subsection (1) of this section shall not apply to any appropriation of land in pursuance of an order under section thirty-nine of the Act of 1947.

25.—(1) On an appropriation of land for any purpose by an authority to whom this Part of this Act applies, other than an appropriation falling within the next following subsection, such adjustment shall be made in the accounts of the authority as may be requisite in the circumstances. Adjustment of accounts on appropriation of land.

(2) Where land is appropriated for any purpose by an authority to whom this Part of this Act applies, and—

(a) either the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function, or it is appropriated by the authority for the purposes of such a function, and

(b) apart from this section, a Minister would by virtue of any enactment have power to direct an adjustment to be made in the accounts of the authority in connection with that appropriation,

such adjustment shall be made in the accounts of the authority as the Secretary of State may direct.

(3) The preceding provisions of this section shall have effect in substitution for the provisions of any enactment in force immediately before the commencement of this Act whereby an adjustment is required to be made in the accounts of an authority to whom this Part of this Act applies on an appropriation of land by such an authority.

26. Section twenty-one of the Land Settlement (Scotland) Act, 1919 (which relates to the temporary use for allotments of land acquired by local authorities for other purposes) shall have effect with the omission of any reference to the consent of the Secretary of State. Amendment of s. 21 of Land Settlement (Scotland) Act, 1919.

27.—(1) Subject to the following provisions of this section, where by any enactment— Exercise of powers of disposing of land.

(a) power is conferred on any authority to whom this Part of this Act applies, or on any class of such authorities, to dispose of land, but

(b) that power is so conferred subject to a provision (in whatever terms the provision is expressed and whether it is contained in the same or in any other enactment) that the power is not to be exercised except with the consent of a Minister specified in that provision, with or without a further provision enabling conditions

PART II

to be imposed by such a Minister in respect of the exercise of the power,

the enactment shall have effect, in relation to any exercise of the power after the commencement of this Act by an authority to whom this Part of this Act applies, as if it conferred that power free from any such provision as is mentioned in paragraph (b) of this subsection.

(2) A disposal by an authority to whom this Part of this Act applies—

- (a) of land which consists or forms part of a common or open space or is held for use as allotments, or
- (b) of land which has been acquired (whether before or after the commencement of this Act) by that authority in the exercise (directly or indirectly) of compulsory powers, and has not subsequently been appropriated by that authority for any purpose other than that for which it was so acquired,

if (in either case) it is a disposal which, apart from this section, could not be effected except with the consent of a Minister, shall not be effected except with such consent as is mentioned in the next following subsection.

(3) The said consent—

- (a) in a case falling within paragraph (a) of the last preceding subsection, is the consent of the Secretary of State, and
- (b) in a case falling within paragraph (b) of that subsection, is the consent of the Minister who, at the time of the disposal, is the Minister concerned with the function for the purposes of which the land was acquired by the authority.

(4) Subject to the provisions of this Act, section one hundred and sixty-eight 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 an authority to whom this Part of this Act applies in the exercise of a power in relation to which subsection (1) of this section has effect (not being a power under Part VIII of the said Act of 1947) 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 the said Part VIII.

(5) Subsection (1) of this section shall not apply—

- (a) to any exercise of the powers conferred by paragraph (d) of subsection (1) of section sixty-five of the Housing (Scotland) Act, 1950 (which confers powers of disposing of houses provided under Part V of that Act), in respect of any house, if in respect of the provision

of that house 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 the Sixth Schedule to the said Act of 1950 ;

- (b) to any exercise of the powers conferred by section eighteen of the Town and Country Planning (Scotland) Act, 1945 (which, as amended by the Act of 1947, relates to the disposal or appropriation by local authorities of land held by them for the purposes of Part III of the Act of 1947), in respect of land falling within subsection (5) of the said section eighteen (which makes special provision as to land comprised in an area defined by a development plan as an area of comprehensive development) and that subsection as extended by section seventeen of the Housing and Town Development (Scotland) Act, 1957 ;
- (c) to any exercise of the powers conferred by subsection (2) of section one hundred and seventy-one of the Local Government (Scotland) Act, 1947 (which relates to the disposal in certain circumstances of land forming part of the common good of a burgh) ; or
- (d) to any local enactment in so far as it provides (in whatsoever terms), that, except with the consent of a Minister specified therein, land shall not be disposed of thereunder for a rent, price, feu duty or other consideration of a value less than the current market value thereof.

(6) In determining, for the purposes of subsection (2) of this section, whether a disposal of land under a local enactment is a disposal which apart from this section could not be effected except with the consent of a Minister, any such provision as is mentioned in paragraph (d) of the last preceding subsection shall be disregarded.

28. Section one hundred and sixty-eight of the Local Government (Scotland) Act, 1947 (which makes provision, among other things, for the adjustment in certain cases of the accounts of local authorities in respect of capital money received on the disposal of land), shall have effect as if for the proviso to subsection (1) of that section there were substituted the following proviso, that is to say—

Amendment of s. 168 of Local Government (Scotland) Act, 1947, as to adjustment of accounts on disposal of land.

“ Provided that—

- (a) on any application by a local authority of capital money received by them as mentioned in this subsection, other than an application falling within the next following paragraph, such adjustment shall be made in the accounts of the authority as may be requisite in the circumstances ;

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- (b) where any capital money received by a local authority as mentioned in this subsection in respect of land held by them for the purposes of any of their functions is applied by them for the purposes of some other function of theirs (including the purposes of the repayment of any debt incurred by them for the purposes of that other function), then, if either of those functions is a grant-aided function, such adjustment shall be made in the accounts of the authority as the Secretary of State may direct."

Protection of persons deriving title under transactions requiring consent.

29.—(1) Where after the commencement of this Act an authority to whom this Part of this Act applies purport to acquire, appropriate or dispose of land under an enactment whereby power to acquire, appropriate or dispose of land is conferred on that authority, or on a class of authorities to whom this Part of this Act applies, then—

- (a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which (whether by virtue of this Part of this Act or otherwise) is required thereto has not been given, and
- (b) a person dealing with the authority, or with a person claiming under the authority, shall not be concerned to see or inquire whether any such consent has been given.

(2) The preceding subsection shall have effect in substitution for the provisions of subsection (2) of section one hundred and sixty-eight of the Local Government (Scotland) Act, 1947, in so far as those provisions relate to the consent of a Minister, but without prejudice to the operation of those provisions in cases to which the preceding subsection does not apply.

General provisions relating to Part II.

30.—(1) Any reference in this Part of this Act to a provision that a power is not to be exercised except with the consent of a Minister is a reference to a provision which either—

- (a) requires such consent generally in respect of any exercise of the power, or
- (b) requires such consent in respect of the exercise of the power in such circumstances as may be specified therein.

(2) For the purposes of this Part of this Act any provision whereby a power is to be exercised only if a Minister specified therein is satisfied as to any matters so specified shall be taken to be a provision that the power shall not be exercised except with the consent of the Minister.

(3) Any reference in this Part of this Act to an enactment whereby a power is conferred on an authority to whom this Part of this Act applies, or on a class of such authorities,—

(a) shall be taken to include any enactment whereby the power in question is conferred on local authorities generally, or on a class of local authorities which includes a class of authorities to whom this Part of this Act applies, or is conferred on a class of authorities to whom this Part of this Act applies together with any other class of local authorities, but

(b) shall not be taken to include any enactment whereby (without particular reference to local authorities, or to bodies of any description specified in the Fourth Schedule to this Act) a power is conferred generally on persons of a description specified in the enactment, notwithstanding that one or more authorities to whom this Part of this Act applies may fall within the description specified in the enactment.

(4) For the purposes of any provision of this Part of this Act whereby the consent of a Minister is required, or directions may be given by a Minister, for any purpose therein mentioned, the consent or directions may be given by that Minister either generally to all authorities to whom the provision relates, or to any class of such 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 Minister giving the consent or directions may consider appropriate.

(5) For the purposes of this Part of this Act land shall be taken to have been acquired by an 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 an enactment to acquire the land compulsorily:

Provided that land shall not be taken to have been acquired by an 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.

PART III

ADMINISTRATIVE PROCEDURES AND RELATED PROCEEDINGS

31.—(1) If any person—

(a) is aggrieved by any order to which this section applies and desires to question the validity of that order, on the grounds that the order is not within the powers of

Proceedings for challenging validity of certain orders and decisions.

PART III

the Act of 1947, or that any of the relevant requirements have not been complied with in relation to that order, or

- (b) is aggrieved by any action on the part of the Secretary of State to which this section applies and desires to question the validity of that action, on the grounds that the action is not within the powers of the Act of 1947, of the Act of 1954, or of this Act, as the case may be, or that any of the relevant requirements have not been complied with in relation to that action,

he may, within six weeks from the date on which the order is confirmed or the action is taken, as the case may be, make an application to the Court of Session under this section.

(2) Without prejudice to the preceding subsection, if—

- (a) the authority directly concerned with any order to which this section applies desire to question the validity of that order on any of the grounds mentioned in paragraph (a) of the preceding subsection, or
- (b) the authority directly concerned with any action on the part of the Secretary of State to which this section applies desire to question the validity of that action on any of the grounds mentioned in paragraph (b) of the preceding subsection,

the authority may, within six weeks from the date on which the order is confirmed or the action is taken, as the case may be, make an application to the Court of Session under this section.

(3) This section applies to the following orders made after the commencement of this Act, that is to say—

- (a) any order under section nineteen of the Act of 1947 (which relates to the revocation or modification of planning permission) or under the provisions of that section as applied by or under any other provision of that Act ;
- (b) any order under section twenty-four of that Act (which relates to orders requiring a use of land to be discontinued, or imposing conditions on the continuance of such a use) ;
- (c) any order under section twenty-six of that Act (which relates to the preservation of trees and woodlands) ;
- (d) any order under section twenty-seven of that Act (which relates to the preservation of buildings of special architectural or historic interest) ;
- (e) any order made in pursuance of subsection (4) of section twenty-nine of that Act (which relates to the definition of areas of special control for the purposes of the control of advertisements).

(4) This section applies to action on the part of the Secretary of State, taken after the commencement of this Act, of any of the following descriptions, that is to say—

- (a) any decision of the Secretary of State on an application for planning permission referred to him under section thirteen of the Act of 1947 ;
- (b) any decision of the Secretary of State on an appeal under section fourteen of that Act (which relates to appeals against planning decisions of local planning authorities) ;
- (c) any decision of the Secretary of State to confirm a notice under section seventeen of that Act (which relates to notices requiring the purchase of land by a local authority where permission to develop is refused) or under the provisions of that section as applied by or under any other provision of that Act or of the Act of 1954, and any decision of the Secretary of State not to confirm such a notice (including any decision not to confirm such a notice in respect of part of the land to which it relates, and including any decision to grant any permission, or give any direction, in lieu of confirming such a notice, either wholly or in part) ;
- (d) any decision of the Secretary of State relating to an application for consent under an order made by virtue of section twenty-six or section twenty-seven of the Act of 1947 or under any regulations made under that Act in accordance with section twenty-nine of that Act, or relating to any certificate or direction under such an order or under any such regulations, being either a decision of the Secretary of State on appeal or a decision on an application referred to him for determination in the first instance ;
- (e) the giving by the Secretary of State of any direction under section twenty-three of the Act of 1954 (which relates to the review of planning decisions where compensation is claimed) or under subsection (3) or subsection (4) of section forty-seven of that Act (which relates to the review of past planning decisions and orders) ;
- (f) any decision of the Secretary of State on an appeal under section six of this Act.

(5) On any application under this section the Court of Session—

- (a) may by interim order suspend the operation of the order or action, the validity whereof is questioned by the application, until the final determination of the proceedings ;

PART III

- (b) if satisfied that the order or action in question is not within the powers of the Act of 1947, of the Act of 1954, or of this Act, as the case may be, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation thereto, may quash that order or action:

Provided that paragraph (a) of this subsection shall not apply to applications questioning the validity of orders under section twenty-six or section twenty-seven of the Act of 1947.

(6) In relation to any such order as is mentioned in paragraph (c) or paragraph (e) of subsection (3) of this section, the powers conferred on the Court of Session by the last preceding subsection shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

(7) Subject to the preceding provisions of this section, the validity of an order to which this section applies, whether before or after it has been confirmed, and the validity of any action on the part of the Secretary of State to which this section applies, shall not be questioned in any legal proceedings whatsoever.

(8) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take any action to which this section applies.

(9) In relation to any action which—

(a) apart from the provisions of the Fifth Schedule to the Act of 1947 (which contains special provisions relating to development by statutory undertakers) would fall to be taken by the Secretary of State and, if so taken, would be action to which this section applies, but

(b) by virtue of that Schedule is required to be taken by the Secretary of State and the appropriate Minister,

the preceding provisions of this section shall have effect as if any reference in those provisions to the Secretary of State were a reference to the Secretary of State and the appropriate Minister:

Provided that where, by virtue of that Schedule, any such action is required to be embodied in an order, and that order is subject to special parliamentary procedure, then—

- (i) if the order in which the action is embodied is confirmed by Act of Parliament under subsection (4)

of section two, or under section six, of the Statutory Orders (Special Procedure) Act, 1945, the preceding provisions of this section shall not apply ;

- (ii) in any other case, subsections (1) and (2) of this section shall apply with the substitution, for any reference to the date on which the action is taken, of a reference to the date on which the order becomes operative under the said Act of 1945.

(10) References in this section to the confirmation of an order do not include the provisional confirmation of an order in pursuance of the proviso to subsection (5) of section twenty-six or the proviso to subsection (4) of section twenty-seven of the Act of 1947, but (with that exception) include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.

(11) In this section "the relevant requirements", in relation to any order or action to which this section applies, means any requirements of the Act of 1947, the Act of 1954, the Tribunals and Inquiries Act, 1958, or this Act, or of any order, regulations or rules made under any of those Acts, which are applicable to that order or action ; and any reference to the authority directly concerned with any order or action to which this section applies is a reference to the local planning authority, and, in relation to any such decision as is mentioned in paragraph (c) of subsection (4) of this section, being a decision confirming the notice in question subject to the substitution of another local authority or statutory undertakers for the local planning authority, shall be construed as including a reference to that other local authority or those statutory undertakers.

32.—(1) Subsections (1) and (6) of section nine of the Tribunals and Inquiries Act, 1958 (which relates to appeals from certain tribunals), shall have effect in relation to any decision of the Secretary of State to which this section applies as they have effect in relation to a decision of any of the tribunals mentioned in that subsection, but with the substitution, for the reference to a party to proceedings before such a tribunal, of a reference to either of the following, that is to say, the person who made the application to which the Secretary of State's decision relates and the local planning authority.

Appeals from certain decisions under Town and Country Planning (Scotland) Acts

(2) This section applies to any decision of the Secretary of State made after the commencement of this Act—

- (a) on an application under section fifteen of the Act of 1947 (which relates to applications to determine

PART III

whether proposed operations or changes of use involve development) which is referred to the Secretary of State under the provisions of section thirteen of that Act as applied by that section ; or

- (b) on an appeal from a decision of the local planning authority under the said section fifteen, being an appeal brought under the provisions of section fourteen of that Act as so applied.

(3) Where an application under section fifteen of the Act of 1947 is made as part of an application for planning permission, the preceding provisions of this section shall have effect in relation to that application in so far as it is an application under the said section fifteen, but not in so far as it is an application for planning permission.

(4) Subsection (3) of section nine of the said Act of 1958 (which relates to the power to make rules of court) shall have effect in relation to proceedings brought by virtue of subsections (1) and (6) of that section as applied by this section, as if in the said subsection (3) any reference to the tribunal were a reference to the Secretary of State.

(5) Without prejudice to the last preceding subsection, the power to make rules of court in relation to proceedings in the Court of Session brought by virtue of the said subsections (1) and (6) as applied by this section shall include power to make rules providing for the Secretary of State, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

Procedure in
connection
with statutory
inquiries.

33. In the Tribunals and Inquiries Act, 1958, the following section shall be inserted after section seven:—

“ 7A.—(1) The Lord Chancellor, after consultation with the Council, may make rules for regulating the procedure to be followed in connection with statutory inquiries held by or on behalf of the Ministers ; and different provision may be made by any such rules in relation to different classes of such inquiries.

(2) Any rules made by the Lord Chancellor under this section shall have effect, in relation to any statutory inquiry, subject to the provisions of the enactment under which the inquiry is held, and of any rules or regulations made under that enactment.

(3) Subject to the last foregoing subsection, rules made under this section may regulate procedure in connection with matters preparatory to such statutory inquiries as are mentioned in subsection (1) of this section, and in connection with matters subsequent to such inquiries, as well as in

connection with the conduct of proceedings at such inquiries. PART III

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

(5) In the application of this section to inquiries held in Scotland, for any reference to the Lord Chancellor there shall be substituted a reference to the Lord President of the Court of Session, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing rules made by the Lord President of the Court of Session under this section in like manner as if the Lord President of the Court of Session were a Minister of the Crown; and the Council, in exercising their functions under this section in relation to rules to be made by the Lord President of the Court of Session, shall consult with the Scottish Committee."

34.—(1) Section seventeen of the Act of 1947 (which relates to purchase notices) shall have effect, in relation to any purchase notice served after the commencement of this Act, as if the following subsections were inserted after subsection (1) of that section:— Provisions as to purchase notices.

“(1A) The local planning authority on whom a purchase notice is served under this section shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—

- (a) that the local planning authority are willing to comply with the purchase notice; or
- (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place; or
- (c) that, for reasons specified in the notice under this subsection, the local planning authority are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have transmitted a copy of the purchase notice to the Secretary of State, on a date specified in the notice under this subsection, together with a statement of the reasons so specified.

(1B) Where the local planning authority upon whom a purchase notice is served under this section have served on the owner by whom the purchase notice was served a notice in accordance with paragraph (a) or paragraph (b) of the

PART III

last foregoing subsection, the local planning authority, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part III of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under the last foregoing subsection."

(2) In its application to purchase notices served after the commencement of this Act, the said section seventeen shall have effect as if, after subsection (5) of that section, there were added the following subsections:—

"(6) In the last foregoing subsection, any reference to the taking of action in lieu of confirming a purchase notice includes a reference to the taking of a decision not to confirm the notice on the grounds that any of the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are not fulfilled.

(7) Where the Secretary of State has given notice under subsection (5) of this section of his proposed action, and any of the persons, authorities and statutory undertakers concerned have appeared before and been heard by a person appointed by the Secretary of State for the purpose, and it then appears to the Secretary of State to be expedient to take action under this section otherwise than in accordance with the notice given by him, the Secretary of State may take that action accordingly."

(3) Where the Secretary of State has notified the owner by whom a purchase notice has been served of any such decision on his part as is mentioned in paragraph (c) of subsection (4) of section thirty-one of this Act, and that decision of the Secretary of State is quashed under that section, the purchase notice shall be treated as cancelled, but the owner may serve a further purchase notice in its place.

(4) For the purposes of any regulations made under the Act of 1947 as to the time within which a purchase notice may be served, the service of a purchase notice under the last preceding subsection shall not be treated as out of time if the notice is served within the period which would be applicable in accordance with those regulations if the planning decision, in consequence of which the notice is served, had been made on the date on which the decision of the Secretary of State was quashed as mentioned in the last preceding subsection.

35.—(1) An application made after the commencement of this Act for planning permission for development of any class to which this section applies—

(a) shall not be entertained by the local planning authority unless it is accompanied by a copy of a notice of the

Publication
of notice of
applications
for planning
permission.

application, in such form as may be prescribed by a development order, and by such evidence as may be so prescribed that the notice has been published in a local newspaper circulating in the locality in which the land to which the application relates is situated; and

- (b) shall not be determined by the local planning authority before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which the notice was published as mentioned in the preceding paragraph.

(2) Any such notice as is mentioned in paragraph (a) of the preceding subsection shall (in addition to any other matters required to be contained therein) name a place within the locality where a copy of the application, and of all plans and other documents submitted therewith, will be open to inspection by the public at all reasonable hours during such period (not being less than twenty-one days, beginning with the date of publication of the notice) as may be specified in the notice.

(3) Provision may be made by a development order for designating the classes of development to which this section applies, and this section shall apply accordingly to any class of development which is for the time being so designated.

(4) In determining any such application for planning permission as is mentioned in subsection (1) of this section, the local planning authority shall take into account any representations relating to that application which are received by them before the end of the period of twenty-one days mentioned in paragraph (b) of subsection (1) of this section.

(5) Subsection (1) of this section and the last preceding subsection shall apply, with the necessary modifications, in relation to applications referred to the Secretary of State under section thirteen of the Act of 1947 or made to the Secretary of State in pursuance of regulations made under subsection (3) of section thirty-two of that Act (which relates to applications for planning permission by local planning authorities) as they apply in relation to applications for planning permission which fall to be determined by the local planning authority.

36.—(1) Without prejudice to the last preceding section, a local planning authority shall not entertain any application for planning permission made after the commencement of this Act unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

- (a) a certificate stating that in respect of every part of the land to which the application relates the applicant is

Notification of applications for planning permission to owners and agricultural tenants.

PART III

the proprietor of the dominium utile or is the lessee under a lease thereof ;

- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice ;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding paragraph as are specified in the certificate (setting out their names, the addresses at which the notice of the application was given to them respectively, and the date of the service of each such notice) and that he does not know the names and addresses of the remainder of those persons ;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) of this subsection, and that he does not know the names and addresses of any of the persons mentioned in paragraph (b) of this subsection.

(2) Any such certificate as is mentioned in paragraph (c) or paragraph (d) of the preceding subsection shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (b) of the preceding subsection) been published in a local newspaper circulating in the locality in which the land in question is situated.

(3) In addition to any other matters required to be contained in a certificate issued for the purposes of this section, every such certificate shall contain one or other of the following statements, that is to say,—

- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding ;
- (b) a statement that the applicant has given the requisite notice of the application to every person who, at the beginning of the period of twenty-one days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, and setting

out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

(4) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of subsection (1) of this section, or by a certificate containing a statement in accordance with paragraph (b) of the last preceding subsection,—

- (a) the local planning authority shall not determine the application before the end of the period of twenty-one days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later ;
- (b) the local planning authority, in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period specified in the preceding paragraph, by any person who satisfies them that he is an owner of any of the land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land ;
- (c) the local planning authority shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the last preceding paragraph.

(5) The preceding provisions of this section shall apply, with the necessary modifications,—

- (a) in relation to an application for planning permission which is referred to the Secretary of State under section thirteen of the Act of 1947, or is made to the Secretary of State in pursuance of regulations made under subsection (3) of section thirty-two of that Act, and
- (b) in relation to an appeal to the Secretary of State under section fourteen of that Act from a decision of the local planning authority,

as they apply in relation to an application for planning permission which falls to be determined by the local planning authority.

(6) If any person issues any certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a

PART III

material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(7) Any certificate issued for the purposes of this section shall be in such form as may be prescribed by a development order; and any reference in any provision of this section to the requisite notice, where a form of notice is prescribed by a development order for the purposes of that provision, is a reference to a notice in that form.

(8) In this section "owner" in relation to any land means any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than ten years, and "agricultural holding" has the same meaning as in the Agricultural Holdings (Scotland) Act, 1949.

Enforcement
of limitations
imposed by
development
orders.

37.—(1) Where by a development order (whether made before or after the commencement of this Act) permission is granted for any development subject to limitations specified in the order, sections twenty-one and twenty-two of the Act of 1947 (which relate to the enforcement of planning control) shall, subject to the provisions of this section, have effect in relation to any non-compliance with those limitations as they have effect in relation to non-compliance with any conditions subject to which permission is granted for any development.

(2) For the purposes of this section and of the Act of 1947, any provision of a development order (whether made before or after the commencement of this Act) whereby permission is granted for the use of land for any purpose on a limited number of days in a period specified in that provision shall (without prejudice to the generality of references to limitations in this section or in that Act) be taken to be a provision granting permission for the use of land for any purpose subject to the limitation that the land shall not be used for any one purpose in pursuance of that permission on more than that number of days in that period.

(3) The validity of a notice purporting to be an enforcement notice under the said section twenty-one (whether served before or after the commencement of this Act) shall not depend on whether any non-compliance to which the notice relates was a non-compliance with conditions, or with limitations, or with both; and any reference in such a notice to non-compliance with conditions or limitations (whether both expressions are used

in the notice or only one of them) shall be construed as a reference to non-compliance with conditions, or with limitations, or both with conditions and limitations, as the case may require.

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PART IV

OBLIGATION TO PURCHASE INTERESTS OF OWNER-OCCUPIERS
AFFECTED BY PLANNING PROPOSALS

38.—(1) The provisions of this Part of this Act shall have effect in relation to land which—

Notice
requiring
purchase of
owner-
occupier's
interest.

- (a) is land designated by a development plan as subject to compulsory acquisition, or
- (b) is land allocated by a development plan for the purposes of any functions of a government department, local authority or statutory undertakers, or of the National Coal Board, or is land defined in such a plan as the site of proposed development for the purposes of any such functions, or
- (c) is land indicated in a development plan (otherwise than by being allocated or defined as mentioned in the last preceding paragraph) as land on which a road is proposed to be constructed or land to be included in a road as proposed to be improved or altered, or
- (d) is land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable, or
- (e) is land on or adjacent to the line of a road proposed to be constructed, improved or altered, as indicated in an order or scheme which has come into operation under the provisions of the Trunk Roads Act, 1946, or the Special Roads Act, 1949, being land in relation to which a power of compulsory acquisition conferred by section thirteen of the Restriction of Ribbon Development Act, 1935, as read with any of the following enactments, that is to say section four of the Trunk Roads Act, 1936, section five of the Trunk Roads Act, 1946, and sections nine, ten and fourteen of the Special Roads Act, 1949, may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme, or

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(f) is land shown on plans approved by a resolution of a local highway authority as land comprised in the site of a road as proposed to be constructed, improved or altered by that authority.

(2) Where the whole or part of a hereditament or agricultural unit is comprised in land of any of the specified descriptions, and a person claims that—

- (a) he is entitled to an interest in that hereditament or unit, and
- (b) the interest is one which qualifies for protection under this Part of this Act, and
- (c) since the relevant date he has made reasonable endeavours to sell that interest, and
- (d) he has been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were comprised in land of any of the specified descriptions,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, the following provisions of this Part of this Act.

(3) The last preceding subsection shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the entirety of a hereditament or agricultural unit:

Provided that this subsection shall not enable any person—

- (a) if he is entitled to an interest in the entirety of a hereditament or agricultural unit, to make any claim or serve any notice under the last preceding subsection in respect of his interest in part of the hereditament or unit, or
- (b) if he is entitled to an interest only in part of a hereditament or agricultural unit, to make or serve any such claim or notice in respect of his interest in less than the entirety of that part.

(4) An interest in the whole or part of a hereditament shall be taken to be an interest qualifying for protection under this Part of this Act if, on the date of service of a notice under this section in respect thereof, either—

- (a) the annual value of the hereditament does not exceed the prescribed limit, and the interest in question is the interest of an owner-occupier of the hereditament, or

(b) in a case not falling within the preceding paragraph, the interest in question is the interest of a resident owner-occupier of the hereditament.

(5) An interest in the whole or part of an agricultural unit shall be taken to be an interest qualifying for protection under this Part of this Act if, on the date of service of a notice under this section in respect thereof, it is the interest of an owner-occupier of the unit.

(6) In the following provisions of this Part of this Act "the claimant", in relation to a notice served under this section, means the person who served that notice, and any reference to the interest of the claimant, in relation to such a notice, is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in subsection (2) of this section.

39.—(1) Where a notice has been served under the last preceding section in respect of a hereditament or agricultural unit, the appropriate authority, at any time before the end of the period of two months beginning with the date of service of that notice, may serve on the claimant a counter-notice in the prescribed form objecting to the notice.

Objection to notice requiring purchase of claimant's interest.

(2) The grounds on which objection may be made in a counter-notice to a notice served under the last preceding section are:—

- (a) that no part of the hereditament or agricultural unit to which the notice relates is comprised in land of any of the specified descriptions ;
- (b) that the appropriate authority (unless compelled to do so by virtue of this Part of this Act) do not propose to acquire any part of the hereditament, or (in the case of an agricultural unit) any part of the affected area, in the exercise of any relevant powers ;
- (c) that (in the case of an agricultural unit) the appropriate authority propose in the exercise of relevant powers to acquire a part of the affected area specified in the counter-notice, but (unless compelled to do so by virtue of this Part of this Act) do not propose to acquire any other part of that area in the exercise of any such powers ;
- (d) that, on the date of service of the notice under the last preceding section, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates ;
- (e) that (for reasons specified in the counter-notice) the interest of the claimant is not an interest qualifying for protection under this Part of this Act ;

PART IV

(f) that the conditions specified in paragraphs (c) and (d) of subsection (2) of the last preceding section are not fulfilled.

(3) Any counter-notice served under this section in respect of a notice under the last preceding section shall specify the grounds (being one or more of the grounds mentioned in the last preceding subsection) on which the appropriate authority object to the notice.

(4) In this section “relevant powers”, in relation to any land falling within any of the specified descriptions, means any powers under which the appropriate authority are or could be authorised—

(a) to acquire that land compulsorily as being land falling within that description, or

(b) to acquire that land compulsorily for any of the relevant purposes ;

and “the relevant purposes”, in relation to any such land, means the purposes for which, in accordance with the circumstances by virtue of which that land falls within the description in question, it is liable to be acquired or is indicated as being proposed to be acquired.

Reference of
objection
to Lands
Tribunal.

40.—(1) Where a counter-notice has been served under the last preceding section, objecting to a notice served under section thirty-eight of this Act, the claimant, at any time before the end of the period of two months beginning with the date of service of the counter-notice, may require the objection to be referred to the Lands Tribunal.

(2) On any such reference, if the objection is not withdrawn, the Lands Tribunal shall consider the matters set out in the notice served by the claimant and the grounds of the objection specified in the counter-notice ; and, subject to the next following subsection, unless it is shown to the satisfaction of the Tribunal that the objection is not well-founded, the Tribunal shall uphold the objection.

(3) An objection on the grounds mentioned in paragraph (b) or paragraph (c) of subsection (2) of the last preceding section shall not be upheld by the Tribunal unless it is shown to the satisfaction of the Tribunal that the objection is well-founded.

(4) If the Tribunal determines not to uphold the objection, the Tribunal shall declare that the notice to which the counter-notice relates is a valid notice.

(5) If the Tribunal upholds the objection, but only on the grounds mentioned in paragraph (c) of subsection (2) of the last preceding section, the Tribunal shall declare that the notice is a valid notice in relation to the part of the affected area specified in the counter-notice as being the part which the appropriate

authority propose to acquire as therein mentioned, but not in relation to any other part of the affected area.

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(6) In any case falling within subsection (4) or subsection (5) of this section, the Tribunal shall give directions specifying the date on which notice to treat (as mentioned in the next following section) is to be deemed to have been served.

41.—(1) Where a notice has been served under section thirty-eight of this Act and either—

Effect of valid notice requiring purchase of claimant's interest.

- (a) no counter-notice objecting to that notice is served in accordance with the preceding provisions of this Part of this Act, or
- (b) where such a counter-notice has been served, the objection is withdrawn, or, on a reference to the Lands Tribunal, is not upheld by the Tribunal,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in the hereditament, or (in the case of an agricultural unit) the interest of the claimant in so far as it subsists in the affected area, and to have served a notice to treat in respect thereof on the date mentioned in the next following subsection.

(2) The said date—

- (a) in a case where, on a reference to the Lands Tribunal, the Tribunal determines not to uphold the objection, is the date specified in directions given by the Tribunal in accordance with subsection (6) of the last preceding section ;
- (b) in any other case, is the date on which the period of two months beginning with the date of service of the notice under section thirty-eight of this Act comes to an end.

(3) Where the notice under section thirty-eight of this Act relates to an agricultural unit, and the appropriate authority have served a counter-notice objecting to that notice on the grounds mentioned in paragraph (c) of subsection (2) of section thirty-nine of this Act, then if either—

- (a) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired, gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area specified in the counter-notice, and withdraws his claim as to the remainder of that area, or

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- (b) on a reference to the Lands Tribunal, the Tribunal makes a declaration in accordance with subsection (5) of the last preceding section in respect of that part of the affected area,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far as it subsists in the part of the affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area) and to have served a notice to treat in respect thereof on the date mentioned in the next following subsection.

(4) The said date—

- (a) in a case falling within paragraph (a) of the last preceding subsection, is the date on which notice is given in accordance with that paragraph, and
- (b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Lands Tribunal in accordance with subsection (6) of the last preceding section.

Supplementary provisions relating to Part IV.

42.—(1) The provisions of the Fifth Schedule to this Act shall have effect for the purposes of this Part of this Act.

(2) Subject to the provisions of that Schedule, in this Part of this Act “owner-occupier”, in relation to a hereditament, means a person who—

- (a) occupies the whole or part of the hereditament in right of an owner’s interest therein, and has so occupied the hereditament or that part thereof during the whole of the period of six months ending with the date of service, or
- (b) occupied, in right of an owner’s interest, the whole or part of the hereditament during the whole of a period of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.

(3) Subject to the provisions of the said Schedule, in this Part of this Act “owner-occupier”, in relation to an agricultural unit, means a person who—

- (a) occupies the whole of that unit, and has occupied it during the whole of the period of six months ending with the date of service, or

- (b) occupied the whole of that unit during the whole of a period of six months ending not more than six months before the date of service,

PART IV

and, at all times material for the purposes of paragraph (a) or paragraph (b) of this subsection, as the case may be, has been entitled to an owner's interest in the whole or part of that unit.

(4) In this Part of this Act "resident owner-occupier", in relation to a hereditament, means an individual who—

- (a) occupies the whole or part of the hereditament as a private dwelling in right of an owner's interest therein, and has so occupied the hereditament or that part thereof, as the case may be, during the whole of the period of six months ending with the date of service, or
- (b) occupied, in right of an owner's interest, the whole or part of the hereditament as a private dwelling during the whole of a period of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.

(5) Subject to the provisions of the said Schedule, in this Part of this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the affected area", in relation to an agricultural unit, means so much of that unit as, on the date of service, consists of land falling within any of the specified descriptions;

"agricultural unit" means land which is occupied as a unit for agricultural purposes, including any dwelling-house or other building occupied by the same person for the purpose of farming the land;

"annual value", in relation to a hereditament, means the value which, on the date of service, is shown in the valuation roll as the rateable value of that hereditament, except that, where the rateable value differs from the net annual value, it means the value which on that date is shown in the valuation roll as the net annual value thereof;

"the appropriate authority", in relation to any land, means the government department, local authority or other body by whom, in accordance with the circumstances by virtue of which the land falls within any of the specified descriptions, the land is liable to be acquired or is indicated as being proposed to be acquired;

"the appropriate enactment", in relation to land falling within any of the specified descriptions, means the

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enactment which provides for the compulsory acquisition of land as being land falling within that description ;

“ hereditament ”, means the aggregate of the lands and heritages (not being agricultural lands and heritages within the meaning of section seven of the Valuation and Rating (Scotland) Act, 1956) which form the subject of a single entry in the valuation roll for the time being in force for a valuation area ;

“ the prescribed limit ” means such amount as may be prescribed for the purposes of paragraph (a) of subsection (4) of section thirty-eight of this Act by an order made by the Secretary of State ;

“ the relevant date ”—

(a) in relation to land designated, allocated, defined or indicated as mentioned in any of paragraphs (a) to (c) of subsection (1) of section thirty-eight of this Act, means the date (whether before or after the commencement of this Act) on which the development plan, or the amendment of the development plan, by virtue of which the land was first so designated, allocated, defined or indicated came into operation ;

(b) in relation to any such land as is mentioned in paragraph (d) of that subsection, means the date (whether before or after the commencement of this Act) on which the special enactment in question came into operation ;

(c) in relation to land falling within paragraph (e) of that subsection, means the date (whether before or after the commencement of this Act) of the coming into operation of the order or scheme by virtue of which it falls within that paragraph ;

(d) in relation to land falling within paragraph (f) of that subsection, means the date (whether before or after the commencement of this Act) of the passing of the resolution by virtue of which it falls within that paragraph ;

“ the specified descriptions ” means the descriptions contained in paragraphs (a) to (f) of subsection (1) of section thirty-eight of this Act.

(6) Any reference in this Part of this Act to a development plan is a reference to such a plan in the form in which (whether as originally made or approved by the Secretary of State or as subsequently amended) that plan is for the time being in force.

(7) In this section ‘ date of service ’, in relation to a hereditament or agricultural unit, means the date of service of a notice

in respect thereof under section thirty-eight of this Act, and "owner's interest" in relation to a hereditament or agricultural unit or part thereof, includes the interest of the lessee under a lease thereof, being a lease the unexpired period of which on the date of service is not less than three years.

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MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

43.—(1) Where by virtue of paragraph 17 of the Tenth Schedule to the Act of 1947 (which relates to land declared by an order under section one of the Town and Country Planning (Scotland) Act, 1945, to be subject to compulsory purchase) the provisions of Part III of the Act of 1947 apply in relation to any land as mentioned in that paragraph,—

Land declared
(otherwise
than by
development
plan) to be
subject to
compulsory
purchase.

- (a) the provisions of Part IV of, and the Fifth Schedule to, this Act, and
- (b) subject to the following provisions of this section, subsection (3) of section four of the Act of 1947 (which empowers the Secretary of State to amend development plans) and subsection (1) of section seven of that Act (which relates to land which has for a long period been designated by a development plan as subject to compulsory acquisition),

shall have effect in relation to that land as if it were land designated by a development plan as subject to compulsory acquisition.

(2) For the purposes of the application to any land, by virtue of the preceding subsection, of subsection (1) of section seven of the Act of 1947, the reference in the said subsection (1) to the date therein mentioned shall be construed as a reference to the date of the coming into operation of the order under section one of the Town and Country Planning (Scotland) Act, 1945, whereby the land was declared to be subject to compulsory purchase.

(3) Notwithstanding anything in subsection (1) of this section, no notice shall be served under subsection (1) of the said section seven as applied by that subsection before the end of the period of twelve months beginning with the commencement of this Act.

(4) In relation to any land to which subsection (1) of this section applies, subsections (2) and (3) of section seven of the Act of 1947 shall have effect with the substitution, in subsection (2) of that section, for the words "the development plan shall have effect, after the expiration of the said six months, as if the land were not designated as subject to compulsory acquisition", of the words "on the expiration of the said six months paragraph 17 of the Tenth Schedule to this Act shall cease to apply to the land".

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(5) Any reference in this section to subsection (1) of section seven of the Act of 1947 shall be construed as including a reference to that subsection as modified by subsection (5) of that section (which, in the case of agricultural land, substitutes a period of eight years for the period of twelve years mentioned in subsection (1)).

Compensation for damage to requisitioned land.

44.—(1) In relation to compensation accruing due after the twenty-ninth day of October, nineteen hundred and fifty-eight, by virtue of paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939 (which relates to compensation payable in respect of damage occurring to requisitioned land during the period of requisition), section fifty-five of the Act of 1954 (which limits the amount of that compensation) shall have effect as if any reference to the price which, at the relevant time and in the relevant circumstances, would be the compulsory purchase price of the land were a reference to the value which, at that time and in those circumstances, would be the value of such an interest in the land as is mentioned in paragraph (a) of subsection (2) of the said section fifty-five (that is to say, the dominium utile in the land, subject to any feu duty, any ground annual and any servitude or other restriction affecting the land at the relevant time, but otherwise free from burdens).

(2) In this section “the relevant time” means the time when the compensation accrues due, and “in the relevant circumstances” means if the land were at the relevant time in the state in which it was when possession of the land was taken in the exercise of emergency powers.

Acquisition of land in connection with town development schemes.

45.—(1) The power of the Secretary of State under subsection (1) of section thirteen of the Housing and Town Development (Scotland) Act, 1957, to authorise a receiving authority to acquire land compulsorily for purposes connected with a town development scheme under Part II of that Act shall, subject to the provisions of this section, be exercisable notwithstanding that it is not immediately necessary for the proper execution of the town development scheme that the land should be so acquired.

(2) The compulsory acquisition of land shall not be authorised by virtue of the preceding subsection unless the Secretary of State is satisfied that it is likely to become, within ten years from the date on which he confirms the compulsory purchase order, necessary for the purpose mentioned in subsection (1) of this section that the land should be acquired as therein mentioned.

(3) In this section “town development scheme” and “receiving authority” have the same meanings respectively as in the said Act of 1957.

46. Any power of the Secretary of State under section thirteen of the Restriction of Ribbon Development Act, 1935, as read with any of the following enactments, that is to say, section four of the Trunk Roads Act, 1936, section five of the Trunk Roads Act, 1946, and sections nine, ten and fourteen of the Special Roads Act, 1949, to acquire by agreement land required for a purpose mentioned in that section (as so read) shall be exercisable in respect of any land which, in the opinion of the Secretary of State, may be required for that purpose, notwithstanding that the land is not immediately required for that purpose.

PART V
Acquisition
of land for
trunk and
special roads.

47.—(1) The power of the Secretary of State under section eight of the Development and Road Improvement Funds Act, 1909, to make advances to highway authorities shall include power to make such advances in respect of the acquisition of land by a highway authority, where the Secretary of State is satisfied that the land has been or is to be acquired by that authority with a view to the construction of a new road or the improvement of an existing road.

Advances
to highway
authorities in
respect of land
acquired for
roads.

(2) Where any land is acquired by a highway authority, and the Secretary of State is satisfied as mentioned in the preceding subsection, the power of the Secretary of State to make advances under the said section eight shall also include power to make such advances in respect of either or both of the following, that is to say—

(a) any amount by which the annual expenditure incurred by the authority in maintaining the land, during the period between its acquisition and the construction or improvement of the road in question, and in the payment of loan charges accruing due during that period in respect of any debt incurred by the authority for the purpose of acquiring the land, exceeds the annual income accruing to the authority from the land during that period; and

(b) any loan charges accruing due after the end of that period in respect of any money borrowed by the authority for the purpose of acquiring the land.

(3) In this section “loan charges”, in relation to any borrowed money, means the sums required for the payment of interest on that money and for the repayment thereof either by instalments or by means of a sinking fund, and expressions used in this section and in the said section eight have the same meanings in this section as in that section.

48.—(1) Section eighty-one of the Lands Clauses Consolidation (Scotland) Act, 1845 (which relates to expenses of conveyances) shall, in relation to any conveyance of lands granted after the commencement of this Act, have effect as if any

Amendment
of s. 81 of
Lands Clauses
Consolidation
(Scotland)
Act, 1845.

2 Q*

PART V

reference therein to the charges and expenses of establishing the title to the lands included a reference to any expenses necessarily incurred by the seller in taking any action he may be requested by the promoters of the undertaking to take in connection with the conveyance in question

(2) In this section “conveyance”, “seller” and “promoters of the undertaking” have the same meanings as in the said section eighty-one.

Recovery of
certain sums
from acquiring
authorities.

49.—(1) Section fifty-four of the Act of 1954 (which relates to the recovery from acquiring authorities of certain sums payable under Part I of that Act in respect of land acquired under compulsory powers) shall have effect, and shall be deemed always to have had effect, with the substitution, in subsection (2) of that section (which specifies cases in which no sum is to be recoverable thereunder), of the following paragraph for paragraph (b) (which relates to interests in land acquired for the purposes of the development or re-development of an area as a whole):—

“(b) the interest was acquired under Part I of the Town and Country Planning (Scotland) Act, 1945, or under Part III of the principal Act, or in accordance with the provisions of the said Part III as applied by section seventeen of the principal Act, and was so acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, for the purposes of the development or re-development of any area as a whole, or was acquired in pursuance of such a notice to treat or contract under powers conferred by a local Act, and for purposes, which are certified by the Secretary of State to have been powers and purposes similar respectively to those mentioned in the preceding provisions of this paragraph; or”.

(2) Section fifty-four of the Act of 1954 shall also have effect, and shall be deemed always to have had effect, as if the following subsection were inserted after subsection (2) of that section:—

“(2A) Without prejudice to the last preceding subsection, where the interest was acquired in pursuance of a notice to treat served, or a contract made, before the eighteenth day of November, nineteen hundred and fifty-two, and on the date of service of the notice to treat, or on the date on which the contract was made, as the case may be, the land in which the interest subsisted was used wholly or mainly for agricultural purposes, subsection (1) of this section shall not apply to so much of any payment referred to in that subsection as is attributable to any part of the land in respect of

which it is certified by the Secretary of State that he is satisfied that the acquiring authority have no intention—

- (a) of using it (otherwise than temporarily) for purposes other than agricultural purposes, or
- (b) of disposing of it by way of sale, exchange or letting with a view to its being so used”.

(3) In relation to compulsory acquisitions to which section one of this Act applies, and in relation to any sale of an interest in land by agreement in circumstances corresponding to such an acquisition, section fifty-four of the Act of 1954 shall have effect with the substitution, for subsection (6) of that section, of the following subsections:—

“(6) Where in the case of a compulsory acquisition to which section one of the Town and Country Planning (Scotland) Act, 1959, applies, or of a sale of an interest in land which (within the meaning of that Act) is a sale thereof by agreement in circumstances corresponding to such an acquisition, any of the land comprised in the acquisition or sale is land in respect of which a notice under subsection (1) of section twenty-nine, or subsection (4) of section forty-one, of this Act, or under the provisions of the said subsection (1) as applied by section forty-eight of this Act, is recorded (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Secretary of State shall be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with subsection (2) of section twenty-nine of this Act) is to be treated as attributable to that land:

Provided that—

- (a) if, immediately after the completion of the acquisition or sale, there is outstanding some interest in that land to which a person other than the acquiring authority is entitled, the said sum shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority;
- (b) no sum shall be recoverable under this subsection in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

(6A) Where by virtue of the last preceding subsection the Secretary of State recovers a sum in respect of any land, by

PART V

reason that it is land in respect of which a notice is recorded under subsection (4) of section forty-one of this Act, subsections (2) and (3) of section forty-three of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the said section forty-three."

(4) In subsection (4) of section sixty-four of the Act of 1954 (which provides for the payment into the Exchequer of certain sums received by the Secretary of State or the Central Land Board under that Act) the references to subsections (1) to (5) of section fifty-four of that Act, and to subsection (6) of that section, shall be construed as including references respectively to subsections (1) to (5) and to subsection (6) of that section as amended by the preceding provisions of this section.

Application
of Act to
Crown.

50.—(1) The provisions of Part I of this Act, and of the First, Second, Third and Sixth Schedules thereto, apply in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments, being public authorities possessing compulsory purchase powers, as they apply in relation to the acquisition of interests in land by such authorities which are not government departments; and any reference in this Act to a compulsory acquisition to which section one of this Act applies, or to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be construed accordingly.

(2) The provisions of sections thirty-five and thirty-six of this Act shall apply in relation to any application for planning permission relating to Crown land as they apply in relation to applications for planning permission relating to any other land.

(3) The rights conferred by Part IV of this Act shall be exercisable by a person who (within the meaning of that Part of this Act) is an owner-occupier of a hereditament or agricultural unit which is Crown land, or is a resident owner-occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and the provisions of Part IV of this Act, and of the Fifth Schedule to this Act, shall apply accordingly.

(4) In so far as any power conferred by section thirteen of the Housing and Town Development (Scotland) Act, 1957, is exercisable in respect of Crown land, that power as extended by section forty-five of this Act shall be exercisable in respect of Crown land to the like extent.

(5) In this section "Crown land" has the same meaning as in section eighty-three of the Act of 1947.

51. The provisions of the Sixth Schedule to this Act shall have effect as to the reduction or extinguishment of unexpended balances of established development value (within the meaning of the Act of 1954) in consequence of compulsory acquisitions to which section one of this Act applies, and of sales of interests in land by agreement in circumstances corresponding to such acquisitions.

PART V
Adjustment of unexpended balances of established development value.

52.—(1) Section one hundred of the Act of 1947 (which authorises the Secretary of State to hold local inquiries for the purposes of that Act) and section one hundred and one of that Act (which relates to the service of notices) shall apply for the purposes of this Act.

Provisions as to inquiries, notices, regulations, and orders.

(2) The Secretary of State may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act.

(3) Any power conferred by this Act to make an order shall include power to vary or revoke the order by a subsequent order.

(4) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument.

(5) Any statutory instrument containing regulations or an order made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

53. There shall be paid out of moneys provided by Parliament—

Financial provisions.

- (a) any administrative expenses incurred by the Secretary of State in consequence of the passing of this Act ;
- (b) any sums necessary to enable any government department to make payments in pursuance of section thirteen of this Act ;
- (c) any sums necessary to enable any government department to pay any compensation or additional consideration becoming payable by them under the provisions of section eighteen or nineteen of this Act, or under those provisions as extended by section twenty-two of this Act ;
- (d) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

54.—(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.

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement)

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or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired ;

- “ the Act of 1919 ” means the Acquisition of Land (Assessment of Compensation) Act, 1919 ;
- “ the Act of 1947 ” means the Town and Country Planning (Scotland) Act, 1947 ;
- “ the Act of 1954 ” means the Town and Country Planning (Scotland) Act, 1954 ;
- “ authority to whom the Act of 1919 applies ” means a government department or local or public authority within the meaning of that Act, or a person or body of persons to whom that Act applies as it applies to such a department or authority ;
- “ compulsory acquisition ” and “ public authority possessing compulsory purchase powers ” have the same meanings as in the Act of 1954 ;
- “ disposal ” means disposal by way of sale, excambion or lease, or by way of the creation of any servitude, right or privilege, or in any other manner, except by way of appropriation, gift, or the creation of a heritable security, and “ dispose of ” shall be construed accordingly ;
- “ function ” means a power or a duty, and “ grant-aided function ”, in relation to a body, means a function in respect of which a grant or contribution (other than any grant under the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, and any Exchequer subsidy under any of the enactments specified in Part I of the Sixth Schedule to the Housing (Scotland) Act, 1950) is payable to that body by a government department out of moneys provided by Parliament ;
- “ government department ” includes a Minister of the Crown ;
- “ local enactment ” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;
- “ outline application ” means an application for planning permission subject to subsequent approval on any matters ;
- “ planning decision ” means a decision made on an application under Part II of the Act of 1947 ;
- “ planning permission ” means permission under Part II of the Act of 1947 ;

“prescribed” (except in relation to matters required or authorised by this Act to be prescribed by an order) means prescribed by regulations under this Act;

“special enactment” means a local enactment, or a provision contained in an Act other than a local or private Act, being a local enactment or provision authorising the compulsory acquisition of land specifically identified therein.

(2) In this Act, in relation to a compulsory acquisition in pursuance of a notice to treat, “the relevant interest” means the interest acquired in pursuance of that notice, “the relevant land” means the land in which the relevant interest subsists, and “the notice to treat” means the notice to treat in pursuance of which the relevant interest is acquired.

(3) Subject to the preceding subsections, and except in so far as the context otherwise requires, expressions used in this Act and in the Act of 1947 have the same meanings in this Act as in that Act.

(4) Subsections (3), (4), (6), (7) and (9) of section sixty-nine of the Act of 1954 (which relates to the interpretation of that Act) shall apply for the purposes of this Act as they apply for the purposes of that Act.

(5) Subsections (2) and (3) of section one hundred and eight of the Act of 1947 shall apply for the purposes of the construction of references in this Act to the Third Schedule to the Act of 1947.

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

- (a) to both of them beneficially, or
- (b) to both of them as trustee of one particular trust, or
- (c) to both of them as personal representative of one particular person;

and in this subsection “trustee” has the same meaning as in the Trusts (Scotland) Act, 1921.

(7) In this Act any reference to a sale or purchase includes a reference to a sale or purchase by way of feu, and any reference to the price in relation to a sale or purchase includes a reference to grassum, feu-duty and ground annual.

(8) Any reference in this Act to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which section one of this Act applies is a reference to a sale thereof to a public authority possessing compulsory purchase powers, being a sale in pursuance of a contract made after the twenty-ninth day of October, nineteen hundred and fifty-eight.

PART V

(9) For the purposes of this Act development of land shall be taken to be initiated—

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
- (b) if the development consists of a change in use, at the time when the new use is instituted;
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.

(10) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Minor and consequential amendments and repeals.

55.—(1) Subject to the following provisions of this section, and without prejudice to any amendments having effect by virtue of the preceding provisions of this Act,—

- (a) the enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule; and
- (b) the enactments specified in the Eighth Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.

(2) The amendments of section seventeen of the Act of 1947 specified in the Seventh Schedule to this Act shall not have effect in relation to any purchase notice served before the commencement of this Act, but those amendments, and the amendments made by section thirty-four of this Act, shall have effect in relation to any purchase notice served after the commencement of this Act—

- (a) under the provisions of the said section seventeen as applied by any other provisions of that Act or of the Act of 1954, or
- (b) under any order made (whether before or after the commencement of this Act) under any other provision of the Act of 1947, except in so far as a contrary intention is expressed in any such order made after the commencement of this Act.

(3) The amendments of, and repeals in, section fifty-five of the Act of 1954 specified in the Seventh and Eighth Schedules to this Act shall not have effect in relation to any compensation accruing due on or before the twenty-ninth day of October, nineteen hundred and fifty-eight.

(4) The repeals specified in the Eighth Schedule to this Act shall not affect the operation of any enactment in relation to compulsory acquisitions to which section one of this Act does

not apply, or in relation to sales of interests in land by agreement, not being sales in circumstances corresponding to compulsory acquisitions to which section one of this Act applies.

PART V

(5) In accordance with subsections (1) and (2) of section thirty-four of this Act, and with the preceding provisions of this section, section seventeen of the Act of 1947 shall have effect, in relation to purchase notices served after the commencement of this Act, as set out in the Ninth Schedule to this Act.

56.—(1) This Act may be cited as the Town and Country Planning (Scotland) Act, 1959; and the Town and Country Planning (Scotland) Acts, 1947 to 1954, and this Act, except Part II thereof, may be cited together as the Town and Country Planning (Scotland) Acts, 1947 to 1959.

Short title,
citation, repeal
of Town and
Country
Planning Act,
1959, com-
mencement
and extent.

(2) The Town and Country Planning Act, 1959, is hereby repealed; and (without prejudice to the operation of subsection (1) of section thirty-eight of the Interpretation Act, 1889, which relates to the effect of repeals and re-enactments) any enactment instrument or other document referring to that Act, or any provision of that Act, in its application to Scotland shall be construed as referring to this Act or, as the case may be, the corresponding provision of this Act.

(3) The preceding provisions of this section shall come into operation on the passing of this Act, and, save as aforesaid, this Act shall come into operation on the sixteenth day of August, nineteen hundred and fifty-nine.

(4) For the purposes of this Act and of the application thereto of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act) references to the commencement of this Act shall, notwithstanding the provisions of section thirty-six of the said Act of 1889 with respect to the construction of the expression "commencement", be construed as references to the time at which this Act, except subsections (1) and (2) of this section, comes into operation.

(5) This Act shall extend to Scotland only.

SCHEDULES

Sections 9, 50.

FIRST SCHEDULE

PROVISIONS FOR TAKING ACCOUNT OF INCREASES IN VALUE OF
CONTIGUOUS OR ADJACENT LAND

1. Subsection (4) of section nine of this Act shall not apply to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any of the following enactments (which contain provisions for taking account in certain cases of increases in the value of contiguous or adjacent land), that is to say,—

- (a) section thirteen of the Light Railways Act, 1896 ;
- (b) sub-paragraph (C) of paragraph (2) of the Schedule to the Development and Road Improvement Funds Act, 1909 ;
- (c) paragraph (a) of the proviso to subsection (1) of section thirteen of the Restriction of Ribbon Development Act, 1935 ;
- (d) paragraph 5 of the Fourth Schedule to the Housing (Scotland) Act, 1950.

2. Subsection (4) of section nine of this Act shall also not apply to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any local enactment which provides (in whatsoever terms) that, in assessing compensation in respect of a compulsory acquisition thereunder, account shall be taken of any increase in the value of an interest in contiguous or adjacent land which is attributable to any of the works authorised by that enactment.

3. Where any such local enactment as is mentioned in the last preceding paragraph includes a provision restricting the assessment of the increase in value thereunder by reference to existing use (that is to say, by providing, in whatsoever terms, that the increase in value shall be assessed on the assumption that planning permission in respect of the contiguous or adjacent land in question would be granted for development of any class specified in the Third Schedule to the Act of 1947, but would not be granted for any other development thereof), the enactment shall have effect, in relation to compulsory acquisitions to which section one of this Act applies, as if it included no such provision restricting the assessment of the increase in value.

4.—(1) Where, for the purpose of assessing compensation in respect of a compulsory acquisition of an interest in land, an increase in the value of an interest in other land has, in any of the cases mentioned in the table, been taken into account by virtue of subsection (4) of section nine of this Act or any corresponding enactment, then, in connection with any subsequent acquisition to which this paragraph applies, that increase shall not be left out of account by virtue of subsection (2) of section nine of this Act, or taken into account by virtue of subsection (4) of that section or any corresponding enactment, in so far as it was taken into account in connection with the previous acquisition.

(2) Where, in connection with a compulsory acquisition of an interest in land, a diminution in the value of an interest in other land has, in any of the cases mentioned in the table, been taken into account in assessing compensation for injurious affection, then, in connection with any subsequent acquisition to which this paragraph applies, that diminution shall not be left out of account, by virtue of subsection (2) of section nine of this Act, in so far as it was taken into account in connection with the previous acquisition.

(3) This paragraph applies to any subsequent acquisition where either—

- (a) the interest acquired by the subsequent acquisition is the same as the interest previously taken into account (whether the acquisition extends to the whole of the land in which that interest previously subsisted or only to part of that land), or
- (b) the person entitled to the interest acquired is, or derives title to that interest from, the person who at the time of the previous acquisition was entitled to the interest previously taken into account ;

and in this sub-paragraph any reference to the interest previously taken into account is a reference to the interest the increased or diminished value whereof was taken into account as mentioned in sub-paragraph (1) or sub-paragraph (2) of this paragraph.

(4) Where, in connection with a sale of an interest in land by agreement, the circumstances were such that, if it had been a compulsory acquisition, an increase or diminution of value would have fallen to be taken into account as mentioned in sub-paragraph (1) or sub-paragraph (2) of this paragraph, the preceding provisions of this paragraph shall apply, with the necessary modifications, as if that sale had been a compulsory acquisition and that increase or diminution of value had been taken into account accordingly.

(5) In this paragraph "corresponding enactment" means any such enactment as is mentioned in paragraph 1 or paragraph 2 of this Schedule, and any reference to a case mentioned in the table is a reference to a case mentioned in the first column of the table set out in subsection (2) of section nine of this Act.

SECOND SCHEDULE

Sections 10, 50.

ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

1.—(1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition, being—

- (a) an acquisition under Part III of the Act of 1947, or
- (b) an acquisition under section thirteen of the Housing and Town Development (Scotland) Act, 1957, or
- (c) an acquisition in pursuance of Part IV of this Act, or
- (d) an acquisition of land within the area designated by an order under section one of the New Towns Act, 1946, as the site of a new town, or

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- (e) an acquisition by a development corporation or a local highway authority or the Secretary of State under the New Towns Act, 1946, or under any enactment as applied by any provision of that Act,

and being (in any such case) an acquisition where the land in question comprises a house which, in the opinion of an appropriate local authority, is unfit for human habitation and not capable at reasonable expense of being rendered fit for human habitation.

(2) The local authority may make and submit to the Secretary of State an order, in such form as may be prescribed by regulations made under section one hundred and seventy-two of the Act of 1950, declaring the house to be in the state referred to in the preceding sub-paragraph; and if—

- (a) that order is confirmed by the Secretary of State, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or
- (b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under section seventeen of the Act of 1947 or the provisions of that section as applied by or under any other enactment or in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946, or under Part IV of this Act, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Secretary of State,

the provisions of subsection (2) of section thirty-six of the Act of 1950, and the provisions of section forty of that Act as read with section twenty of the Housing and Town Development (Scotland) Act, 1957 (which relate to certain payments in respect of houses purchased or demolished under the Act of 1950) shall apply as if the house had been purchased under Part III of the Act of 1950 as being in the state referred to in the preceding sub-paragraph, and as if any reference in those sections to the local authority were a reference to the acquiring authority.

(3) Before submitting to the Secretary of State an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on the superior of, and the holder of every heritable security over, the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, 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, objection thereto can be made.

(4) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person

by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(5) Subsection (2) of section one hundred and eighty-four of the Act of 1950 shall have effect in determining for the purposes of this paragraph whether a house is fit for human habitation as it has effect in so determining for the purposes of that Act.

(6) In this paragraph "appropriate local authority" means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part III of the Act of 1950 relating to clearance areas.

2.—(1) The provisions of this paragraph shall have effect in relation to any compulsory acquisition to which section one of this Act applies where—

- (a) the relevant land consists of or includes the whole or part of a house (in this paragraph referred to as "the relevant house") and, on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected, the person then entitled to the relevant interest was, in right of that interest, in occupation of the relevant house or part thereof as a private dwelling, and
- (b) that person either continues, on the date of service of the notice to treat, to be entitled to the relevant interest, or, if he has died before that date, continued to be entitled to that interest immediately before his death, and
- (c) the acquisition is under the Act of 1950, in such circumstances that any of the following provisions of that Act, that is to say, subsection (2) of section twelve, subsection (4) of section seventeen, and subsection (2) of section thirty-six (which relate to compensation at site value) have effect in relation to the acquisition, or is an acquisition in connection with which an order is made and confirmed under the last preceding paragraph in respect of the relevant house.

In the following provisions of this paragraph any reference to "the dwelling" is a reference to so much of the relevant house as the person referred to in head (a) of this sub-paragraph occupied as therein mentioned.

(2) Subject to the next following sub-paragraph, if the amount of the compensation payable in respect of the acquisition of the relevant interest would, apart from this paragraph, be less than the gross annual value of the dwelling, the amount of the compensation payable in respect of the acquisition of that interest shall be an amount equal to the gross annual value of the dwelling.

(3) Where a payment falls to be made under section forty of the Act of 1950 to the person entitled to the relevant interest, and that payment is attributable to the relevant house, any reference in the last preceding sub-paragraph to the amount of the compensation payable in respect of the acquisition of the relevant interest shall be construed as a reference to the aggregate of that amount and of the amount of the payment.

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(4) For the purposes of this paragraph the gross annual value of the dwelling shall be determined as follows:—

- (a) if the dwelling constitutes the whole of the relevant house, the gross annual value of the dwelling shall be taken to be the value which, on the date of service of the notice to treat, is shown in the valuation roll then in force as the gross annual value of that house for rating purposes;
- (b) if the dwelling is only part of the relevant house, an apportionment shall be made of the gross annual value of the relevant house for rating purposes, as shown in the valuation roll in force on the date of service of the notice to treat, and the gross annual value of the dwelling shall be taken to be the amount which, on such an apportionment, is properly attributable to the dwelling.

(5) Any reference in this paragraph to the compensation payable in respect of the acquisition of the relevant interest shall be construed as excluding so much (if any) of that compensation as is attributable to disturbance or to severance or injurious affection.

(6) Nothing in this paragraph shall affect the amount which is to be taken for the purposes of section sixty-two of the Act of 1954 (which relates to the consideration payable for the discharge of land from feu duty and other incumbrances) as the amount of the compensation payable in respect of the acquisition of the relevant interest.

3. Paragraph 3 of the Fourth Schedule to the Act of 1950 (which makes special provision as to the assessment of compensation in the case of premises which are purchased under that Act otherwise than at site value, but are in a state of defective sanitation or not in reasonably good repair) shall cease to have effect, except for the purpose of assessing compensation (where applicable) in respect of compulsory acquisitions to which section one of this Act does not apply.

4.—(1) Where, in the case of a compulsory acquisition to which section one of this Act applies,—

- (a) the acquisition is under the Act of 1950, in such circumstances that any of the following provisions of that Act, that is to say, subsection (2) of section twelve, subsection (4) of section seventeen, and subsection (2) of section thirty-six (which relate to compensation at site value) have effect in relation to the acquisition, or is an acquisition in connection with which an order is made and confirmed under paragraph 1 of this Schedule, and
- (b) the relevant land consists of or includes a hereditament, or part of a hereditament, which has sustained war damage, and any of that damage has not been made good at the date of service of the notice to treat,

there shall be added to the compensation which, apart from this paragraph, would be payable in respect of the acquisition an amount calculated in accordance with the next following sub-paragraph.

(2) The said amount shall be an amount equal to the value, as at the date of service of the notice to treat, of the prospective right to receive such payment (if any) under the War Damage Act, 1943, in respect of that hereditament or part of a hereditament, as might reasonably have been expected to become payable if the relevant land had not been compulsorily acquired.

(3) In this paragraph "hereditament" has the same meaning as in the War Damage Act, 1943.

5.—(1) Where a local authority have before the commencement of this Act made and submitted to the Secretary of State an order under paragraph 8 of the Fifth Schedule to the Town and Country Planning (Scotland) Act, 1945 (which contains provisions similar to those of paragraph 1 of this Schedule), but the Secretary of State has not confirmed that order before the commencement of this Act, sub-paragraphs (2), (4) and (5) of paragraph 1 of this Schedule shall apply in relation to that order as if—

(a) the order had been made under paragraph 1 of this Schedule, and

(b) the reference in sub-paragraph (4) of paragraph 1 of this Schedule to persons on whom notices are required to be served were a reference to persons on whom notices are required to be served under sub-paragraph (2) of the said paragraph 8.

(2) Any reference in paragraph 2 or paragraph 4 of this Schedule to an order made and confirmed under paragraph 1 of this Schedule shall be construed as including a reference to an order—

(a) made and confirmed under the said paragraph 8, or

(b) made under the said paragraph 8 and confirmed under the provisions of paragraph 1 of this Schedule applied by the preceding sub-paragraph.

(3) In this paragraph any reference to the said paragraph 8 includes a reference to the provisions of that paragraph as extended or applied by or under any other enactment.

6. In this Schedule "Act of 1950" means the Housing (Scotland) Act, 1950, and "house" has the meaning assigned to it by section one hundred and eighty-four of that Act.

THIRD SCHEDULE

Sections 18,
50.

APPLICATION OF SECTIONS EIGHTEEN AND NINETEEN TO SPECIAL CASES

PART I

Disturbance, severance and injurious affection

1. The provisions of the next following paragraph shall have effect for the purposes of the application of section eighteen of this Act to cases where the compensation or purchase price in respect of the interest acquired or purchased—

(a) included an amount attributable to disturbance, or attributable to damage sustained in respect of an interest in land

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held with the land comprised in the acquisition or sale (in this Schedule referred to as "the interest affected") by reason that the land so held was severed from the land comprised in the acquisition or sale, or was injuriously affected, or

- (b) would have included such an amount if the planning decision referred to in subsection (1) of that section had been made before the relevant date, and the planning permission thereby granted had been in force on that date.

2.—(1) Subject to the next following sub-paragraph,—

- (a) any reference in subsection (2) of that section to the principal amount of the compensation which was payable in respect of the compulsory acquisition, or, in the case of a sale by agreement, the amount of the purchase price, shall be construed as including any amount which was included therein as mentioned in sub-paragraph (a) of the preceding paragraph ; and
- (b) any reference in subsection (2) of that section to the principal amount of the compensation which would have been payable as therein mentioned shall be construed as including any amount which would have been included therein as mentioned in sub-paragraph (b) of the preceding paragraph.

(2) If, at the time of the planning decision in question, the person entitled to the compensation under section eighteen of this Act is not entitled to the interest affected, either in respect of the whole of the land in which that interest subsisted at the time of the acquisition or sale or in respect of part of that land, any such reference as is mentioned in the preceding sub-paragraph shall be construed as excluding so much of the compensation or purchase price in question as was or would have been attributable to severance or injurious affection of the land in which the interest affected subsisted, or of the part thereof in respect of which that person is not entitled to the interest affected, as the case may be.

Increase in value of contiguous or adjacent land

3. The provisions of the next following paragraph shall have effect for the purposes of the application of section eighteen of this Act to cases where the compensation or purchase price in respect of the interest acquired or purchased—

- (a) was reduced (whether by virtue of subsection (4) of section nine of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land (in this Schedule referred to as "the interest in adjacent land") being an interest belonging to the person who on the relevant date was entitled to the interest acquired or purchased, or
- (b) would have been so reduced if the planning decision referred to in subsection (1) of the said section eighteen had been made before the relevant date, and the planning permission thereby granted had been in force on that date.

4.—(1) Subject to the following provisions of this paragraph—

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- (a) any reference in subsection (2) of section eighteen of this Act to the principal amount of the compensation which was payable in respect of the compulsory acquisition, or, in the case of a sale by agreement, the amount of the purchase price, shall be construed as a reference to that amount as reduced as mentioned in sub-paragraph (a) of the last preceding paragraph ; and
- (b) any reference in subsection (2) of that section to the principal amount of the compensation which would have been payable as therein mentioned shall be construed as a reference to that amount as it would have been reduced in the circumstances mentioned in sub-paragraph (b) of the last preceding paragraph.

(2) If, at the time of the planning decision in question, the person entitled to the compensation under section eighteen of this Act is not entitled to the interest in adjacent land, any such reference as is mentioned in the preceding sub-paragraph shall be construed as a reference to the amount which would have been the principal amount of the compensation or the amount of the purchase price, as mentioned in subsection (2) of the said section eighteen, if the circumstances, by reason of which the compensation or purchase price was or would have been reduced, had not existed.

(3) If, at the time of the planning decision in question, the person entitled to the compensation under section eighteen of this Act is entitled to the interest in adjacent land, but only in respect of part of the land in which that interest subsisted at the time of the acquisition or sale, any such reference shall be construed as a reference to the amount which would have been the principal amount of the compensation or the amount of the purchase price, as mentioned in subsection (2) of the said section eighteen, if the interest in adjacent land had subsisted only in that part of that land.

Land subject to a heritable security

5. Subject to the provisions of this Schedule relating to land subject to a trust, where, in a case falling within subsection (1) of section eighteen or subsection (1) of section twenty-two of this Act, the interest in land which was acquired or sold was subject to a heritable security, any reference in section eighteen of this Act to the person to whom the compensation or purchase price was payable, or to the person referred to in subsection (2) of the said section eighteen, and any reference in section twenty of this Act to the person entitled to receive the compensation or purchase price, shall be construed as a reference to the person who, subject to the heritable security, was entitled to that interest, and not as a reference to the heritable creditor.

6. For the purposes of the application of section eighteen or section twenty-two of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the last preceding paragraph, any reference to the principal amount of the

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compensation which was payable in respect of the compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable in respect thereof if the interest in question had not been subject to a heritable security; and any reference to the principal amount of the compensation which would in any particular circumstances have been payable in respect of a compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would in those circumstances have been payable in respect of such a compulsory acquisition if the interest in question had not been subject to a heritable security.

7. No compensation shall be payable by virtue of section eighteen of this Act, or by virtue of the provisions of that section as extended by section twenty-two of this Act, in respect of a compulsory acquisition or sale by agreement, where the interest acquired or sold was the interest of a heritable creditor (as distinct from an interest subject to a heritable security).

Land subject to a trust

8.—(1) Where, in a case falling within subsection (1) of section eighteen or subsection (1) of section twenty-two of this Act, the interest in land which was acquired or sold was subject to a trust, and accordingly the compensation or purchase price was payable to the trustees of that trust, any reference in section eighteen of this Act to the person to whom the compensation or purchase price was payable, and any reference in section twenty of this Act to the person entitled to receive the compensation or purchase price, shall be construed as a reference to the trustees for the time being of the trust.

(2) Where the preceding sub-paragraph applies, subsection (5) of section eighteen of this Act shall not apply.

(3) Any compensation paid to the trustees of a trust by virtue of section eighteen of this Act, or by virtue of the provisions of that section as extended by section twenty-two of this Act, in respect of a compulsory acquisition or sale by agreement, shall be applicable by the trustees as if it were proceeds of the sale of the interest acquired or sold.

General provisions

9. In any case where the conditions mentioned both in paragraph 1 and in paragraph 3 of this Schedule are fulfilled in respect of the same interest in land, other than the interest acquired or purchased (whether by reason that the case falls within sub-paragraph (a) of paragraph 1 of this Schedule and within sub-paragraph (b) of paragraph 3 thereof, or falls within sub-paragraph (b) of paragraph 1 and within sub-paragraph (a) of paragraph 3), the provisions of paragraphs 2 and 4 of this Schedule, so far as applicable, shall apply with the necessary modifications.

10.—(1) The provisions of this Part of this Schedule shall have effect, in relation to any planning permission which, in accordance with any direction or provision given or made by or under an enactment, is deemed to have been granted, as if a planning decision granting that permission had been made at the time when, by virtue of that direction or provision, the permission is deemed to have been granted.

(2) Subsection (1) of section twenty-two of this Act shall apply for the purposes of this Part of this Schedule as it applies for the purposes of section eighteen of this Act.

PART II

11.—(1) Where in a case falling within subsection (3) of section nineteen of this Act, or that subsection as extended by subsection (1) of section twenty-two of this Act, the consideration under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Act of 1954) was paid to the trustees of a trust, any reference in the said subsection (3), or in subsection (7) of section twenty of this Act, to the person who has received the consideration shall be construed as a reference to the trustees for the time being of the trust.

(2) Where the preceding sub-paragraph applies, subsection (4) of section nineteen of this Act shall not apply.

(3) Any additional consideration paid to the trustees of a trust by virtue of section nineteen of this Act, or by virtue of the provisions of that section as extended by section twenty-two of this Act, in respect of a compulsory acquisition or sale by agreement, shall be applicable by the trustees as if it were consideration received by them under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845, as read with section sixty-two of the Act of 1954.

PART III

12. In this Schedule “the relevant date” has the same meaning as in section eighteen of this Act, and “trust” has the same meaning as in the Trusts (Scotland) Act, 1921.

FOURTH SCHEDULE

Sections 23, 30.

AUTHORITIES TO WHOM PART II APPLIES

1. A local authority within the meaning of the Local Government (Scotland) Act, 1947.

2. A joint board or joint committee constituted for the purpose of performing all or any of the functions of two or more local authorities within the meaning of the said Act of 1947 under that Act or any of the following enactments, that is to say—

- the Burial Ground (Scotland) Act, 1855 ;
- the Cremation Act, 1902 ;
- the Fire Services Act, 1947 ;
- the Town and Country Planning (Scotland) Act, 1947 ;
- the National Health Service (Scotland) Act, 1947 ;
- the Children Act, 1948 ;
- the Civil Defence Act, 1948 ;
- the Police (Scotland) Act, 1956.

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3. A local water authority within the meaning of the Water (Scotland) Act, 1946.
4. A river purification board established under the Rivers (Prevention of Pollution) (Scotland) Act, 1951.
5. Any authority constituted under a local enactment.

Sections 42, 50.

FIFTH SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO PURCHASE OF OWNER-
OCCUPIER'S INTEREST*Interpretation of Part IV of Act*

1.—(1) If any question arises—

- (a) whether the appropriate authority in relation to any land for the purposes of Part IV of this Act is the Secretary of State or a local highway authority, or
- (b) which of two or more local highway authorities is the appropriate authority in relation to any land for those purposes, that question shall be referred to the Secretary of State, whose decision shall be final.

(2) Subject to the preceding sub-paragraph, if any question arises as to which of two or more local authorities is the appropriate authority in relation to any land for the purposes of Part IV of this Act, that question shall be referred to the Secretary of State, whose decision shall be final.

2.—(1) The definition of “the appropriate enactment” in Part IV of this Act shall have effect subject to the following provisions of this paragraph.

(2) In relation to land falling within the description contained in paragraph (b) of subsection (1) of section thirty-eight of this Act, an enactment shall, for the purposes of that definition, be taken to be an enactment which provides for the compulsory acquisition of land as being land falling within that description if—

- (a) the enactment provides for the compulsory acquisition of land for the purposes of the functions which are indicated in the development plan as being the functions for the purposes of which the land is allocated or is proposed to be developed, or
- (b) where no particular functions are so indicated in the development plan, the enactment provides for the compulsory acquisition of land for the purposes of any of the functions of the government department, local authority or other body for the purposes of whose functions the land is allocated or is defined as the site of proposed development.

(3) Where, in accordance with the circumstances by virtue of which any land falls within any of the specified descriptions, it is indicated that the land is proposed to be acquired for road purposes, any enactment under which a highway authority are or (subject to

the fulfilment of the relevant conditions) could be authorised to acquire that land compulsorily for road purposes shall, for the purposes of the said definition, be taken to be an enactment providing for the compulsory acquisition of that land as being land falling within the description in question.

(4) In the last preceding sub-paragraph the reference to the fulfilment of the relevant conditions is a reference to such one or more of the following as are applicable to the circumstances in question, that is to say,—

- (a) the coming into operation of any requisite order under the Trunk Roads Act, 1946 ;
- (b) the coming into operation of any requisite scheme or order under the Special Roads Act, 1949 ;
- (c) the making or approval of any requisite plans.

(5) If, apart from this sub-paragraph, two or more enactments would be the appropriate enactment in relation to any land for the purposes of Part IV of this Act, the appropriate enactment for those purposes shall be taken to be that one of those enactments under which, in the circumstances in question, it is most likely that (apart from the provisions of Part IV of this Act) the land would have been acquired by the appropriate authority.

(6) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of Part IV of this Act, that question shall be referred—

- (a) where the appropriate authority are a government department, to the Minister or Board in charge of that department ;
- (b) where the appropriate authority are a local highway authority, to the Secretary of State ;
- (c) where the appropriate authority are statutory undertakers, to the appropriate Minister ; and
- (d) in any other case, to the Secretary of State,

and the decision of the Minister or Board to whom a question is referred under this sub-paragraph shall be final.

3.—(1) The provisions of this paragraph shall have effect in relation to the definition of “ hereditament ” in Part IV of this Act.

(2) Where any land is on the boundary between two or more valuation areas, and accordingly—

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

the whole of that land shall be treated, for the purposes of that definition, as if it formed the subject of a single entry in the valuation roll for a valuation area.

5TH SCH.

(3) Land which forms the subject of an entry in the valuation roll by reason only that it is land over which any shooting, fishing or other sporting rights are exercisable, or that it is land over which a right of exhibiting advertisements is let out or reserved, shall not be taken to be a hereditament within the said definition.

4. Where, in accordance with the last preceding paragraph, land whereof different parts form the subject of single entries in the valuation rolls for the time being in force for two or more valuation areas is treated as if it formed the subject of a single entry in the valuation roll for a valuation area, the definition of "annual value" in Part IV of this Act shall apply as if any reference therein to a value shown in the valuation roll were a reference to the aggregate of the values shown (as rateable values or as net annual values, as the case may be) in those valuation rolls in relation to the different parts of that land.

5.—(1) For the purposes of the application of Part IV of this Act to a hereditament or agricultural unit occupied for the purposes of a partnership firm—

- (a) occupation for the purposes of the firm shall be treated as occupation by the firm, and not as occupation by any one or more of the partners individually, and the definitions of "owner-occupier" in Part IV of this Act shall apply in relation to the firm accordingly; and
- (b) if, after the service by the firm of a notice under section thirty-eight of this Act, any change occurs (whether by death or otherwise) in the constitution of the firm, any proceedings, rights or obligations consequential upon that notice may be carried on or exercised by or against, or (as the case may be) shall be incumbent upon, the partners for the time being constituting the firm.

(2) Nothing in Part IV of this Act or in this paragraph shall be construed as indicating an intention to exclude the operation of section nineteen of the Interpretation Act, 1889 (whereby, unless the contrary intention appears, "person" includes any body of persons corporate or unincorporate) in relation to any of the provisions of Part IV of this Act of this Schedule.

(3) Sub-paragraph (1) of this paragraph shall not affect the definition of "resident owner-occupier" in Part IV of this Act.

Compensation for compulsory acquisition in pursuance of notice under Part IV of Act

6. The compensation payable in respect of a compulsory acquisition in pursuance of a notice served under section thirty-eight of this Act in respect of a hereditament—

- (a) shall not include any amount attributable to damage sustained by reason that the hereditament is severed from other land held therewith, and
- (b) shall not include any amount attributable to disturbance:

Provided that sub-paragraph (a) of this paragraph shall not apply to an amount attributable to damage sustained by reason that the hereditament is severed from agricultural land held therewith.

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7. The compensation payable in respect of a compulsory acquisition in pursuance of a notice served under section thirty-eight of this Act in respect of an agricultural unit shall not include any amount attributable to disturbance.

Withdrawal of notice under Part IV of Act

8. Subject to the next following paragraph, the person by whom a notice has been served under section thirty-eight of this Act may withdraw the notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the notice has been determined by the Lands Tribunal, or at any time before the end of the period of six weeks beginning with the date on which the compensation is so determined; and, where such a notice is withdrawn by virtue of this paragraph, any notice to treat deemed to have been served in consequence thereof shall be deemed to have been withdrawn.

9. A person shall not be entitled by virtue of the last preceding paragraph to withdraw a notice after the appropriate authority have exercised a right of entering upon and taking possession of land in pursuance of a notice to treat deemed to have been served in consequence of that notice.

10. No compensation shall be payable in respect of the withdrawal of a notice to treat which is deemed to have been withdrawn by virtue of paragraph 8 of this Schedule.

Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire

11.—(1) The provisions of this paragraph shall have effect where the grounds of objection specified in a counter-notice served under section thirty-nine of this Act consist of or include the grounds mentioned in paragraph (b) of subsection (2) of that section, and either—

- (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
- (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred.

(2) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes the whole or part of the hereditament or agricultural unit to which the counter-notice relates, or if the land in question falls within paragraph (d) of subsection (1) of section thirty-eight of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in the hereditament or agricultural unit or any part thereof shall cease to have effect.

(3) If the land in question falls within paragraph (a) of subsection (1) of section thirty-eight of this Act, then (without prejudice to

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the effect of any subsequent designation) the development plan shall have effect as if no part of the hereditament, or (in the case of an agricultural unit) no part of the affected area, were designated therein as land subject to compulsory acquisition.

12.—(1) The provisions of this paragraph shall have effect where the grounds of objection specified in a counter-notice under section thirty-nine of this Act consist of or include the grounds mentioned in paragraph (c) of subsection (2) of that section, and either—

- (a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or
- (b) the time for referring that objection to the Lands Tribunal expires without its having been so referred.

In the following provisions of this paragraph any reference to 'the part of the affected area not required' is a reference to the whole of that area except the part specified in the counter-notice as being the part which the appropriate authority propose to acquire as therein mentioned.

(2) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes any of the part of the affected area not required, or if the land in question falls within paragraph (d) of subsection (1) of section thirty-eight of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in any land comprised in the part of the affected area not required shall cease to have effect.

(3) If the land in question falls within paragraph (a) of subsection (1) of section thirty-eight of this Act, then (without prejudice to the effect of any subsequent designation) the development plan shall have effect as if no land comprised in the part of the affected area not required were designated therein as land subject to compulsory acquisition.

Supplementary and general provisions

13. In relation to any time after the death of a person who has served a notice under section thirty-eight of this Act, any reference in subsection (1) of section thirty-nine, subsection (1) of section forty or subsection (3) of section forty-one of this Act to the claimant shall be construed as a reference to the person who, on the claimant's death, has succeeded to his interest in the hereditament or agricultural unit in question.

14. Without prejudice to the provisions of paragraph 8 of this Schedule, the power conferred by subsection (2) of section five of the Act of 1919 to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of Part IV of this Act.

15. Expressions used in this Schedule and in Part IV of this Act have the same meanings in this Schedule as in that Part of this Act.

16. Where by any provision of this Schedule power is conferred to determine any question for the purposes of Part IV of this Act, any exercise of that power shall have effect for the purposes of this Schedule as well as for the purposes of that Part of this Act.

SIXTH SCHEDULE

Sections 50, 51.

REDUCTION OR EXTINGUISHMENT OF UNEXPENDED BALANCE OF
ESTABLISHED DEVELOPMENT VALUE

PART I

GENERAL PROVISIONS

1.—(1) Where in the case of—

(a) a compulsory acquisition to which section one of this Act applies, or

(b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

any of the land in which the interest acquired or sold subsisted had an unexpended balance of established development value immediately before the relevant date (in this paragraph referred to as “the relevant balance”), the following provisions of this paragraph shall have effect for the purpose of determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time.

(2) Unless, immediately after the acquisition or sale, there is outstanding some interest (other than an excepted interest) in that land to which some person other than the acquiring authority is entitled, the original unexpended balance of established development value of that land shall be treated for the purposes of the Act of 1954 as having been extinguished immediately before that subsequent time.

(3) If, immediately after the acquisition or sale, there is such an outstanding interest (other than an excepted interest) as is mentioned in the last preceding sub-paragraph, there shall be deducted from the said original balance an amount equal to any part of the relevant balance which is not attributable to any such outstanding interest, and the original balance of established development value of that land or that part thereof shall be treated for the purposes of the Act of 1954 as having been reduced or extinguished accordingly immediately before that subsequent time.

(4) For the purposes of this paragraph any question as to the portion of the relevant balance which is attributable to an interest in land—

(a) in relation to a compulsory acquisition to which section one of this Act applies, shall be determined in accordance with the provisions of Part II of this Schedule, and

(b) in relation to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be determined in accordance with the provisions of Part II of this Schedule as those provisions would apply if the sale had been a compulsory acquisition in pursuance of a notice to treat served on the relevant date.

2.—(1) Where, in connection with a compulsory acquisition to which section one of this Act applies, compensation is payable in respect of an interest in land other than the relevant land, for damage sustained by reason that the relevant land severed from other land

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held therewith, or that any other land (whether held with the relevant land or not) is injuriously affected, then, for the purpose of determining whether that other land or any part thereof has an unexpended balance of established development value at any subsequent time, there shall be deducted from the original unexpended balance of established development value (if any) of that other land an amount calculated in accordance with the next following sub-paragraph, and the original balance of that land, or of the part thereof in question, as the case may be, shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

(2) The amount referred to in the preceding sub-paragraph is the amount (if any) by which the compensation payable as mentioned in that sub-paragraph exceeds the compensation which would have been so payable if the extent of the damage sustained in respect of the other land in question had fallen to be ascertained on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to the Act of 1947, but would not be granted for any other development of that land.

3. The last preceding paragraph shall have effect in relation to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which section one of this Act applies as that paragraph has effect in relation to such an acquisition, but subject to the modification that—

- (a) any reference to the relevant land shall be construed as a reference to the land sold, and
- (b) any reference to compensation payable in respect of an interest in land shall be construed as a reference to an amount included in the purchase price in respect of that interest.

4. In this Schedule “interest in land”, “unexpended balance of established development value” and “original unexpended balance of established development value” have the same meanings as in the Act of 1954; “excepted interest” means the interest of any such person as is mentioned in section one hundred and fourteen of the Lands Clauses Consolidation (Scotland) Act, 1845 (which relates to persons having no greater interest than as tenant for a year or from year to year); and “the relevant date” means the date of service of the notice to treat or the date of the contract in pursuance of which the interest was sold, as the case may be.

PART II

SPECIAL PROVISIONS FOR APPORTIONMENT

Determination of relevant area

5.—(1) Where, in the case of a compulsory acquisition to which section one of this Act applies, any area of the relevant land which, immediately before the service of the notice to treat, had an unexpended balance of established development value does not satisfy the condition set out in the next following sub-paragraph, that area shall be treated as divided into as many separate areas as may be requisite to ensure that each of those separate areas satisfies that condition.

(2) The condition referred to in the preceding sub-paragraph is that all the interests (other than excepted interests) subsisting in the area in question subsist in the whole thereof.

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(3) Any area of the relevant land which has an unexpended balance of established development value and which complies with the condition set out in the last preceding sub-paragraph is in this Part of this Schedule referred to in relation to the interests subsisting therein as "the relevant area", and the subsequent provisions of this Part of this Schedule shall have effect separately in relation to each relevant area.

Preliminary calculations

6. In the case of the interest of the lessor under any lease there shall be calculated the capital value as at the time immediately before the service of the notice to treat of the right to receive a sum equal to the unexpended balance of established development value of the relevant area at that time, but payable at the expiration of the lease; and the amount so calculated in the case of any such interest is in this Part of this Schedule referred to as "the reversionary development value" of that interest.

Apportionment of unexpended balance between interests

7. Where two or more interests, other than excepted interests, subsist in the relevant area, the portion of the unexpended balance of established development value of the relevant area attributable to each respectively of those interests shall be taken to be the following, that is to say—

- (a) in the case of the interest of the lessor under any lease, so much, if any, of the reversionary development value of that interest, as remains after the deduction therefrom of the aggregate of—
 - (i) the reversionary development value of the interest of the person, if any, to whom that lessor stands in the relationship of lessee; and
 - (ii) in a case where the restricted value of the first-mentioned interest is a minus quantity, an amount equal to that minus quantity;
- (b) in the case of the interest of the lessee under any lease which is not subject to a sub-lease, so much, if any, of the said balance as remains after the deduction therefrom of the aggregate of—
 - (i) the reversionary development value of the interest of the lessor under the lease, and
 - (ii) in a case where the restricted value of the first-mentioned interest is a minus quantity, an amount equal to that minus quantity.

Interpretation

8. In this Part of this Schedule the expression "lease" does not include any lease in the case of which the interest of the lessee is an excepted interest.

Section 55.

SEVENTH SCHEDULE

ENACTMENTS AMENDED

The Town and Country Planning (Scotland) Act, 1947

In section sixteen, after subsection (5), there shall be inserted the following subsection:—

“(6) Where permission to develop land is granted by a development order subject to limitations, nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the use of that land which (apart from its use in accordance with that permission) is the normal use of that land, unless the last-mentioned use was begun in contravention of the provisions of this Part of this Act or was begun before the appointed day in contravention of previous planning control within the meaning of section seventy-two of this Act.”

In section seventeen, in subsection (2), for the words “that authority shall forthwith transmit a copy of the notice to the Secretary of State” there shall be substituted the words “and that authority propose to serve on the owner a notice in accordance with paragraph (c) of subsection (1A) of this section, they shall transmit a copy of the purchase notice to the Secretary of State, together with a statement of their reasons”; for the words “the foregoing subsection” there shall be substituted the words “subsection (1) of this section”; and in paragraph (c) of the proviso to that subsection, after the word “authority”, in the first place where it occurs, there shall be inserted the words “or statutory undertakers” and after the word “authority”, in the second place where it occurs, there shall be inserted the words “or, as the case may be, those statutory undertakers”; in subsection (3), for the words “the date on which a purchase notice is served under this section”, there shall be substituted the words “the end of the period specified in subsection (1A) of this section, or the date on which a copy of the purchase notice is transmitted to the Secretary of State, whichever is the earlier”, and in subsection (5), after the word “authority” in paragraph (c), there shall be inserted the words “or statutory undertakers”, for the words “or authority” there shall be substituted the words “authority or statutory undertakers”, and for the words “and authorities” there shall be substituted the words “authorities and undertakers”.

In section eighteen, in subsections (3) and (4) for the words “compulsory purchase value”, in each place where they occur, there shall be substituted the words “existing use value”; and at the end of subsection (4) there shall be added the words “and the purchase were not a compulsory acquisition to which section one of the Town and Country Planning (Scotland) Act, 1959, applies”.

In section twenty-one, in subsections (1), (2) and (4), after the word “conditions”, in each place where that word occurs, there shall be inserted the words “or limitations”.

In section twenty-two, in subsection (3), after the word “conditions” there shall be inserted the words “or limitations”.

In section twenty-five, in paragraph (a) of subsection (3), for the words "the foregoing subsection" there shall be substituted the words "subsection (1) of this section".

In section fifty-one, after subsection (2), there shall be inserted the following subsection:—

"(2A) Where, in the case of a compulsory acquisition to which section one of the Town and Country Planning (Scotland) Act, 1959, applies,—

(a) Part VIII of the Requisitioned Land and War Works Act, 1945, applies to the acquisition, and

(b) the land is requisitioned land and the period of requisition had begun before the appointed day,

subsections (3) and (4) of section three of the said Act of 1959 shall have effect as if for any reference to the appointed day in the Third Schedule to this Act there were substituted a reference to the beginning of the period of requisition";

and in subsection (3), after the words "paragraph (a)" there shall be inserted the words "of subsection (2) of this section or by virtue".

The Town and Country Planning (Scotland) Act, 1954

In section thirty, in subsection (6), after the words "section fifty-four of this Act" there shall be inserted the words "(either as originally enacted or as amended by section forty-nine of the Town and Country Planning (Scotland) Act, 1959)", and for the words "that section" there shall be substituted the words "the said section fifty-four".

In section fifty-five, in subsection (1), for the word "price" there shall be substituted the word "value"; and in subsection (2) for the words "value and price" there shall be substituted the word "values", and for paragraph (b) there shall be substituted the following paragraph:—

"(b) the value which such dominium utile (subject as mentioned in the preceding paragraph but otherwise free from burdens) would have at that time if the land were then in the state in which it was when possession thereof was taken in the exercise of emergency powers."

In section sixty-two, in subsection (8), at the end, there shall be inserted the following proviso, that is to say,—

"Provided that, where the acquisition in question is a transaction in relation to which the repeal of the said subsection (4) by section fifty-five of the Town and Country Planning (Scotland) Act, 1959, has effect, this subsection shall have effect as if for the words from 'the dominium utile in question' to the word 'applied' (in the second place where that word occurs) there were substituted the words 'the said Rule (5) had not applied'."

EIGHTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Geo. 6. c. 21.	The War Damage Act, 1943.	Section fourteen.
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	The Fifth Schedule.
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	<p>In section forty-one, subsection (3).</p> <p>Sections forty-eight to fifty.</p> <p>In section fifty-one, in subsection (1), the words "in accordance with the foregoing provisions of this Part of this Act" and the words from "and in particular" to the end of the subsection.</p> <p>Section fifty-two.</p> <p>In section fifty-three, in subsection (2), the words from "and the right to receive any value payment" to the end of the subsection, and subsections (3) and (4).</p> <p>In section seventy-nine, subsection (5).</p> <p>In section eighty-one, subsection (4).</p> <p>In section eighty-two, subsection (4).</p> <p>In section one hundred and five, subsections (2) and (3).</p> <p>The Fifth Schedule to the Town and Country Planning (Scotland) Act, 1945, as reprinted in the Eleventh Schedule.</p>
14 Geo. 6. c. 34.	The Housing (Scotland) Act, 1950.	In the Fourth Schedule, paragraph 3.
2 & 3 Eliz. 2. c. 73.	The Town and Country Planning (Scotland) Act, 1954.	<p>In section thirty-one, subsection (2).</p> <p>Sections thirty-two to thirty-eight.</p> <p>In section thirty-nine, in subsection (2), the words "otherwise than by virtue of section thirty-two of this Act and".</p> <p>In section fifty-four, paragraph (c) of subsection (8).</p> <p>In section fifty-five, subsection (5).</p> <p>In section sixty-one, subsection (3).</p> <p>In section sixty-seven, subsection (4).</p> <p>The Fifth and Sixth Schedules.</p>

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Session and Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 38.	The Housing and Town Development (Scotland) Act, 1957.	In section thirteen, in subsection (3), the words from "and the reference to subsection (2)" to the end of the subsection.

NINTH SCHEDULE

Section 55.

SECTION SEVENTEEN OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT, 1947, AS AMENDED

17.—(1) Where planning permission is refused, whether by the local planning authority or by the Secretary of State, or is granted by that authority or by the Secretary of State subject to conditions, then, if any owner or lessee of the land concerned claims—

Obligation to purchase land on refusal of planning permission in certain cases.

- (a) that the land has become incapable of reasonably beneficial use in its existing state ; and
- (b) in a case where planning permission was granted as aforesaid subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions ;
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been or is deemed to be granted or for which the local planning authority or the Secretary of State have undertaken to grant such permission,

he may, within the time and in the manner prescribed by regulations made under this Act, serve on the local planning authority in whose district the land is situated a notice (hereinafter referred to as a "purchase notice") requiring that authority to purchase his interest in the land in accordance with the provisions of this section.

(1A) The local planning authority on whom a purchase notice is served under this section shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—

- (a) that the local planning authority are willing to comply with the purchase notice ; or
- (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place ; or

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(c) that, for reasons specified in the notice under this subsection, the local planning authority are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have transmitted a copy of the purchase notice to the Secretary of State, on a date specified in the notice under this subsection, together with a statement of the reasons so specified.

(1B) Where the local planning authority upon whom a purchase notice is served under this section have served on the owner by whom the purchase notice was served a notice in accordance with paragraph (a) or paragraph (b) of the last foregoing subsection, the local planning authority, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part III of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under the last foregoing subsection.

(2) Where a purchase notice is served on any local planning authority under this section and that authority propose to serve on the owner a notice in accordance with paragraph (c) of subsection (1A) of this section, they shall transmit a copy of the purchase notice to the Secretary of State, together with a statement of their reasons; and subject to the following provisions of this section the Secretary of State shall, if he is satisfied that the conditions specified in subsection (1) of this section are fulfilled, confirm the notice, and thereupon the authority shall be deemed to be authorised to acquire the interest of that person compulsorily in accordance with the provisions of Part III of this Act, and to have served a notice to treat in respect thereof on such date as the Secretary of State may direct:

Provided that—

- (a) if it appears to the Secretary of State to be expedient so to do, he may, in lieu of confirming the purchase notice, grant planning permission for the development in respect of which the application was made or, where planning permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;
- (b) if it appears to the Secretary of State that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that such permission shall be so granted in the event of an application being made in that behalf;

(c) if it appears to the Secretary of State to be expedient that another local authority or statutory undertakers should acquire the interest for the purpose of any of their functions, he may, if he confirms the notice, modify it either in relation to the whole or in relation to any part of the land to which it relates by substituting that other authority or, as the case may be, those statutory undertakers for the local planning authority on whom the notice is served, and in any such case the foregoing provisions of this subsection shall have effect accordingly.

(3) If within the period of six months from the end of the period specified in subsection (1A) of this section, or the date on which a copy of the purchase notice is transmitted to the Secretary of State, whichever is the earlier, the Secretary of State has neither confirmed the notice nor taken any such other action as is mentioned in paragraph (a) or paragraph (b) of the proviso to the last foregoing subsection, nor notified the owner or lessee, as the case may be, by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the authority on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner or lessee compulsorily in accordance with the provisions of Part III of this Act, and to have served notice to treat in respect thereof at the expiration of the said period.

(4) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(5) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Secretary of State shall give notice of his proposed action—

- (a) to the person by whom the notice was served ;
- (b) to the local planning authority on which the notice was served ; and
- (c) to any other local authority or statutory undertakers whom the Secretary of State proposes, under subsection (2) of this section, to substitute for the said local planning authority ;

and if within the period prescribed by the notice under this subsection (not being less than twenty-eight days from the service thereof) any person authority or statutory undertakers on whom that notice is served so require, the Secretary of State shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons authorities and undertakers an opportunity of appearing before and being heard by a person appointed by him for the purpose.

(6) In the last foregoing subsection, any reference to the taking of action in lieu of confirming a purchase notice includes a reference to the taking of a decision not to confirm the notice on the grounds that any of the conditions specified in paragraphs (a) to (c) of subsection (1) of this section are not fulfilled.

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(7) Where the Secretary of State has given notice under subsection (5) of this section of his proposed action, and any of the persons, authorities and statutory undertakers concerned have appeared before and been heard by a person appointed by the Secretary of State for the purpose, and it then appears to the Secretary of State to be expedient to take action under this section otherwise than in accordance with the notice given by him, the Secretary of State may take that action accordingly.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 19.
Burial Ground (Scotland) Act, 1855	18 & 19 Vict. c. 68.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Cremation Act, 1902	2 Edw. 7. c. 8.
Development and Road Improvement Funds Act, 1909.	9 Edw. 7. c. 47.
Acquisition of Land (Assessment of Compensation) Act, 1919.	9 & 10 Geo. 5. c. 57.
Land Settlement (Scotland) Act, 1919	9 & 10 Geo. 5. c. 97.
Trusts (Scotland) Act, 1921	11 & 12 Geo. 5. c. 58
Restriction of Ribbon Development Act, 1935 ...	25 & 26 Geo. 5. c. 47.
Trunk Roads Act, 1936	1 Edw. 8 & 1 Geo. 6. c. 5.
Compensation (Defence) Act, 1939	2 & 3 Geo. 6. c. 75.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Town and Country Planning (Scotland) Act, 1945	8 & 9 Geo. 6. c. 33.
Requisitioned Land and War Works Act, 1945...	8 & 9 Geo. 6. c. 43.
Statutory Orders (Special Procedure) Act, 1945 ...	9 & 10 Geo. 6. c. 18.
Trunk Roads Act, 1946	9 & 10 Geo. 6. c. 30.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947...	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Civil Defence Act, 1948	12, 13 & 14 Geo. 6. c. 5.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Rivers (Prevention of Pollution) (Scotland) Act, 1951.	14 & 15 Geo. 6. c. 66.
Town and Country Planning (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 73.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.
Valuation and Rating (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 60.
Housing and Town Development (Scotland) Act, 1957.	5 & 6 Eliz. 2. c. 38.
Land Powers (Defence) Act, 1958	6 & 7 Eliz. 2. c. 30.
Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.	6 & 7 Eliz. 2. c. 64.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2. c. 53.

CHAPTER 71

Colonial Development and Welfare Act, 1959

ARRANGEMENT OF SECTIONS

Section

1. Schemes for colonial development and welfare.
2. Loans for approved colonial development programmes.
3. Financing of schemes and loans.
4. Financial and time limits for schemes and loans.
5. Requirements as to labour conditions in colony.
6. Schemes relating to territories which cease to be colonies.
7. Tanganyika Agricultural Corporation.
8. Accounts and returns.
9. Meaning of "colony".
10. Repeal and savings.
11. Short title.

SCHEDULE—Enactments repealed.

An Act to consolidate the Colonial Development and
Welfare Acts, 1940 to 1959. [29th July, 1959]

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

1.—(1) Subject to the provisions of this Act, the Secretary of State may with the concurrence of the Treasury make schemes for any purpose likely to promote the development of the resources of a colony or the welfare of its people.

(2) Before making a scheme under this section (hereinafter referred to as "a scheme") as respects a colony, the Secretary of State shall take into account the desirability of securing so far as possible that the colony shall participate in any increase in values directly attributable to the scheme.

2.—(1) Subject to the provisions of this Act, the Secretary of State may with the approval of the Treasury make loans to the government of any colony for enabling that government to provide finance for any of the purposes of a development programme approved by the Secretary of State and by the legislature of the colony.

(2) The terms of any such loan shall be such as may be fixed by the Secretary of State with the approval of the Treasury, and different terms may be fixed for portions of the loan issued at different times.

(3) Loans under this section shall be made in accordance with proposals approved by the Secretary of State and the Treasury, and proposals for a loan shall not be approved until provision has been made to the satisfaction of the Secretary of State and the Treasury—

- (a) for securing that moneys representing the amount of the loan will be duly applied for the purpose or purposes in aid of which the loan was made;
- (b) for the repayment of the loan, and the payment of interest thereon, in accordance with the terms of the loan, and for charging the amount of the loan and the interest thereon on the general revenues and assets of the colony and on any other revenues or assets which may be made available for the purpose.

(4) Where there is one government constituted for two or more colonies, or one authority established for two or more colonies for the purpose of providing or administering services which are common to, or relate to matters of common interest to, the colonies, references in this section to the government of a colony shall include references to the government or authority constituted or established as aforesaid, and the colonies may be treated for the purposes of this section either as separate colonies or as a single colony.

(5) In this section “development programme” means a programme of public expenditure for promoting the general development or welfare of the colony in question, whether by the provision of new services or the promotion of new enterprises or by the improvement of existing services or enterprises.

Financing of
schemes and
loans.

3.—(1) Any sums required by the Secretary of State for the purposes of schemes shall be paid out of moneys provided by Parliament, and any sums required by him for the purposes of loans made under the foregoing section shall be issued to him by the Treasury out of the Consolidated Fund.

(2) For providing sums to be so issued, or for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939; and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(3) Any sums received by the Secretary of State by way of interest on, or in repayment of, loans made either under the foregoing section or in pursuance of schemes shall be paid into the Exchequer.

(4) Sums paid into the Exchequer under the foregoing subsection in respect of loans made under the foregoing section 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.

4.—(1) Sums to be paid out of moneys provided by Parliament for the purposes of schemes (excluding sums so paid before the first day of April, nineteen hundred and forty-six) shall not exceed three hundred and fifteen million pounds in all. Financial and time limits for schemes and loans.

(2) No scheme, other than a scheme for promoting research or enquiry, shall continue in force after the thirty-first day of March, nineteen hundred and sixty-four:

Provided that this subsection shall not prevent the continuance in force of any scheme in so far as the scheme makes provision for the payment out of moneys provided by Parliament of pensions, allowances or other benefits in respect of injuries or diseases, or aggravation of diseases, incurred by persons engaged in activities carried on for the purposes of schemes.

(3) Proposals shall not be approved so that the aggregate amount of loans under section two of this Act provided for by the proposals exceeds twenty-five million pounds as respects the proposals approved in any financial year or one hundred million pounds in all, no proposals for loans under that section shall be approved after the thirty-first day of March, nineteen hundred and sixty-four, and no moneys shall be lent under that section after the thirty-first day of March, nineteen hundred and sixty-seven.

5. The Secretary of State shall not make a scheme which provides for the payment of the whole or part of the cost of the execution of any works, or approve a proposal for a loan under section two of this Act where a purpose in aid of which the loan is proposed involves the execution of any works, if (except in the case of the Aden Protectorate) he is not satisfied that the law of the colony provides reasonable facilities for the establishment and activities of trade unions or if (in any case) he is not satisfied that fair conditions of labour will be observed in the execution of the works and in particular— Requirements as to labour conditions in colony.

- (a) that the wages paid will be at not less than the rates recognised by employers and trade unions in the area where the works are to be executed or, if there are no rates so recognised, at rates approved by the appropriate authority of the colony; and

- (b) that no children under such age as may be appropriate in the circumstances, but not in any case being less than fourteen years, will be employed on the works.

Schemes relating to territories which cease to be colonies.

6.—(1) A scheme which was made solely for the benefit of any colony shall, if the colony at any time ceases to be a colony, cease to have effect at that time, without prejudice to the making of payments in pursuance of the scheme after that time in respect of any period falling before that time; and so far as practicable, but subject to the provisions of the following subsection, no part of any sums paid out of moneys provided by Parliament for the purposes of any other scheme made before that time shall be employed in respect of any period falling after that time for the benefit of the colony.

(2) Notwithstanding that a colony ceases at any time to be a colony, a scheme may be made after that time with respect to a body established for the joint benefit of the former colony and any other colony and sums paid out of moneys provided by Parliament may be employed for the purposes of such a scheme made before that time if (in either case) the government of the former colony has undertaken to bear a reasonable share of the cost of the scheme.

Tanganyika Agricultural Corporation

7.—(1) No payment shall be made by the Secretary of State in pursuance of a scheme for the purpose of providing funds required by the Tanganyika Agricultural Corporation for carrying on the undertaking of the Overseas Food Corporation.

(2) For the purposes of subsection (1) of section four of this Act there shall be left out of account any sums required by the Secretary of State in the period ending on the first day of October, nineteen hundred and fifty-seven, for making payments pursuant to any scheme for the purpose mentioned in the foregoing subsection.

(3) In this section “ the Tanganyika Agricultural Corporation ” means the Corporation constituted under that name by an Ordinance of the Legislature of Tanganyika dated the first day of June, nineteen hundred and fifty-four, and known as the Tanganyika Agricultural Corporation Ordinance, 1954; and the reference in this section to the undertaking of the Overseas Food Corporation is a reference to the undertaking transferred to the Tanganyika Agricultural Corporation by section one of the Overseas Resources Development Act, 1954.

Accounts and returns.

8.—(1) As respects each financial year the Secretary of State shall prepare in such form and manner as the Treasury may direct an account of sums issued to him for the purposes of loans made under section two of this Act and of sums received by him by way

of interest on, or in repayment of, such loans, 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 the 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.

(2) As soon as may be after the end of each financial year, the Secretary of State shall lay before each House of Parliament—

- (a) particulars of the schemes made by him during that financial year, and
- (b) a statement of the loans under section two of this Act for which he has approved proposals during that financial year, together with particulars of the development programmes to which they relate.

9. In this Act “colony” means a colony or other territory Meaning of “colony”. outside the United Kingdom for the international relations of which Her Majesty’s Government in the United Kingdom are responsible, and includes the New Hebrides.

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

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

(3) Without prejudice to the generality of the foregoing subsection, this Act shall apply in relation to schemes made under section one of the Colonial Development and Welfare Act, 1940 as it applies in relation to schemes made under section one of this Act.

(4) Except where the context otherwise requires, a reference in any document to an enactment repealed by this Act shall be taken to be or, as the case may require, to include a reference to the corresponding enactment in this Act.

(5) Without prejudice to the operation of paragraph (c) of the proviso to subsection (1) of section two of the Federation of Malaya Independence Act, 1957, this Act, except in so far as it re-enacts the Colonial Development and Welfare (Amendment) Act, 1959, shall be treated for the purposes of the said section two as if passed before the appointed day as defined in the said Act of 1957.

(6) Notwithstanding the provisions of subsection (1) of this section, payments required to be made after the repeal of section one of the Colonial Development Act, 1929, in respect of advances agreed to be made thereunder before the commencement of the Colonial Development and Welfare Act, 1940, shall continue to be treated as if they had been required to be made in pursuance of a scheme, and the Treasury shall continue to be under a duty to pay into the Exchequer any sums received by them by way of interest on, or in repayment of, any advance made by way of loan under the said section one.

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

Short title.

11. This Act may be cited as the Colonial Development and Welfare Act, 1959.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 6. c. 40.	The Colonial Development and Welfare Act, 1940.	The whole Act.
8 & 9 Geo. 6. c. 20.	The Colonial Development and Welfare Act, 1945.	The whole Act.
3 & 4 Eliz. 2. c. 6.	The Colonial Development and Welfare Act, 1955.	The whole Act.
5 & 6 Eliz. 2. c. 54.	The Tanganyika Agricultural Corporation Act, 1957.	In section one, subsection (2).
7 & 8 Eliz. 2. c. 29.	The Colonial Development and Welfare (Amendment) Act, 1959.	The whole Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Colonial Development Act, 1929	20 & 21 Geo. 5. c. 5.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Colonial Development and Welfare Act, 1940 ...	3 & 4 Geo. 6. c. 40.
Overseas Resources Development Act, 1954 ...	2 & 3 Eliz. 2. c. 71.
Federation of Malaya Independence Act, 1957 ...	5 & 6 Eliz. 2. c. 60.
Colonial Development and Welfare (Amendment) Act, 1959	7 & 8 Eliz. 2. c. 29.

CHAPTER 72

Mental Health Act, 1959

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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1. Repeal of Lunacy and Mental Treatment Acts and Mental Deficiency Acts.
2. Dissolution of Board of Control.
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4. Definition and classification of mental disorder.
5. Informal admission of patients.

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PART III

MENTAL NURSING HOMES, RESIDENTIAL HOMES, ETC.

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16. Conduct of mental nursing homes.
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25. Admission for observation.
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27. General provisions as to applications.
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29. Admission for observation in case of emergency.
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31. Effect of application for admission.
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- 41. Regulations as to transfer of patients.
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- 50. Children and young persons in care of local authority.
- 51. Nearest relative of infant under guardianship, etc.
- 52. Appointment by court of acting nearest relative.
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- 106. Vesting of stock in curator appointed outside England and Wales.
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- 114. General provisions as to rules under Part VIII.
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- 116. Effect and proof of orders, etc.
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- 122. Applications to tribunals.
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- 146. Warrants of Secretary of State.
- 147. Interpretation.
- 148. Transitional provisions.
- 149. Minor and consequential amendments and repeals.
- 150. Application to Scotland.
- 151. Power of Parliament of Northern Ireland to make consequential amendments of this Act.
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First Schedule—Mental Health Review Tribunals.

Second Schedule—Sections substituted for Education Act, 1944, s. 57.

Third Schedule—Application of Part IV to patients admitted to hospital or placed under guardianship under Part V.

Fourth Schedule—Modifications of provisions of Lunacy Regulation (Ireland) Act, 1871.

Fifth Schedule—General enactments ceasing to have effect in relation to persons within jurisdiction under Part VIII.

Sixth Schedule—Transitional provisions.

Seventh Schedule—Minor and consequential amendments.

Eighth Schedule—Enactments repealed.

An Act to repeal the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1938, and to make fresh provision with respect to the treatment and care of mentally disordered persons and with respect to their property and affairs; and for purposes connected with the matters aforesaid.

[29th July, 1959]

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

PRELIMINARY

1. Subject to the transitional provisions contained in this Act, the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1938, shall cease to have effect, and the following provisions of this Act shall have effect in lieu of those enactments with respect to the reception, care and treatment of mentally disordered patients, the management of their property, and other matters related thereto.

2.—(1) The following provisions of this section shall have effect on the repeal by this Act of the enactments constituting the Board of Control.

(2) The persons who, immediately before the dissolution of the Board by virtue of the said repeal, were members of the Board or then held office under the Board as commissioners or inspectors shall become officers of the Ministry of Health.

PART I
—cont.

(3) The dissolution of the Board shall not affect any rights, liabilities or obligations of the Board; but all such rights, liabilities and obligations, and any property held by the Board immediately before the dissolution, shall be transferred to and vest in the Minister, and any proceedings then pending to which the Board was a party may be continued by or against the Minister.

Mental Health Review Tribunals.

3.—(1) For every area for which a Regional Hospital Board is constituted under section eleven of the National Health Service Act, 1946, there shall be constituted a Tribunal, to be called a Mental Health Review Tribunal, for the purpose of dealing with applications and references by and in respect of patients under the following provisions of this Act.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the constitution of Mental Health Review Tribunals.

(3) Subject to the provisions of the said First Schedule, and to rules made by the Lord Chancellor under this Act, the jurisdiction of a Mental Health Review Tribunal may be exercised by any three or more of its members, and references in this Act to a Mental Health Review Tribunal shall be construed accordingly.

(4) The Minister may pay to the members of Mental Health Review Tribunals such remuneration and allowances as he may with the consent of the Treasury determine, and defray the expenses of such Tribunals to such amount as he may with the like consent determine, and may provide for each such Tribunal such officers and servants, and such accommodation, as the Tribunal may require.

(5) Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain commissions, tribunals and other bodies all members of which are disqualified under that Act) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if after the entry relating to Medical Practices Committees there were inserted the following entry:—

“A Mental Health Review Tribunal constituted under the Mental Health Act, 1959.”

Definition and classification of mental disorder.

4.—(1) In this Act “mental disorder” means mental illness, arrested or incomplete development of mind, psychopathic disorder, and any other disorder or disability of mind; and “mentally disordered” shall be construed accordingly.

(2) In this Act “severe subnormality” means a state of arrested or incomplete development of mind which includes subnormality of intelligence and is of such a nature or degree that the patient is incapable of living an independent life or of guarding himself against serious exploitation, or will be so incapable when of an age to do so.

PART I
—cont.

(3) In this Act “subnormality” means a state of arrested or incomplete development of mind (not amounting to severe subnormality) which includes subnormality of intelligence and is of a nature or degree which requires or is susceptible to medical treatment or other special care or training of the patient.

(4) In this Act “psychopathic disorder” means a persistent disorder or disability of mind (whether or not including subnormality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the patient, and requires or is susceptible to medical treatment.

(5) Nothing in this section shall be construed as implying that a person may be dealt with under this Act as suffering from mental disorder, or from any form of mental disorder described in this section, by reason only of promiscuity or other immoral conduct.

5.—(1) Nothing in this Act shall be construed as preventing a patient who requires treatment for mental disorder from being admitted to any hospital or mental nursing home in pursuance of arrangements made in that behalf and without any application, order or direction rendering him liable to be detained under this Act, or from remaining in any hospital or mental nursing home in pursuance of such arrangements after he has ceased to be so liable to be detained. Informal admission of patients.

(2) In the case of an infant who has attained the age of sixteen years and is capable of expressing his own wishes, any such arrangements as are mentioned in the foregoing subsection may be made, carried out and determined notwithstanding any right of custody or control vested by law in his parent or guardian.

PART II

LOCAL AUTHORITY SERVICES

General Provisions

6.—(1) In relation to persons who are or have been suffering from mental disorder, section twenty-eight of the National Health Service Act, 1946 (which relates to functions of local health authorities with respect to the prevention of illness and the care and after-care of patients) shall have effect subject to the following provisions of this section. Functions of local health authorities.

(2) The purposes for which arrangements are authorised or may be required to be made by a local health authority under

PART II
—*cont.*

subsection (1) of the said section twenty-eight for the care or after-care of such persons as aforesaid shall include the following, that is to say:—

- (a) the provision, equipment and maintenance of residential accommodation, and the care of persons for the time being resident in accommodation so provided;
- (b) the provision of centres or other facilities for training or occupation, and the equipment and maintenance of such centres;
- (c) the appointment of officers to act as mental welfare officers under the following provisions of this Act;
- (d) the exercise by the local health authority of their functions under the following provisions of this Act in respect of persons placed under guardianship thereunder (whether so placed under the guardianship of the local health authority or of other persons); and
- (e) the provision of any ancillary or supplementary services for or for the benefit of any such persons as are referred to in subsection (1) of this section;

and subsections (2) and (3) of the said section twenty-eight shall have effect accordingly.

(3) Notwithstanding anything in subsection (1) of the said section twenty-eight, the reference in paragraph (a) of subsection (2) of this section to the care of persons for the time being resident in accommodation provided by a local health authority includes, in the case of persons so resident who are under the age of sixteen years, the payment to those persons of such amounts as the local health authority think fit in respect of their occasional personal expenses where it appears to that authority that no such payment would otherwise be made.

Conduct of premises of local health authorities.

7.—(1) The Minister may make regulations as to the conduct of any premises in which residential accommodation or facilities for training or occupation are provided by local health authorities under section twenty-eight of the National Health Service Act, 1946, for persons who are or have been suffering from mental disorder.

(2) Regulations made under this section may in particular confer upon officers of the Minister authorised thereunder such powers of inspection as may be prescribed by the regulations.

Functions of welfare authorities.

8.—(1) For the purposes of subsection (8) of section twenty-one of the National Assistance Act, 1948 (which restricts the duties of local authorities in respect of the provision of accommodation under that section by reference to the provision authorised or required to be made under other enactments) no account shall be taken of the provision authorised or required to be made

by local health authorities under section twenty-eight of the National Health Service Act, 1946, with respect to residential accommodation for persons who are or have been suffering from mental disorder.

PART II
—cont.

(2) The persons referred to in subsection (1) of section twenty-nine of the said Act of 1948 (which section enables local authorities to make arrangements for promoting the welfare of blind persons and other disabled persons described in the said subsection (1)) shall include mentally disordered persons of any description ; and for the purposes of subsection (6) of that section (which, among other things, excludes from that section the provision of accommodation or services required to be provided under the National Health Service Act, 1946), no account shall be taken of the provisions of Part III of the National Health Service Act, 1946, with respect to the provision of accommodation or services for such persons.

(3) Subsection (2) of this section shall not affect the operation of the provisions of Part IV of the National Assistance Act, 1948, relating to disabled persons' homes or charities for disabled persons, but without prejudice to the provisions of Part III of this Act with respect to the registration of such homes.

(4) Nothing in this section shall be construed as requiring a local authority to make provision for the same purposes both under Part III of the National Health Service Act, 1946, and under Part III of the National Assistance Act, 1948.

9.—(1) Any local authority for the purposes of the Children Act, 1948 (in this section referred to as a children authority) may accommodate in homes or other accommodation provided by that authority under section fifteen of that Act any child who, not being in their care within the meaning of Part II of that Act, is a person whose care or after-care is for the time being undertaken by that or any other authority as local health authority in pursuance of arrangements made under section twenty-eight of the National Health Service Act, 1946, for the care or after-care of persons who are or have been suffering from mental disorder.

Functions of
children
authorities.

(2) Where a child whose care or after-care is for the time being undertaken by a local health authority in pursuance of such arrangements as aforesaid is accommodated in a home or other accommodation provided under the said section fifteen by the same authority as children authority, the authority may make such adjustments as appear to them to be appropriate between the accounts kept by them as local health authority and the accounts kept by them as children authority.

(3) Nothing in this Act, or in any other enactment, shall be construed as preventing a children authority from receiving into their care under section one of the Children Act, 1948, a child

PART II
—cont.

who is mentally disordered, nor as preventing a local health authority from accommodating in pursuance of such arrangements as aforesaid any child who is in the care of that or any other authority as a children authority.

(4) In this section “child” has the same meaning as in the Children Act, 1948.

Welfare of
certain
hospital
patients.

10.—(1) Subject to the provisions of this section, where a mentally disordered patient being—

(a) a child or young person in respect of whom the rights and powers of a parent are vested in a local authority by virtue of—

(i) section seventy-five of the Children and Young Persons Act, 1933 (which relates to children and young persons committed to the care of fit persons under that Act);

(ii) section seventy-nine of the Children and Young Persons (Scotland) Act, 1937 (which makes corresponding provision in Scotland); or

(iii) section three of the Children Act, 1948 (which relates to children in respect of whom parental rights have been assumed by a local authority under section two of that Act);

(b) a person who is subject to the guardianship of a local health authority under the following provisions of this Act; or

(c) a person the functions of whose nearest relative under this Act are for the time being transferred to a local health authority,

is admitted to a hospital or nursing home in England and Wales (whether for treatment for mental disorder or for any other reason) then, without prejudice to their duties in relation to the patient apart from the provisions of this section, the authority shall arrange for visits to be made to him on behalf of the authority, and shall take such other steps in relation to the patient while in the hospital or nursing home as would be expected to be taken by his parents.

(2) Section eight of the Children Act, 1948, and subsection (6) of section five of the Matrimonial Proceedings (Children) Act, 1958 (which provide for the removal from the care of local authorities of children who come under control under the enactments relating to mental deficiency or to lunacy and mental treatment) shall cease to have effect.

Provision for care and training of children in lieu of education **PART II**

—*cont.*

11. The sections set out in the Second Schedule to this Act, and therein numbered fifty-seven, fifty-seven A and fifty-seven B, shall be substituted for section fifty-seven of the Education Act, 1944; and section eight of the Education (Miscellaneous Provisions) Act, 1948 (which amended section fifty-seven of the said Act of 1944 as originally enacted) shall cease to have effect.

Examination and classification under Education Act, 1944.

12.—(1) Where it appears to the local health authority to be appropriate that a child of compulsory school age who is the subject of a decision recorded under section fifty-seven of the Education Act, 1944, should receive training at a centre provided or made available under arrangements made by that authority under section twenty-eight of the National Health Service Act, 1946, the authority may give notice in writing to the parent of the child requiring him to cause the child to attend, either by the day or, if the notice so directs, as a resident, at such centre, being a centre provided or made available as aforesaid, as may be specified in the notice at such times or for such periods as may be so specified.

Power to compel attendance at training centres.

(2) Before giving a notice under this section, the local health authority shall satisfy themselves that the child is not receiving adequate training comparable with the training which he would receive at the centre; and if any person to whom such a notice is given is aggrieved by the notice on the ground that the child is receiving such training, he may require the local health authority to refer the question to the Minister of Health, and that Minister may either confirm the notice or direct that it be amended or withdrawn.

(3) Subject to subsection (2) of this section, if any person fails to comply with a notice given to him under subsection (1) of this section, he shall, unless the child is receiving adequate training comparable with the training which he would receive at the centre, be guilty of an offence and shall be liable on summary conviction, in the case of a first offence to a fine not exceeding one pound, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month, or to both.

(4) It shall be the duty of the local health authority to institute proceedings for an offence under this section wherever, in their opinion, the institution of such proceedings is necessary, and no such proceedings shall be instituted except by or on behalf of a local health authority.

(5) For the purposes of this section a child shall be treated as of compulsory school age so long as, under the Education

PART II
—*cont.*

Provisions
as to regular
attendance
for training.

Act, 1944, he would be deemed to be of compulsory school age if he were a registered pupil at a special school, and "parent" has the same meaning as in that Act.

13.—(1) For the purposes of any proceedings under section twelve of this Act, the parent of a child of compulsory school age shall be deemed to have failed to cause the child to attend at a training centre on any occasion on which the child has failed without leave to attend at the centre, but the child shall not be deemed to have so failed—

- (a) at any time when prevented from attending by reason of sickness or any unavoidable cause ;
- (b) on any day exclusively set apart for religious observance by the religious body to which the parent belongs ; or
- (c) if it is not reasonably practicable for the child to make his own way, or to be taken by or on behalf of his parent, to and from the centre, and no suitable arrangements have been made by the local health authority either for his transport to and from the centre or for residential accommodation for him at or near the centre.

(2) If in any such proceedings it is proved that the child has no fixed abode, subsection (1) of this section shall have effect as if paragraph (c) were omitted ; but if the parent proves that he is engaged in a trade or business of such a nature as to require him to travel from place to place, and that the child has attended at the training centre as regularly as the nature of the trade or business of the parent permits, the parent shall be acquitted.

(3) For the purposes of any such proceedings as aforesaid in respect of a child who is residing at a training centre, the parent shall be deemed to have failed to cause the child to attend the centre if the child is absent without leave during any part of the period during which the training is given unless prevented from being present by reason of sickness or any unavoidable cause.

(4) In this section "child of compulsory school age" and "parent" have the same meaning as in section twelve of this Act, and "leave", in relation to a training centre, means leave granted by any person authorised in that behalf by the local health authority by whom the training centre is provided.

PART III

MENTAL NURSING HOMES, RESIDENTIAL HOMES, ETC.

Nursing Homes

Registration of
nursing homes
under Public
Health Act.

14.—(1) Part VI of the Public Health Act, 1936 (which relates, among other things, to the registration of nursing homes) shall apply in relation to mental nursing homes as it applies to nursing homes to which the said Part VI applied immediately before the commencement of this Act, not being maternity homes, but shall so apply subject to the following provisions of this Part of this Act.

(2) In this Part of this Act "mental nursing home" means any premises used or intended to be used for the reception of, and the provision of nursing or other medical treatment for, one or more mentally disordered patients (whether exclusively or in common with other persons), not being—

- (a) a hospital as defined by this Act ;
- (b) any other premises managed by a Government department or provided by a local authority ;

(3) In this Part of this Act "registration authority", in relation to a mental nursing home, means the council of the county or county borough in which the home is situated ; and the power of a county council under section one hundred and ninety-four of the Public Health Act, 1936, to delegate its functions under Part VI of that Act relating to nursing homes to the council of a county district shall include power to delegate its functions under this Part of this Act relating to mental nursing homes.

(4) Section one hundred and ninety-two of the Public Health Act, 1936 (which enables the registration authority to exempt certain voluntary institutions from the provisions of Part VI of that Act relating to nursing homes) shall not apply to mental nursing homes.

(5) Subject to the next following section, the registers to be kept by the registration authority under the said Part VI as applied by this Part of this Act shall be in such form, and shall contain such particulars as may be prescribed by regulations made by the Minister ; and such regulations may make provision as to the information to be supplied on applications for registration in respect of mental nursing homes.

15.—(1) Any application for registration under the said Part VI in respect of a mental nursing home shall specify whether or not it is proposed to receive therein patients who are liable to be detained under the following provisions of this Act ; and where any person is so registered in pursuance of an application stating that it is proposed to receive such patients, that fact shall be specified in the certificate of registration, and the particulars of the registration shall be entered by the registration authority in a separate part of the register.

Special provisions as to registration of nursing homes.

PART III
—cont.

(2) It shall be a condition of the registration of any person in respect of a mental nursing home that the number of persons kept at any one time in the home (excluding persons carrying on or employed in the home and their families) does not exceed such number as may be specified in the certificate of registration ; and without prejudice to the foregoing provision, the registration may be effected subject to such conditions (to be specified in the certificate) as the registration authority consider appropriate for regulating the age, sex or other category of persons who may be received in the home.

PART III
—cont.

(3) If any condition imposed by or under subsection (2) of this section is not complied with, the person carrying on the home shall be guilty of an offence and liable on summary conviction, in the case of a first offence, to a fine not exceeding five pounds and in the case of a second or subsequent offence, to a fine not exceeding twenty pounds; and without prejudice to the foregoing provision, the power of the registration authority to cancel registration under section one hundred and eighty-eight of the Public Health Act, 1936, shall include power to cancel the registration on the ground that any such condition has not been complied with.

**Conduct
of mental
nursing homes.**

16.—(1) The Minister may make regulations as to the conduct of mental nursing homes, and such regulations may in particular—

- (a) make provision as to the facilities and services to be provided in such homes; and
- (b) provide that a contravention or failure to comply with any specified provision of the regulations shall be an offence against the regulations.

(2) Any person guilty of an offence against regulations made under subsection (1) of this section shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding five pounds and in the case of a second or subsequent offence, to a fine not exceeding twenty pounds; and without prejudice to the foregoing provision, the power of the registration authority to cancel registration under section one hundred and eighty-eight of the Public Health Act, 1936, shall include power to cancel the registration of any person on the ground that he has been convicted of such an offence.

(3) A registration authority may, and shall if so required by the Minister, make separate byelaws in respect of mental nursing homes under section one hundred and ninety of the Public Health Act, 1936 (which enables byelaws to prescribe the records to be kept and notices to be given in respect of patients in nursing homes).

**Inspection
of mental
nursing homes
and visiting
of patients.**

17.—(1) Subject to the provisions of this section, any person authorised in that behalf by the Minister or by the registration authority may, at any time, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, enter and inspect any premises in the area of the authority which are used, or which that person has reasonable cause to believe to be used, for the purposes of a mental nursing home, and may inspect any records kept in accordance with byelaws made under section one hundred and ninety of the Public Health Act, 1936.

PART III
—cont.

(2) A person authorised under subsection (1) of this section to inspect a mental nursing home may visit and interview in private any mentally disordered patient residing in the home—

- (a) for the purpose of investigating any complaint as to his treatment made by or on behalf of the patient ; or
- (b) in any case where the person so authorised has reasonable cause to believe that the patient is not receiving proper care ;

and where the person so authorised is a medical practitioner, he may examine the patient in private and may require the production of and inspect any medical records relating to the treatment of the patient in the nursing home.

(3) Regulations under subsection (1) of section sixteen of this Act may make provision with respect to the exercise on behalf of registration authorities of the powers conferred by this section ; and such regulations may in particular provide—

- (a) for imposing conditions or restrictions with respect to the exercise of those powers in relation to mental nursing homes which, immediately before the commencement of this Act, were registered hospitals ; and
- (b) subject as aforesaid, for requiring the inspection of mental nursing homes under subsection (1) of this section to be carried out on such occasions, or at such intervals, as may be prescribed by the regulations.

(4) In this section “registered hospital” means a hospital registered as mentioned in subsection (9) of section two hundred and thirty-one of the Lunacy Act, 1890.

(5) Section one hundred and ninety-one of the Public Health Act, 1936 (which relates to inspection) shall not apply to mental nursing homes or any premises used or believed to be used as such.

18.—(1) If in the case of a mental nursing home the particulars of the registration of which are entered in the separate part of the register referred to in subsection (1) of section fifteen of this Act the registration is cancelled under section one hundred and eighty-eight of the Public Health Act, 1936, at a time when any patient is liable to be detained in the home under any of the following provisions of this Act, the registration shall, notwithstanding the cancellation, continue in force until the expiration of the period of two months beginning with the date of the cancellation, or until every such patient has ceased to be so liable, whichever first occurs.

Continuance of special registration on cancellation or death.

(2) If the person registered in respect of any such mental nursing home as aforesaid (not being one of two or more persons so registered) dies at a time when any patient is liable to be

PART III
—cont.

detained therein as aforesaid, the registration shall continue in force—

- (a) as from the grant of representation to the estate of the deceased, for the benefit of the personal representative of the deceased ; and
- (b) pending the grant of such representation, for the benefit of any person approved for the purpose by the registration authority,

until the expiration of the period of two months beginning with the death, or until every such patient has ceased to be so liable, or until a person other than the deceased has been registered in respect of the home, whichever first occurs ; and for the purposes of Part VI of the Public Health Act, 1936, and of this Act any person for whose benefit the registration continues in force under this subsection shall be treated as registered in respect of the home.

Residential Homes

Registration
of residential
homes under
National
Assistance
Act, 1948.

19.—(1) Subject to the provisions of this and the next following section, sections thirty-seven to forty of the National Assistance Act, 1948 (which relate to the registration, inspection and conduct of homes for disabled persons and old persons) shall apply in relation to a residential home for mentally disordered persons as they apply in relation to homes to which those enactments applied immediately before the commencement of this Act.

(2) In this Part of this Act “residential home for mentally disordered persons” means an establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for persons suffering from mental disorder, not being—

- (a) a mental nursing home ;
- (b) a hospital as defined by this Act ; or
- (c) any other premises managed by a Government department or provided by a local authority ;

and “registration authority”, in relation to a residential home for mentally disordered persons, has the meaning assigned thereto by subsection (2) of section thirty-seven of the National Assistance Act, 1948.

(3) A residential home for mentally disordered persons shall be deemed not to be a voluntary home within the meaning of Part V of the Children and Young Persons Act, 1933, or Part IV of the Children Act, 1948 ; and a child who is resident in a residential home for mentally disordered persons shall not be a foster child within the meaning of Part I of the Children Act, 1958, or a protected child within the meaning of Part IV of the Adoption Act, 1958.

20.—(1) It shall be a condition of the registration of any person in respect of a residential home for mentally disordered persons that the number of persons kept at any one time in the home (excluding persons carrying on or employed in the home and their families) does not exceed such number as may be specified in the certificate of registration; and without prejudice to the foregoing provision, the registration may be effected subject to such conditions (to be specified in the certificate) as the registration authority consider appropriate for regulating the age, sex or other category of persons who may be received in the home.

PART III
—*cont.*

Special provisions as to registration of residential homes.

(2) If any condition imposed by or under subsection (1) of this section is not complied with, the person carrying on the home shall be guilty of an offence and liable on summary conviction, in the case of a first offence, to a fine not exceeding five pounds and in the case of a second or subsequent offence, to a fine not exceeding twenty pounds; and without prejudice to the foregoing provision the power of the registration authority to cancel registration under subsection (4) of section thirty-seven of the National Assistance Act, 1948, shall include power to cancel the registration on the ground that any such condition has not been complied with.

(3) In relation to residential homes for mentally disordered persons, section forty of the National Assistance Act, 1948, shall have effect as if paragraph (a) of subsection (1) of that section (which enables the Minister to make regulations for purposes corresponding with subsection (1) of this section) were omitted.

21.—(1) The power of the Minister to make regulations under section forty of the National Assistance Act, 1948, with respect to the conduct of residential homes for mentally disordered persons shall include power to make regulations as to the records to be kept and notices to be given in respect of persons received in such homes.

Records and inspection of residential homes.

(2) The powers of inspection conferred by section thirty-nine of the said Act, in its application to residential homes for mentally disordered persons, shall include power to inspect any records required to be kept in accordance with regulations made by virtue of subsection (1) of this section under section forty of that Act.

Miscellaneous

22. A mental welfare officer of a local health authority may, at all reasonable times, after producing, if asked to do so, some duly authenticated document showing that he is such an officer, enter and inspect any premises (not being a hospital) in the area of that authority in which a mentally disordered patient is living, if he has reasonable cause to believe that the patient is not under proper care.

Powers of entry and inspection of other premises.

PART III
—cont.
Prosecution
of offences.

23.—(1) The registration authority may prosecute for any offence under this Part of this Act, or any enactment thereby applied.

(2) Section two hundred and ninety-eight of the Public Health Act, 1936 (which restricts the right to prosecute for offences under that Act) shall not apply to offences under Part VI of that Act in respect of mental nursing homes.

Application
to London.

24. In relation to the administrative county of London the provisions of this Part of this Act shall have effect subject to the following modifications, that is to say—

- (a) for any reference to Part VI of the Public Health Act, 1936, there shall be substituted a reference to Part XI of the Public Health (London) Act, 1936 ;
- (b) for references to sections one hundred and eighty-eight, one hundred and ninety, one hundred and ninety-one and one hundred and ninety-two of the Public Health Act, 1936, there shall be substituted respectively references to sections two hundred and forty-two, two hundred and forty-four, two hundred and forty-five and two hundred and forty-six of the Public Health (London) Act, 1936 ; and
- (c) for subsection (3) of section fourteen there shall be substituted the following subsection :—

“(3) In this Part of this Act ‘registration authority’, in relation to a mental nursing home, means the local supervising authority as defined by section two hundred and forty of the Public Health (London) Act, 1936 ; and section two hundred and forty-nine of that Act (which enables the London County Council to delegate to the council of a metropolitan borough certain powers exercisable under Part XI of that Act) shall have effect as if the reference to the said Part XI included a reference to this Part of this Act so far as it relates to mental nursing homes.”

PART IV

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Procedure for hospital admission

25.—(1) A patient may be admitted to a hospital, and there detained for the period allowed by this section, in pursuance of an application (in this Act referred to as an application for admission for observation) made in accordance with the following provisions of this section. Admission for observation.

(2) An application for admission for observation may be made in respect of a patient on the grounds—

- (a) that he is suffering from mental disorder of a nature or degree which warrants the detention of the patient in a hospital under observation (with or without other medical treatment) for at least a limited period ; and
- (b) that he ought to be so detained in the interests of his own health or safety or with a view to the protection of other persons.

(3) An application for admission for observation shall be founded on the written recommendations in the prescribed form of two medical practitioners, including in each case a statement that in the opinion of the practitioner the conditions set out in paragraphs (a) and (b) of subsection (2) of this section are complied with.

(4) Subject to the provisions of section fifty-two of this Act (in a case where an application is made under that section for transferring the functions of the nearest relative of the patient), a patient admitted to hospital in pursuance of an application for admission for observation may be detained for a period not exceeding twenty-eight days beginning with the day on which he is admitted, but shall not be detained thereafter unless, before the expiration of that period, he has become liable to be detained by virtue of a subsequent application, order or direction under any of the following provisions of this Act.

26.—(1) A patient may be admitted to a hospital, and there detained for the period allowed by the following provisions of this Act, in pursuance of an application (in this Act referred to as an application for admission for treatment) made in accordance with the following provisions of this section. Admission for treatment.

(2) An application for admission for treatment may be made in respect of a patient on the grounds—

- (a) that he is suffering from mental disorder, being—
 - (i) in the case of a patient of any age, mental illness or severe subnormality ;
 - (ii) in the case of a patient under the age of twenty-one years, psychopathic disorder or subnormality ;

PART IV
—*cont.*

and that the said disorder is of a nature or degree which warrants the detention of the patient in a hospital for medical treatment under this section ; and

- (b) that it is necessary in the interests of the patient's health or safety or for the protection of other persons that the patient should be so detained.

(3) An application for admission for treatment shall be founded on the written recommendations in the prescribed form of two medical practitioners, including in each case a statement that in the opinion of the practitioner the conditions set out in paragraphs (a) and (b) of subsection (2) of this section are complied with ; and each such recommendation shall include—

- (a) such particulars as may be prescribed of the grounds for that opinion so far as it relates to the conditions set out in the said paragraph (a) ; and
- (b) a statement of the reasons for that opinion so far as it relates to the conditions set out in the said paragraph (b), specifying whether other methods of dealing with the patient are available, and if so why they are not appropriate.

(4) An application for admission for treatment, and any recommendation given for the purposes of such an application, may describe the patient as suffering from more than one of the forms of mental disorder referred to in subsection (2) of this section ; but the application shall be of no effect unless the patient is described in each of the recommendations as suffering from the same one of those forms of mental disorder, whether or not he is also described in either of those recommendations as suffering from another of those forms.

(5) An application for admission for treatment made on the ground that the patient is suffering from psychopathic disorder or subnormality, and no other form of mental disorder referred to in subsection (2) of this section, shall state the age of the patient, or, if his exact age is not known to the applicant, shall state (if it be the fact) that the patient is believed to be under the age of twenty-one years.

General provisions as to applications.

27.—(1) Subject to the provisions of this section, an application for the admission of a patient for observation or for treatment may be made either by the nearest relative of the patient or by a mental welfare officer ; and every such application shall be addressed to the managers of the hospital to which admission is sought and shall specify the qualification of the applicant to make the application.

(2) An application for admission for treatment shall not be made by a mental welfare officer if the nearest relative of the patient has notified that officer, or the local health authority by

whom that officer is appointed, that he objects to the application being made, and, without prejudice to the foregoing provision, shall not be made by such an officer except after consultation with the person (if any) appearing to be the nearest relative of the patient unless it appears to that officer that in the circumstances such consultation is not reasonably practicable or would involve unreasonable delay.

PART IV
—*cont.*

(3) No application for the admission of a patient shall be made by any person unless that person has personally seen the patient within the period of fourteen days ending with the date of the application.

(4) An application for the admission of a patient shall be sufficient if the recommendations on which it is founded are given either as separate recommendations, each signed by a medical practitioner, or as a joint recommendation signed by two such practitioners.

28.—(1) The recommendations required for the purposes of an application for the admission of a patient under this Part of this Act (in this Act referred to as “medical recommendations”) shall be signed on or before the date of the application, and shall be given by practitioners who have personally examined the patient either together or at an interval of not more than seven days.

General provisions as to medical recommendations.

(2) Of the medical recommendations given for the purposes of any such application, one shall be given by a practitioner approved for the purposes of this section by a local health authority as having special experience in the diagnosis or treatment of mental disorder; and unless that practitioner has previous acquaintance with the patient, the other such recommendation shall, if practicable, be given by a medical practitioner who has such previous acquaintance.

(3) Where the application is for the admission of the patient to a hospital not being a mental nursing home, one (but not more than one) of the medical recommendations may be given by a practitioner on the staff of that hospital, except where the patient is proposed to be accommodated under section five of the National Health Service Act, 1946 (which relates to accommodation for private patients).

(4) A medical recommendation for the purposes of an application for the admission of a patient under this Part of this Act shall not be given by any of the following persons, that is to say—

- (a) the applicant;
- (b) a partner of the applicant or of a practitioner by whom another medical recommendation is given for the purposes of the same application;

PART IV
—cont.

- (c) a person employed as an assistant by the applicant or by any such practitioner as aforesaid ;
- (d) a person who receives or has an interest in the receipt of any payments made on account of the maintenance of the patient ; or
- (e) except as provided by subsection (3) of this section, a practitioner on the staff of the hospital to which the patient is to be admitted,

or by the husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of the patient, or of any such person as aforesaid, or of a practitioner by whom another medical recommendation is given for the purposes of the same application.

Admission
for observation
in case of
emergency.

29.—(1) In any case of urgent necessity, an application for admission for observation may be made in respect of a patient in accordance with the following provisions of this section, and any application so made is in this Act referred to as an emergency application.

(2) An emergency application may be made either by a mental welfare officer or by any relative of the patient ; and every such application shall include a statement (to be verified by the medical recommendation first referred to in subsection (3) of this section) that it is of urgent necessity for the patient to be admitted and detained under section twenty-five of this Act, and that compliance with the foregoing provisions of this Part of this Act relating to applications for admission for observation would involve undesirable delay.

(3) An emergency application shall be sufficient in the first instance if founded on one of the medical recommendations required by section twenty-five of this Act, given, if practicable, by a practitioner who has previous acquaintance with the patient and otherwise complying with the requirements of section twenty-eight of this Act so far as applicable to a single recommendation, but shall cease to have effect on the expiration of a period of seventy-two hours from the time when the patient is admitted to the hospital unless—

- (a) the second medical recommendation required as aforesaid is given and received by the managers within that period ; and
- (b) that recommendation and the recommendation first referred to in this subsection together comply with all the requirements of the said section twenty-eight (other than the requirement as to the time of signature of the second recommendation).

(4) In relation to an emergency application, section twenty-seven of this Act shall have effect as if in subsection (3) of that section for the words “ fourteen days ” there were substituted the words “ three days ”.

30.—(1) An application for the admission of a patient to a hospital may be made under this Part of this Act—

PART IV
—*cont.*

- (a) in any case, notwithstanding that the patient is already an in-patient in that hospital, not being liable to be detained in pursuance of an application under this Part of this Act ;
- (b) in the case of an application for admission for treatment, notwithstanding that the patient is for the time being liable to be detained in the hospital in pursuance of an application for his admission for observation ;

Applications in respect of patients already in hospital.

and where an application is so made the patient shall be treated for the purposes of this Part of this Act as if he had been admitted to the hospital at the time when that application was received by the managers.

(2) If, in the case of a patient who is an in-patient in a hospital, not being liable to be detained therein under this Part of this Act, it appears to the medical practitioner in charge of the treatment of the patient that an application ought to be made under this Part of this Act for the admission of the patient to hospital, he may furnish to the managers a report in writing to that effect ; and in any such case the patient may be detained in the hospital for a period of three days beginning with the day on which the report is so furnished.

31.—(1) An application for the admission of a patient to a hospital under this Part of this Act, duly completed in accordance with the foregoing provisions of this Part of this Act, shall be sufficient authority for the applicant, or any person authorised by the applicant, to take the patient and convey him to the hospital at any time within the following period, that is to say—

Effect of application for admission.

- (a) in the case of an application other than an emergency application, the period of fourteen days beginning with the date on which the patient was last examined by a medical practitioner before giving a medical recommendation for the purposes of the application ;
- (b) in the case of an emergency application, the period of three days beginning with the date on which the patient was examined by the practitioner giving the medical recommendation first referred to in subsection (3) of section twenty-nine of this Act, or with the date of the application, whichever is the earlier.

(2) Where a patient is admitted within the said period to the hospital specified in such an application as aforesaid, or, being within that hospital, is treated by virtue of section thirty of this Act as if he had been so admitted, the application shall be sufficient authority for the managers to detain the patient in the hospital in accordance with the provisions of this Act.

(3) Any application for the admission of a patient under this Part of this Act which appears to be duly made and to be founded on the necessary medical recommendations may be acted

PART IV
—*cont.*

upon without further proof of the signature or qualification of the person by whom the application or any such medical recommendation, is made or given, or of any matter of fact or opinion stated therein.

(4) A patient who is admitted to a hospital in pursuance of an application for admission for treatment may apply to a Mental Health Review Tribunal within the period of six months beginning with the day on which he is so admitted, or with the day on which he attains the age of sixteen years, whichever is the later.

(5) Where a patient is admitted to a hospital in pursuance of an application for admission for treatment, any previous application under this Part of this Act by virtue of which he was liable to be detained in a hospital or subject to guardianship shall cease to have effect.

**Rectification
of application
and recom-
mendations.**

32.—(1) If within the period of fourteen days beginning with the day on which a patient has been admitted to a hospital in pursuance of an application for admission for observation or for treatment the application, or any medical recommendation given for the purposes of the application, is found to be in any respect incorrect or defective, the application or recommendation may, within that period and with the consent of the managers of the hospital, be amended by the person by whom it was signed ; and upon such amendment being made the application or recommendation shall have effect and shall be deemed to have had effect as if it had been originally made as so amended.

(2) Without prejudice to the provisions of the foregoing subsection, if within the period therein mentioned it appears to the managers of the hospital that one of the two medical recommendations on which an application for the admission of a patient is founded is insufficient to warrant the detention of the patient in pursuance of the application, they may, within that period, give notice in writing to that effect to the applicant ; and where any such notice is given in respect of a medical recommendation, that recommendation shall be disregarded, but the application shall be, and shall be deemed always to have been, sufficient if—

- (a) a fresh medical recommendation complying with the relevant provisions of this Part of this Act (other than the provisions relating to the time of signature and the interval between examinations) is furnished to the managers within that period ; and
- (b) that recommendation, and the other recommendation on which the application is founded, together comply with those provisions.

(3) Where the medical recommendations upon which an application for admission is founded are, taken together, insufficient to warrant the detention of the patient in pursuance of the application, a notice under subsection (2) of this section may be given

in respect of either of those recommendations; but this subsection shall not apply in a case where the application is of no effect by virtue of subsection (4) of section twenty-six of this Act.

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—*cont.*

(4) Nothing in this section shall be construed as authorising the giving of notice in respect of an application made as an emergency application under section twenty-nine of this Act, or the detention of a patient admitted in pursuance of such an application, after the period of seventy-two hours referred to in subsection (3) of that section, unless the conditions set out in paragraphs (a) and (b) of that subsection are complied with or would be complied with apart from any error or defect to which this section applies.

Procedure for reception into guardianship

33.—(1) A patient may be received into guardianship, for the period allowed by the following provisions of this Act, in pursuance of an application (in this Act referred to as a guardianship application) made in accordance with the following provisions of this section. Application for guardianship.

(2) A guardianship application may be made in respect of a patient on the grounds—

(a) that he is suffering from mental disorder, being—

(i) in the case of a patient of any age, mental illness or severe subnormality;

(ii) in the case of a patient under the age of twenty-one years, psychopathic disorder or subnormality;

and that his disorder is of a nature or degree which warrants the reception of the patient into guardianship under this section; and

(b) that it is necessary in the interests of the patient or for the protection of other persons that the patient should be so received.

(3) The person named as guardian in a guardianship application may be either a local health authority or any other person (including the applicant himself); but a guardianship application in which a person other than a local health authority is named as guardian shall be of no effect unless it is accepted on behalf of that person by the local health authority for the area in which he resides.

(4) Every such application shall be forwarded to the local health authority therein named as guardian, or, as the case may be, to the local health authority for the area in which the person so named resides, and, except where the person so named is the local health authority, shall be accompanied by a statement in writing by the person so named that he is willing to act as guardian.

(5) Subsections (3) to (5) of section twenty-six and sections twenty-seven and twenty-eight of this Act shall apply in relation

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—*cont.*

to a guardianship application as they apply in relation to an application for admission for treatment, but subject to the following modifications, that is to say—

- (a) in section twenty-six, references to subsection (2) of that section, and to paragraph (a) or paragraph (b) of that subsection, shall be construed as references to subsection (2) of this section and to paragraph (a) or paragraph (b) of that subsection, and in paragraph (b) of subsection (3) of that section the words from “specifying” to the end of the paragraph shall be omitted;
- (b) in subsection (1) of section twenty-seven, the words “shall be addressed to the managers of the hospital to which admission is sought, and” shall be omitted;
- (c) subsection (3) of section twenty-eight shall be omitted and for paragraph (e) of subsection (4) of that section there shall be substituted the following paragraph:—
“ (e) the person named as guardian in the application ”.

Effect of
guardianship
application,
etc.

34.—(1) Where a guardianship application, duly made under the foregoing provisions of this Act and forwarded to the local health authority within the period allowed by subsection (2) of this section, is accepted by that authority, the application shall, subject to regulations made by the Minister, confer on the authority or person therein named as guardian, to the exclusion of any other person, all such powers as would be exercisable by them or him in relation to the patient if they or he were the father of the patient and the patient were under the age of fourteen years.

(2) The period within which a guardianship application is required for the purposes of this section to be forwarded to the local health authority is the period of fourteen days beginning with the date on which the patient was last examined by a medical practitioner before giving a medical recommendation for the purposes of the application.

(3) A guardianship application which appears to be duly made and to be founded on the necessary medical recommendations may be acted upon without further proof of the signature or qualification of the person by whom the application or any such medical recommendation is made or given, or of any matter of fact or opinion stated therein.

(4) If within the period of fourteen days beginning with the day on which a guardianship application has been accepted by the local health authority the application, or any medical recommendation given for the purposes of the application, is found to be in any respect incorrect or defective, the application or recommendation may, within that period and with the consent of that authority, be amended by the person by whom it was signed; and upon such amendment being made the application or recommendation shall have effect and shall be deemed to have had effect as if it had been originally made as so amended.

(5) A patient who is received into guardianship in pursuance of a guardianship application may apply to a Mental Health Review Tribunal within the period of six months beginning with the day on which the application is accepted, or with the day on which he attains the age of sixteen years, whichever is the later.

PART IV
—cont.

(6) Where a patient is received into guardianship in pursuance of a guardianship application, any previous application under this Part of this Act by virtue of which he was subject to guardianship or liable to be detained in a hospital shall cease to have effect.

Care and treatment of patients

35.—(1) Subject to the provisions of this Part of this Act, the Minister may make regulations for regulating the exercise by the guardians of patients received into guardianship under this Part of this Act of their powers as such, and for imposing on such guardians, and upon local health authorities in the case of patients under the guardianship of persons other than local health authorities, such duties as he considers necessary or expedient in the interests of the patients.

Regulations
as to
guardianship.

(2) Regulations under this section may in particular make provision for requiring the patients to be visited, on such occasions or at such intervals as may be prescribed by the regulations, on behalf of such local health authorities as may be so prescribed, and shall provide for the appointment, in the case of every patient subject to the guardianship of a person other than a local health authority, of a medical practitioner to act as the nominated medical attendant of the patient.

36.—(1) Any postal packet addressed to a patient detained in a hospital under this Part of this Act may be withheld from the patient if, in the opinion of the responsible medical officer, the receipt of the packet would be calculated to interfere with the treatment of the patient or to cause him unnecessary distress ; and any packet so withheld shall, if the name and address of the sender are sufficiently identified therein, be returned to him by post.

Correspon-
dence of
patients.

(2) Subject to the provisions of this section, any postal packet addressed by a patient so detained and delivered by him for dispatch may be withheld from the Post Office—

(a) if the addressee has given notice in writing to the managers of the hospital or to the responsible medical officer requesting that communications addressed to him by the patient should be withheld ; or

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—*cont.*

- (b) if it appears to that officer that the packet would be unreasonably offensive to the addressee, or is defamatory of other persons (other than persons on the staff of the hospital) or would be likely to prejudice the interests of the patient :

Provided that this subsection does not apply to any postal packet addressed as follows, that is to say—

- (i) to the Minister ;
- (ii) to any Member of the Commons House of Parliament ;
- (iii) to the Master or Deputy Master or any other officer of the Court of Protection ;
- (iv) to the managers of the hospital ;
- (v) to any other authority or person having power to discharge the patient under this Part of this Act ;
- (vi) at any time when the patient is entitled to make application to a Mental Health Review Tribunal, to that tribunal,

and regulations made by the Minister may except from this subsection, subject to such conditions or limitations (if any) as may be prescribed by the regulations, postal packets addressed to such other classes of person as may be so prescribed.

(3) Nothing in paragraph (b) of subsection (2) of this section shall be construed as authorising a responsible medical officer to open or examine the contents of any postal packet unless he is of opinion that the patient is suffering from mental disorder of a kind calculated to lead him to send such communications as are referred to in that paragraph.

(4) Except as provided by this section, it shall not be lawful to prevent or impede the delivery to a patient detained as aforesaid of any postal packet addressed to him and delivered by the Post Office, or the delivery to the Post Office of any postal packet addressed by such a patient and delivered by him for dispatch.

(5) This section shall apply in relation to a patient who is subject to guardianship under this Part of this Act as it applies in relation to a patient who is detained in a hospital thereunder, and as if—

- (a) for any reference to the managers of the hospital there were substituted a reference to the guardian ; and
- (b) for any reference to the responsible medical officer there were substituted a reference to the guardian or any person authorised by the guardian to act for the purposes of this subsection.

(6) In this section "postal packet" has the same meaning as in the Post Office Act, 1953; and the provisions of this section shall have effect notwithstanding anything in section fifty-six of that Act.

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—cont.

37.—(1) For the purpose of advising whether an application to a Mental Health Review Tribunal should be made by or in respect of a patient who is liable to be detained or subject to guardianship under this Part of this Act, or of furnishing information as to the condition of a patient for the purposes of such an application, or of advising as to the exercise by the nearest relative of any such patient of any power to order his discharge, any medical practitioner authorised by or on behalf of the patient or other person who is entitled to make or has made the application, or by the nearest relative of the patient, as the case may be, may, at any reasonable time, visit the patient and examine him in private. Visiting and examination of patients.

(2) Where application is made to a registration authority or regional hospital board to exercise, in respect of a patient liable to be detained in a mental nursing home, any power to make an order for his discharge, the following persons, that is to say—

- (a) any medical practitioner authorised by that authority or board; and
- (b) any other person (whether a medical practitioner or not) authorised under Part III of this Act to inspect the home,

may at any reasonable time visit the patient and interview him in private.

(3) Any person authorised for the purposes of subsection (2) of this section to visit a patient may require the production of and inspect any documents constituting or alleged to constitute the authority for the detention of the patient under this Part of this Act; and any person so authorised, being a medical practitioner, may examine the patient in private, and may require the production of and inspect any other medical records relating to the treatment of the patient in the home.

38.—(1) If in the case of a patient who is for the time being detained in a hospital in pursuance of an application for admission for treatment, or subject to guardianship in pursuance of a guardianship application, it appears to the responsible medical officer that the patient is suffering from a form of mental disorder other than the form or forms specified in the application, he may furnish to the managers of the hospital, or to the guardian, as the case may be, a report to that effect; and where a report is so furnished, the application shall have effect as if that other form of mental disorder were specified therein. Re-classification of patients.

PART IV
—*cont.*

(2) Where a report is furnished under this section, in respect of a patient who has attained the age of sixteen years, the managers or guardian shall cause the patient and the nearest relative to be informed, and the patient or that relative may, within the period of twenty-eight days beginning with the day on which he is so informed, apply to a Mental Health Review Tribunal.

(3) In relation to a patient who is subject to the guardianship of a person other than a local health authority, this section shall have effect as if for any reference to the responsible medical officer there were substituted a reference to the nominated medical attendant of the patient.

**Leave of
absence from
hospital.**

39.—(1) The responsible medical officer may grant to any patient who is for the time being liable to be detained in a hospital under this Part of this Act leave to be absent from the hospital subject to such conditions (if any) as that officer considers necessary in the interests of the patient or for the protection of other persons.

(2) Leave of absence may be granted to a patient under this section either indefinitely or on specified occasions or for any specified period; and where leave is so granted for a specified period, that period may be extended by further leave granted in the absence of the patient.

(3) Where it appears to the responsible medical officer that it is necessary so to do in the interests of the patient or for the protection of other persons, he may, upon granting leave of absence under this section, direct that the patient remain in custody during his absence; and where leave of absence is so granted the patient may be kept in the custody of any officer on the staff of the hospital, or of any other person authorised in writing by the managers of the hospital.

(4) In any case where a patient is absent from a hospital in pursuance of leave of absence granted under this section, and it appears to the responsible medical officer that it is necessary so to do in the interests of the patient's health or safety or for the protection of other persons, that officer may, subject to subsection (5) of this section, by notice in writing given to the patient or to the person for the time being in charge of the patient, revoke the leave of absence and recall the patient to the hospital.

(5) A patient to whom leave of absence is granted under this section shall not be recalled under subsection (4) of this section after he has ceased to be liable to be detained under this Part of this Act; and without prejudice to any other provision of this Part of this Act any such patient shall cease to be so liable at

the expiration of the period of six months beginning with the first day of his absence on leave unless either—

- (a) he has returned to the hospital, or has been transferred to another hospital under the following provisions of this Act, before the expiration of that period ; or
- (b) he is absent without leave at the expiration of that period.

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—cont.

40.—(1) Where a patient who is for the time being liable to be detained under this Part of this Act in a hospital—

Return and re-admission of patients absent without leave.

- (a) absents himself from the hospital without leave granted under section thirty-nine of this Act ; or
- (b) fails to return to the hospital on any occasion on which, or at the expiration of any period for which, leave of absence was granted to him under that section, or upon being recalled thereunder ; or
- (c) absents himself without permission from any place where he is required to reside in accordance with conditions imposed on the grant of leave of absence under that section,

he may, subject to the provisions of this section, be taken into custody and returned to the hospital or place by any mental welfare officer, by any officer on the staff of the hospital, by any constable, or by any person authorised in writing by the managers of the hospital.

(2) Where a patient who is for the time being subject to guardianship under this Part of this Act absents himself without the leave of the guardian from the place at which he is required by the guardian to reside, he may, subject to the provisions of this section, be taken into custody and returned to that place by any officer on the staff of a local health authority, by any constable, or by any person authorised in writing by the guardian or a local health authority.

(3) A patient shall not be taken into custody under this section after the expiration of the following period (beginning with the first day of his absence without leave), that is to say—

- (a) in the case of a patient over the age of twenty-one years on that day who is liable to be detained by virtue of an application for admission for treatment or is subject to guardianship by virtue of a guardianship application, and is so liable or subject as a psychopathic or subnormal patient, six months ;
- (b) in any other case, twenty-eight days ;

and a patient who has not returned or been taken into custody under this section within the said period shall cease to be liable to be detained or subject to guardianship, as the case may be, at the expiration of that period.

PART IV
—cont.

(4) In this Act “absent without leave” means absent from any hospital or other place and liable to be taken into custody and returned under this section, and kindred expressions shall be construed accordingly.

**Regulations
as to transfer
of patients.**

41.—(1) In such circumstances and subject to such conditions as may be prescribed by regulations made by the Minister—

- (a) a patient who is for the time being liable to be detained in a hospital by virtue of an application under this Part of this Act may be transferred to another hospital or into the guardianship of a local health authority or of any person approved by such an authority;
- (b) a patient who is for the time being subject to the guardianship of a local health authority or other person by virtue of an application under this Part of this Act may be transferred into the guardianship of another local health authority or person, or be transferred to a hospital.

(2) Where a patient is transferred in pursuance of regulations under this section, the provisions of this Part of this Act (including this subsection) shall apply to him as follows, that is to say—

- (a) where the patient, being liable to be detained in a hospital by virtue of an application for admission for observation or for treatment, is transferred to another hospital, as if the application were an application for admission to that other hospital and as if the patient had been admitted to that other hospital at the time when he was originally admitted in pursuance of the application;
- (b) where the patient, being liable to be detained as aforesaid, is transferred into guardianship, as if the application were a guardianship application duly accepted at the time aforesaid;
- (c) where the patient, being subject to guardianship by virtue of a guardianship application, is transferred into the guardianship of another authority or person, as if the application were for his reception into the guardianship of that authority or person and had been accepted at the time when it was originally accepted;
- (d) where the patient, being subject to guardianship as aforesaid, is transferred to a hospital, as if the guardianship application were an application for admission to that hospital (being an application for admission for treatment) and as if the patient had been admitted to the hospital at the time when the application was originally accepted.

PART IV
—cont.

(3) Without prejudice to the foregoing provisions of this section, any patient who is for the time being liable to be detained under this Part of this Act in a hospital vested in the Minister under the National Health Service Act, 1946, or any accommodation used under Part II of that Act by the managers of such a hospital, may at any time be removed to any other such hospital or accommodation for which the managers of the first mentioned hospital are also the managers; and paragraph (a) of subsection (2) of this section shall apply in relation to a patient so removed as it applies in relation to a patient transferred in pursuance of regulations made under this section.

(4) Regulations made under this section may make provision for regulating the conveyance to their destination of patients authorised to be transferred or removed in pursuance of the regulations or under subsection (3) of this section.

(5) A patient who, having attained the age of sixteen years, is transferred from guardianship to a hospital in pursuance of regulations made under this section may, within the period of six months beginning with the day on which he is so transferred, apply to a Mental Health Review Tribunal.

42.—(1) If any person (other than a local health authority having the guardianship of a patient received into guardianship under this Part of this Act—

Transfer of guardianship in case of death, incapacity, etc., of guardian.

(a) dies; or

(b) gives notice in writing to the local health authority that he desires to relinquish the functions of guardian,

the guardianship of the patient shall thereupon vest in the local health authority, but without prejudice to any power to transfer the patient into the guardianship of another person in pursuance of regulations under section forty-one of this Act.

(2) If any such person, not having given notice under paragraph (b) of subsection (1) of this section, is incapacitated by illness or any other cause from performing the functions of guardian of the patient, those functions may, during his incapacity, be performed on his behalf by the local health authority or by any other person approved for the purpose by that authority.

(3) If it appears to the county court, upon application made by a mental welfare officer, that any person other than a local health authority having the guardianship of a patient received into guardianship under this Part of this Act has performed his functions negligently or in a manner contrary to the interests of the patient, the court may order that the guardianship of the patient be transferred to the local health authority or to any other person approved for the purpose by that authority.

PART IV
—*cont.*

(4) Where the guardianship of a patient is transferred to a local health authority or other person by or under this section, paragraph (c) of subsection (2) of section forty-one of this Act shall apply as if the patient had been transferred into the guardianship of that authority or person in pursuance of regulations under that section.

Duration of authority for detention or guardianship and discharge of patients

Duration of authority.

43.—(1) Subject to the following provisions of this Part of this Act, a patient admitted to hospital in pursuance of an application for admission for treatment, and a patient placed under guardianship in pursuance of a guardianship application, may be detained in a hospital or kept under guardianship for a period not exceeding one year beginning with the day on which he was so admitted, or the day on which the guardianship application was accepted, as the case may be, but shall not be so detained or kept for any longer period unless the authority for his detention or guardianship is renewed under the following provisions of this section.

(2) Authority for the detention or guardianship of a patient may, unless the patient has previously been discharged, be renewed under this section—

- (a) from the expiration of the period referred to in subsection (1) of this section, for a further period of one year;
- (b) from the expiration of any period of renewal under paragraph (a) of this subsection, for a further period of two years,

and so on for periods of two years at a time.

(3) Within the period of two months ending on the day on which a patient who is liable to be detained in pursuance of an application for admission for treatment would cease under this section to be so liable in default of the renewal of the authority for his detention, it shall be the duty of the responsible medical officer to examine the patient; and if it appears to him that it is necessary in the interests of the patient's health or safety or for the protection of other persons that the patient should continue to be liable to be detained, he shall furnish to the managers of the hospital where the patient is liable to be detained a report to that effect in the prescribed form.

(4) Within the period of two months ending with the day on which a patient who is subject to guardianship under this Part of this Act would cease under this section to be so liable in default of the renewal of the authority for his guardianship, it shall be the duty—

- (a) where the patient is subject to the guardianship of a local health authority, of the responsible medical officer;

(b) in any other case, of the nominated medical attendant of the patient,

PART IV
—cont.

to examine the patient; and, if it appears to him that it is necessary in the interests of the patient or for the protection of other persons that the patient should remain under guardianship, he shall furnish to the guardian and, where the guardian is a person other than a local health authority, to the responsible local health authority a report to that effect in the prescribed form.

(5) Where a report is duly furnished under subsection (3) or subsection (4) of this section, the authority for the detention or guardianship of the patient shall be thereby renewed for the period prescribed in that case by subsection (2) of this section.

(6) Where a report under this section is furnished in respect of a patient who has attained the age of sixteen years, the managers or the local health authority, as the case may be, shall, unless they discharge the patient, cause him to be informed, and the patient may, within the period for which the authority for his detention or guardianship is renewed by virtue of the report, apply to a Mental Health Review Tribunal.

44.—(1) Notwithstanding anything in section forty-three of this Act, a patient who is subject to guardianship by virtue of a guardianship application as a psychopathic or subnormal patient shall cease to be so subject on attaining the age of twenty-five years; and a patient who is liable to be detained by virtue of an application for admission for treatment as a psychopathic or subnormal patient shall cease to be so liable on attaining that age unless the authority for his detention is renewed under the following provisions of this section.

Special provisions as to psychopathic and subnormal patients.

(2) Within the period of two months ending on the day on which a patient would cease under this section to be liable to be detained in a hospital in default of the renewal of the authority for his detention, the responsible medical officer shall examine the patient, and if it appears to him that the patient, if released from the hospital upon attaining the age of twenty-five years, would be likely to act in a manner dangerous to other persons or to himself, shall furnish to the managers a report to that effect in the prescribed form; and where a report is duly furnished under this subsection the authority for the detention of the patient shall be thereby renewed, and shall continue in force accordingly after the patient attains the said age, but without prejudice to the application to the patient of the provisions of section forty-three of this Act.

(3) Where a report under subsection (2) of this section is furnished in respect of a patient, the managers shall cause the patient and the nearest relative of the patient to be informed,

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—*cont.*

and the patient and that relative may, at any time before the expiration of the period of twenty-eight days beginning with the day on which the patient attains the age of twenty-five years, apply to a Mental Health Review Tribunal.

Special provisions as to patients absent without leave.

45.—(1) If on the day on which, apart from this section, a patient would cease to be liable to be detained or subject to guardianship under this Part of this Act or, within the period of one week ending with that day, the patient is absent without leave, he shall not cease to be so liable or subject—

- (a) in any case, until the expiration of the period during which he can be taken into custody under section forty of this Act, or the day on which he is returned or returns himself to the hospital or place where he ought to be, whichever is the earlier ; and
- (b) if he is returned or returns himself as aforesaid within the period first mentioned in the foregoing paragraph, until the expiration of the period of one week beginning with the day on which he is returned or returns as aforesaid.

(2) Where the period for which a patient is liable to be detained or subject to guardianship is extended by virtue of this section, any examination and report to be made and furnished under subsection (3) or subsection (4) of section forty-three or subsection (2) of section forty-four of this Act may be made and furnished within that period as so extended.

(3) Where the authority for the detention or guardianship of a patient is renewed by virtue of this section after the day on which, apart from this section, that authority would have expired under section forty-three or section forty-four of this Act, the renewal shall take effect as from that day.

Special provisions as to patients sentenced to imprisonment, etc.

46.—(1) Where a patient who is liable to be detained by virtue of an application for admission for treatment or is subject to guardianship by virtue of a guardianship application is detained in custody in pursuance of any sentence or order passed or made by a court in the United Kingdom (including an order committing or remanding him in custody), and is so detained for a period exceeding, or for successive periods exceeding in the aggregate, six months, the application shall cease to have effect at the expiration of that period.

(2) Where any such patient is detained in custody as aforesaid but the application does not cease to have effect under subsection (1) of this section, then—

- (a) if apart from this subsection the patient would have ceased to be liable to be detained or subject to guardianship as aforesaid on or before the day on which he is

discharged from custody, he shall not cease and shall be deemed not to have ceased to be so liable or subject until the end of that day ; and

- (b) in any case, sections forty and forty-five of this Act shall apply in relation to the patient as if he had absented himself without leave on that day.

PART IV
—cont.

47.—(1) Subject to the provisions of this and the next following section, a patient who is for the time being liable to be detained or subject to guardianship under this Part of this Act shall cease to be so liable or subject if an order in writing discharging him from detention or guardianship (in this Act referred to as an order for discharge) is made in accordance with the following provisions of this section. Discharge of patients.

(2) An order for discharge may be made in respect of a patient—

- (a) where the patient is liable to be detained in a hospital in pursuance of an application for admission for observation, by the responsible medical officer or by the managers of the hospital ;
- (b) where the patient is liable to be so detained in pursuance of an application for admission for treatment, by the responsible medical officer, by the managers or by the nearest relative of the patient ; and
- (c) where the patient is subject to guardianship, by the responsible medical officer, by the responsible local health authority or by the nearest relative of the patient.

(3) Where the patient is liable to be detained in a mental nursing home in pursuance of an application for admission for observation or for treatment, an order for his discharge may, without prejudice to subsection (2) of this section, be made by the registration authority within the meaning of Part III of this Act and, if the patient is maintained under a contract with a regional hospital board, by that board.

(4) The powers conferred by this section on any authority or body of persons may be exercised by any three or more members of that authority or body authorised by them in that behalf.

48.—(1) Where a report under subsection (2) of section forty-four of this Act has been furnished in respect of a patient, an order for discharge shall not be made by the nearest relative of the patient during the period of six months beginning with the date of the report. Restrictions on discharge by nearest relative.

(2) An order for the discharge of a patient who is liable to be detained in a hospital shall not be made by his nearest

PART IV
—cont.

relative except after giving not less than seventy-two hours' notice in writing to the managers of the hospital ; and if, within seventy-two hours after such notice has been given, the responsible medical officer furnishes to the managers a report certifying that in the opinion of that officer the patient, if discharged, would be likely to act in a manner dangerous to other persons or to himself,—

- (a) any order for the discharge of the patient made by that relative in pursuance of the notice shall be of no effect; and
- (b) no further order for the discharge of the patient shall be made by that relative during the period of six months beginning with the date of the report.

(3) In any case where a report under subsection (2) of this section is furnished in respect of a patient, the managers shall cause the nearest relative of the patient to be informed, and that relative may, within the period of twenty-eight days beginning with the day on which he is so informed, apply to a Mental Health Review Tribunal in respect of the patient.

Functions of relatives of patients

Definition of
relative and
nearest
relative.

49.—(1) In this Part of this Act “ relative ”, means any of the following, that is to say—

- (a) husband or wife ;
- (b) son or daughter ;
- (c) father ;
- (d) mother ;
- (e) brother or sister ;
- (f) grandparent ;
- (g) grandchild ;
- (h) uncle or aunt ;
- (i) nephew or niece.

(2) In deducing relationships for the purposes of this section, 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.

(3) In this Part of this Act, subject to the provisions of this section and to the following provisions of this Part of this Act, the “ nearest relative ” means the person first described in subsection (1) of this section who is for the time being surviving, relatives of the whole blood being preferred to relatives of the same description of the half-blood and the elder or eldest of

two or more relatives described in any paragraph of that subsection being preferred to the other or others of those relatives, regardless of sex.

(4) Where the person who, under subsection (3) of this section, would be the nearest relative of a patient—

- (a) is not ordinarily resident within the United Kingdom ; or
- (b) being the husband or wife of the patient, is permanently separated from the patient, either by agreement or under an order of a court, or has deserted or has been deserted by the patient for a period which has not come to an end ; or
- (c) not being the husband, wife, father or mother of the patient, is for the time being under twenty-one years of age ; or
- (d) is a man against whom an order divesting him of authority over the patient has been made under section thirty-eight of the Sexual Offences Act, 1956 (which relates to incest with a girl under twenty-one) and has not been rescinded,

the nearest relative of the patient shall be ascertained as if that person were dead.

(5) In this section “adoption order” means an order for the adoption of any person made under Part I of the Adoption Act, 1958, or any previous enactment relating to the adoption of children, or any corresponding enactment of the Parliament of Northern Ireland, and “court” includes a court in Scotland or Northern Ireland.

(6) In this section “husband” and “wife” include a person who is living with the patient as the patient’s husband or wife, as the case may be (or, if the patient is for the time being an in-patient in a hospital, was so living until the patient was admitted), and has been or had been so living for a period of not less than six months ; but a person shall not be treated by virtue of this subsection as the nearest relative of a married patient unless the husband or wife of the patient is disregarded by virtue of paragraph (b) of subsection (4) of this section.

50. In any case where the rights and powers of a parent of a patient, being a child or young person, are vested in a local authority or other person by virtue of—

Children and young persons in care of local authority.

- (a) section seventy-five of the Children and Young Persons Act, 1933 (which relates to children and young persons committed to the care of fit persons under that Act) ;
- (b) section seventy-nine of the Children and Young Persons (Scotland) Act, 1937 (which makes corresponding provision in Scotland) ; or

PART IV
—*cont.*

(c) section three of the Children Act, 1948 (which relates to children in respect of whom parental rights have been assumed under section two of that Act),

that authority or person shall be deemed to be the nearest relative of the patient in preference to any person except the patient's husband or wife (if any) and except, in a case where the said rights and powers are vested in a local authority by virtue of subsection (2) of the said section three, any parent of the patient not being the person on whose account the resolution mentioned in that subsection was passed.

Nearest
relative of
infant under
guardianship,
etc.

51.—(1) Where a patient who has not attained the age of twenty-one years—

- (a) is, by virtue of an order made by a court in the exercise of jurisdiction (whether under any enactment or otherwise) in respect of the guardianship of infants (including an order under section thirty-eight of the Sexual Offences Act, 1956), or by virtue of a deed or will executed by his father or mother, under the guardianship of a person not being his nearest relative under the foregoing provisions of this Act, or is under the joint guardianship of two persons of whom one is such a person as aforesaid ; or
- (b) is, by virtue of an order made by a court in the exercise of such jurisdiction as aforesaid or in matrimonial proceedings, or by virtue of a separation agreement between his father and mother, in the custody of any such person,

the person or persons having the guardianship or custody of the patient shall, to the exclusion of any other person, be deemed to be his nearest relative.

(2) Subsection (4) of section forty-nine of this Act shall apply in relation to a person who is, or who is one of the persons, deemed to be the nearest relative of a patient by virtue of this section as it applies in relation to a person who would be the nearest relative under subsection (3) of that section.

(3) A patient shall be treated for the purposes of this section as being in the custody of another person if he would be in that other person's custody apart from section thirty-four of this Act.

(4) In this section "court" includes a court in Scotland or Northern Ireland, and "enactment" includes an enactment of the Parliament of Northern Ireland.

52.—(1) The county court may, upon application made in accordance with the provisions of this section in respect of a patient, by order direct that the functions under this Part of this Act of the nearest relative of the patient shall, during the continuance in force of the order, be exercisable by the applicant, or by any other person specified in the application, being a person who, in the opinion of the court, is a proper person to act as the patient's nearest relative and is willing to do so.

PART IV
—*cont.*
Appointment
by court
of acting
nearest
relative.

(2) An order under this section may be made on the application of—

- (a) any relative of the patient ;
- (b) any other person with whom the patient is residing (or, if the patient is then an in-patient in a hospital, was last residing before he was admitted) ; or
- (c) a mental welfare officer,

but in relation to an application made by such an officer subsection (1) of this section shall have effect as if for the words “the applicant” there were substituted the words “the local health authority”.

(3) An application for an order under this section may be made upon any of the following grounds, that is to say—

- (a) that the patient has no nearest relative within the meaning of this Act, or that it is not reasonably practicable to ascertain whether he has such a relative, or who that relative is ;
- (b) that the nearest relative of the patient is incapable of acting as such by reason of mental disorder or other illness ;
- (c) that the nearest relative of the patient unreasonably objects to the making of an application for admission for treatment or a guardianship application in respect of the patient ; or
- (d) that the nearest relative of the patient has exercised without due regard to the welfare of the patient or the interests of the public his power to discharge the patient from hospital or guardianship under this Part of this Act, or is likely to do so.

(4) If immediately before the expiration of the period for which a patient is liable to be detained by virtue of an application for admission for observation, an application under this section, being an application made on the ground specified in paragraph (c) or paragraph (d) of the last foregoing subsection, is pending in respect of the patient, that period shall be extended—

- (a) in any case, until the application under this section has been finally disposed of ; and

PART IV
—cont.

(b) if an order is made in pursuance of the application under this section, for a further period of seven days ; ..

and for the purposes of this subsection an application under this section shall be deemed to have been finally disposed of at the expiration of the time allowed for appealing from the decision of the court or, if notice of appeal has been given within that time, when the appeal has been heard or withdrawn, and " pending " shall be construed accordingly.

(5) While an order made under this section is in force, the provisions of this Part of this Act (other than this and the next following section) shall apply in relation to the patient as if for any reference to the nearest relative of the patient there were substituted a reference to the person having the functions of that relative and (without prejudice to the next following section) shall so apply notwithstanding that the person who was the patient's nearest relative when the order was made is no longer his nearest relative.

(6) Where an order is made under this section in respect of a patient who is or subsequently becomes liable to be detained or subject to guardianship under this Part of this Act, the nearest relative of the patient may make an application to a Mental Health Review Tribunal in respect of the patient within the period of twelve months beginning with the date of the order, and in any subsequent period of twelve months during which the order continues in force.

**Discharge
and variation
of orders
under s. 52.**

53.—(1) An order made under section fifty-two of this Act in respect of a patient may be discharged by the county court upon application made—

(a) in any case, by the person having the functions of the nearest relative of the patient by virtue of the order ;

(b) where the order was made on the ground specified in paragraph (a) or paragraph (b) of subsection (3) of the said section fifty-two, or where the person who was the nearest relative of the patient when the order was made has ceased to be his nearest relative, on the application of the nearest relative of the patient.

(2) An order made under the said section fifty-two in respect of a patient may be varied by the county court, on the application of the person having the functions of the nearest relative by virtue of the order or on the application of a mental welfare officer, by substituting for the first-mentioned person a local health authority or any other person who in the opinion of the court is a proper person to exercise those functions, being an authority or person who is willing to do so.

(3) If the person having the functions of the nearest relative of a patient by virtue of an order under the said section fifty-two dies, the foregoing provisions of this section shall apply as if for any reference to that person there were substituted a reference to any relative of the patient, and until the order is discharged or varied under those provisions the functions of the nearest relative under this Part of this Act shall not be exercisable by any person.

PART IV
—*cont.*

(4) An order under section fifty-two of this Act shall, unless previously discharged under subsection (1) of this section, cease to have effect—

- (a) if the patient was on the date of the order liable to be detained in pursuance of an application for admission for treatment or subject to guardianship under this Part of this Act, or becomes so liable or subject within the period of three months beginning with that date, when he ceases to be so liable or subject (otherwise than on being transferred in pursuance of regulations under section forty-one of this Act);
- (b) if the patient was not on the date of the order, and has not within the said period become, so liable or subject, at the expiration of that period.

(5) The discharge or variation under this section of an order made under the said section fifty-two shall not affect the validity of anything previously done in pursuance of the order.

Supplemental

54.—(1) It shall be the duty of a mental welfare officer to make an application for admission to hospital or a guardianship application in respect of a patient within the area of the local authority by whom that officer is appointed in any case where he is satisfied that such an application ought to be made and is of opinion, having regard to any wishes expressed by relatives of the patient or any other relevant circumstances, that it is necessary or proper for the application to be made by him.

Duty of mental welfare officer to make application for admission or guardianship.

(2) Nothing in this section shall be construed as authorising or requiring an application to be made by a mental welfare officer in contravention of the provisions of subsection (2) of section twenty-seven of this Act, or of that subsection as applied by section thirty-three of this Act, or as restricting the power of a mental welfare officer to make any application under this Act.

55. County court rules which relate to applications authorised by this Part of this Act to be made to a county court may make provision—

Procedure on applications to county court.

- (a) for the hearing and determination of such applications otherwise than in open court;

PART IV
—*cont.*

- (b) for the admission on the hearing of such applications of evidence of such descriptions as may be specified in the rules notwithstanding anything to the contrary in any enactment or rule of law relating to the admissibility of evidence ;
- (c) for the visiting and interviewing of patients in private by or under the directions of the court.

**Regulations
for purposes
of Part IV.**

56.—(1) The Minister may make regulations for prescribing anything which, under this Part of this Act, is required or authorised to be prescribed, and otherwise for carrying this Part of this Act into full effect.

(2) Regulations under this section may in particular make provision—

- (a) for prescribing the form of any application, recommendation, report, order, notice or other document to be made or given under this Part of this Act ;
- (b) for prescribing the manner in which any such application, recommendation, report, order, notice or other document may be proved, and for regulating the service of any such application, report, order or notice ;
- (c) for requiring the managers of hospitals and local health authorities to keep such registers or other records as may be prescribed by the regulations in respect of patients liable to be detained or subject to guardianship under this Part of this Act, and to furnish or make available to those patients, and their relatives, such written statements of their rights and powers under this Act as may be so prescribed ;
- (d) for requiring local health authorities to consult such bodies or persons as may be prescribed by or determined under the regulations in connection with the approval of medical practitioners for the purposes of section twenty-eight of this Act, and for confining approval to such practitioners as may be agreed upon between those authorities and any bodies or persons required to be consulted by them respectively ;
- (e) for the determination in accordance with the regulations of the age of any person whose exact age cannot be ascertained by reference to the registers kept under the Births and Deaths Registration Act, 1953 ; and
- (f) for enabling the functions under this Part of this Act of the nearest relative of a patient to be performed, in such circumstances and subject to such conditions (if any) as may be prescribed by the regulations, by any person authorised in that behalf by that relative ;

and for the purposes of this Part of this Act any application, report or notice the service of which is regulated under paragraph

(b) of this subsection shall be deemed to have been received by or furnished to the authority or person to whom it is authorised or required to be furnished, addressed or given if it is duly served in accordance with the regulations.

(3) Without prejudice to the foregoing provisions of this section, but subject to subsection (4) of section forty-seven of this Act, regulations under this section may determine the manner in which functions under this Part of this Act of the managers of hospitals, local health authorities or regional hospital boards are to be exercised, and such regulations may in particular specify the circumstances in which, and the conditions subject to which, any such functions may be performed by officers of or other persons acting on behalf of those managers, authorities or boards.

57. The Minister may, if he thinks fit, at any time refer to a Mental Health Review Tribunal the case of any patient who is liable to be detained or subject to guardianship under this Part of this Act. Power of Minister to refer to Tribunal.

58.—(1) An application for the admission to hospital of an infant who is a ward of court may be made under this Part of this Act with the leave of the court ; and subsection (2) of section twenty-seven of this Act shall not apply in relation to an application so made. Special provisions as to wards of court.

(2) Where an infant being a ward of court is liable to be detained in a hospital by virtue of an application for admission under this Part of this Act, any power exercisable under this Part of this Act in relation to the patient by his nearest relative shall be exercisable by or with the leave of the court.

(3) Nothing in this Part of this Act shall be construed as authorising the making of a guardianship application in respect of an infant who is a ward of court, or the transfer into guardianship of any such infant.

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

“ the managers ” means—

(a) in relation to a hospital vested in the Minister under the National Health Service Act, 1946, and in relation to any accommodation provided by a local authority and used for hospital and specialist services under Part II of that Act, the hospital management committee or board of governors ;

(b) in relation to a special hospital, the Minister ;

PART IV
—cont.

(c) in relation to a mental nursing home registered in pursuance of Part III of this Act, the person or persons registered in respect of the home ;

“ the nominated medical attendant ”, in relation to a patient who is subject to the guardianship of a person other than a local health authority, means the person appointed in pursuance of regulations made under subsection (2) of section thirty-five of this Act to act as the medical attendant of the patient ;

“ the responsible medical officer ” means—

(a) in relation to a patient liable to be detained by virtue of an application for admission for observation or an application for admission for treatment, the medical practitioner in charge of the treatment of the patient ;

(b) in relation to a patient subject to guardianship, the medical officer of health of the responsible local health authority or any other medical officer authorised by that authority to act (either generally or in any particular case or for any particular purpose) as the responsible medical officer.

(2) Except where otherwise expressly provided, this Part of this Act applies in relation to a mental nursing home, being a home in respect of which the particulars of registration are for the time being entered in the separate part of the register kept for the purposes of subsection (1) of section fifteen of this Act, as it applies in relation to a hospital, and references in this Part of this Act to a hospital, and any reference in this Act to a hospital to which this Part of this Act applies, shall be construed accordingly.

(3) For the purposes of this Part of this Act a patient who is liable to be detained or subject to guardianship by virtue of an application for admission for treatment or a guardianship application shall be treated as being so liable or subject as a psychopathic or subnormal patient if the form of disorder specified in the application, or in the application as amended under section thirty-eight of this Act, is psychopathic disorder or subnormality, or psychopathic disorder and subnormality, and no other form of mental disorder.

(4) In relation to a patient who is subject to guardianship in pursuance of a guardianship application, any reference in this Part of this Act to the responsible local health authority is a reference—

(a) where the patient is subject to the guardianship of a local health authority, to that authority ;

(b) where the patient is subject to the guardianship of a person other than a local health authority, to the local health authority for the area in which that person resides.

PART V

ADMISSION OF PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS,
ETC., AND TRANSFER OF PATIENTS UNDER SENTENCE*Provisions for compulsory admission or guardianship of patients
convicted of criminal offences, etc.*

60.—(1) Where a person is convicted before a court of assize or quarter sessions of an offence other than an offence the sentence for which is fixed by law, or is convicted by a magistrates' court of an offence punishable on summary conviction with imprisonment, and the following conditions are satisfied, that is to say—

Powers of courts to order hospital admission or guardianship.

- (a) the court is satisfied, on the written or oral evidence of two medical practitioners (complying with the provisions of section sixty-two of this Act),—
- (i) that the offender is suffering from mental illness, psychopathic disorder, subnormality or severe subnormality ; and
 - (ii) that the mental disorder is of a nature or degree which warrants the detention of the patient in a hospital for medical treatment, or the reception of the patient into guardianship under this Act ; and
- (b) the court is of opinion, having regard to all the circumstances including the nature of the offence and the character and antecedents of the offender, and to the other available methods of dealing with him, that the most suitable method of disposing of the case is by means of an order under this section,

the court may by order authorise his admission to and detention in such hospital as may be specified in the order or, as the case may be, place him under the guardianship of a local health authority or of such other person approved by a local health authority as may be so specified.

(2) Where a person is charged before a magistrates' court with any act or omission as an offence and the court would have power, on convicting him of that offence, to make an order under subsection (1) of this section in his case as being a person suffering from mental illness or severe subnormality, then, if the court is satisfied that the accused did the act or made the omission charged, the court may, if it thinks fit, make such an order without convicting him.

(3) An order for the admission of an offender to a hospital (in this Part of this Act referred to as a hospital order) shall not be made under this section unless the court is satisfied that arrangements have been made for the admission of the offender to that hospital in the event of such an order being made by

PART V
—*cont.*

the court, and for his admission thereto within a period of twenty-eight days beginning with the date of the making of such an order.

(4) An order placing an offender under the guardianship of a local health authority or of any other person (in this Part of this Act referred to as a guardianship order) shall not be made under this section unless the court is satisfied that that authority or person is willing to receive the offender into guardianship.

(5) A hospital order or guardianship order shall specify the form or forms of mental disorder referred to in paragraph (a) of subsection (1) of this section from which, upon the evidence taken into account under that paragraph, the offender is found by the court to be suffering; and no such order shall be made unless the offender is described by each of the practitioners whose evidence is taken into account as aforesaid as suffering from the same one of those forms of mental disorder, whether or not he is also described by either of them as suffering from another of those forms.

(6) Where an order is made under this section, the court shall not pass sentence of imprisonment or impose a fine or make a probation order in respect of the offence, but may make any other order which the court has power to make apart from this section; and for the purposes of this subsection "sentence of imprisonment" includes any sentence or order for detention, including an order sending an offender to an approved school.

**Additional
powers in
respect of
children and
young persons.**

61.—(1) If in the case of a child or young person brought before a juvenile court under section sixty-two or section sixty-four of the Children and Young Persons Act, 1933,—

- (a) the court is satisfied that the child or young person is in need of care or protection, or that his parent or guardian is unable to control him, as the case may be; and
- (b) the conditions which, under section sixty of this Act, are required to be satisfied for the making of a hospital order or guardianship order in respect of a person convicted as therein mentioned are so far as applicable satisfied in the case of the child or young person,

the court shall have the like power to make a hospital order or guardianship order as if the child or young person had been convicted by the court of an offence punishable on summary conviction with imprisonment; and the provisions of the said section sixty shall with the necessary modifications apply accordingly.

(2) A juvenile court shall not make a hospital order or guardianship order in respect of a person brought before the

court under section sixty-four of the Children and Young Persons Act, 1933, as being beyond the control of his parent or guardian unless the court is satisfied that the parent or guardian understands the results which will follow from the order and consents to its being made.

PART V
—cont.

(3) Where a hospital order is made by virtue of this section in respect of a child or young person, the court may also make an order committing him to the care of a fit person under the Children and Young Persons Act, 1933; but except as aforesaid no order shall be made under section sixty-two or sixty-four of that Act in conjunction with a hospital order or guardianship order.

62.—(1) Of the medical practitioners whose evidence is taken into account under paragraph (a) of subsection (1) of section sixty of this Act, at least one shall be a practitioner approved for the purposes of section twenty-eight of this Act by a local health authority as having special experience in the diagnosis or treatment of mental disorders.

Requirements
as to medical
evidence.

(2) For the purposes of the said paragraph (a) a report in writing purporting to be signed by a medical practitioner may, subject to the provisions of this section, be received in evidence without proof of the signature or qualifications of the practitioner; but the court may in any case require that the practitioner by whom such a report was signed be called to give oral evidence.

(3) Where, in pursuance of directions of the court, any such report as aforesaid is tendered in evidence otherwise than by or on behalf of the accused, then—

- (a) if the accused is represented by counsel or solicitor, a copy of the report shall be given to his counsel or solicitor;
- (b) if the accused is not so represented, the substance of the report shall be disclosed to the accused or, where he is a child or young person, to his parent or guardian if present in court;
- (c) in any case, the accused may require that the practitioner by whom the report was signed be called to give oral evidence, and evidence to rebut the evidence contained in the report may be called by or on behalf of the accused.

(4) In relation to a child or young person brought before a juvenile court under section sixty-two or section sixty-four of the Children and Young Persons Act, 1933, subsection (3) of this section shall have effect as if for references to the accused there were substituted references to the child or young person; and in the case of a child or young person brought before the

PART V
—*cont.*

court under the said section sixty-four paragraphs (a) to (c) of that subsection shall have effect as if those references included references to his parent or guardian, and as if in the said paragraph (b) the words from “or, where” to the end of the paragraph were omitted.

Effects of
hospital
orders and
guardianship
orders.

63.—(1) A hospital order shall be sufficient authority—

- (a) for a constable, a mental welfare officer or any other person directed to do so by the court to convey the patient to the hospital specified in the order within a period of twenty-eight days ; and
- (b) for the managers of the hospital to admit him at any time within that period and thereafter detain him in accordance with the provisions of this Act.

(2) A guardianship order shall confer on the authority or person therein named as guardian the like powers as a guardianship application made and accepted under Part IV of this Act.

(3) A patient who is admitted to a hospital in pursuance of a hospital order, or placed under guardianship by a guardianship order, shall be treated for the purposes of Part IV of this Act (other than sections thirty-one and thirty-two, or section thirty-four, as the case may be) as if he had been so admitted or placed on the date of the order in pursuance of an application for admission for treatment or a guardianship application, as the case may be, duly made under the said Part IV, except that—

- (a) the power to order the discharge of the patient under section forty-seven shall not be exercisable by his nearest relative ; and
- (b) the special provisions relating to the expiration and renewal of authority for detention and guardianship in the case of psychopathic and subnormal patients shall not apply ;

and accordingly the provisions of the said Part IV specified in the first column of the Third Schedule to this Act shall apply in relation to him subject to the exceptions and modifications set out in the second column of that Schedule and the remaining provisions of the said Part IV shall not apply.

(4) Without prejudice to any provision of Part IV of this Act as applied by this section, an application to a Mental Health Review Tribunal may be made in respect of a patient admitted to a hospital in pursuance of a hospital order, or placed under guardianship by a guardianship order, as follows, that is to say—

- (a) by the patient, within the period of six months beginning with the date of the order or with the day on which he attains the age of sixteen years, whichever is the later ;

(b) by the nearest relative of the patient, within the period of twelve months beginning with the date of the order, and in any subsequent period of twelve months.

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—cont.

(5) Where a patient is admitted to a hospital in pursuance of a hospital order, or placed under guardianship by a guardianship order, any previous application, hospital order or guardianship order by virtue of which he was liable to be detained in a hospital or subject to guardianship shall cease to have effect :

Provided that if the first-mentioned order, or the conviction on which it was made, is quashed on appeal, this subsection shall not apply and section forty-six of this Act shall have effect as if during any period for which the patient was liable to be detained or subject to guardianship under the order, he had been detained in custody as mentioned in that section.

64.—(1) The court by which a hospital order is made may give such directions as it thinks fit for the conveyance of the patient to a place of safety and his detention therein pending his admission to the hospital within the period of twenty-eight days referred to in subsection (1) of section sixty-three of this Act. Supplementary provisions as to hospital orders.

(2) If within the said period of twenty-eight days it appears to the Minister that by reason of an emergency or other special circumstances it is not practicable for the patient to be received into the hospital specified in the order, he may give directions for the admission of the patient to such other hospital as appears to be appropriate in lieu of the hospital so specified ; and where such directions are given the Minister shall cause the person having the custody of the patient to be informed, and the hospital order shall have effect as if the hospital specified in the directions were substituted for the hospital specified in the order.

65.—(1) Where a hospital order is made in respect of an offender by a court of assize or quarter sessions, and it appears to the court, having regard to the nature of the offence, the antecedents of the offender and the risk of his committing further offences if set at large, that it is necessary for the protection of the public so to do, the court may, subject to the provisions of this section, further order that the offender shall be subject to the special restrictions set out in this section, either without limit of time or during such period as may be specified in the order. Power of higher courts to restrict discharge from hospital.

(2) An order under this section (in this Act referred to as an order restricting discharge) shall not be made in the case of any person unless at least one of the medical practitioners whose evidence is taken into account by the court under paragraph (a) of subsection (1) of section sixty of this Act has given evidence orally before the court.

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(3) The special restrictions applicable to a patient in respect of whom an order restricting discharge is in force are as follows, that is to say—

- (a) none of the provisions of Part IV of this Act relating to the duration, renewal and expiration of authority for the detention of patients shall apply, and the patient shall continue to be liable to be detained by virtue of the relevant hospital order until he is duly discharged under the said Part IV or absolutely discharged under the next following section ;
- (b) no application shall be made to a Mental Health Review Tribunal in respect of the patient under section sixty-three of this Act or under any provision of the said Part IV ;
- (c) the following powers shall be exercisable only with the consent of the Secretary of State, that is to say—
 - (i) power to grant leave of absence to the patient under section thirty-nine of this Act ;
 - (ii) power to transfer the patient in pursuance of regulations under section forty-one of this Act ; and
 - (iii) power to order the discharge of the patient under section forty-seven of this Act ;
 and if leave of absence is granted under the said section thirty-nine the power to recall the patient under that section shall be vested in the Secretary of State as well as the responsible medical officer ; and
- (d) the power of the Secretary of State to recall the patient under the said section thirty-nine, and the power to take the patient into custody and return him under section forty of this Act, may be exercised at any time ;

and in relation to any such patient the provisions of the said Part IV described in the first column of the Third Schedule to this Act shall have effect subject to the exceptions and modifications set out in the third column of that Schedule in lieu of those set out in the second column of that Schedule.

(4) A hospital order shall not cease to have effect under subsection (5) of section sixty-three of this Act if an order restricting the discharge of the patient is in force at the material time.

(5) Where an order restricting the discharge of a patient ceases to have effect while the relevant hospital order continues in force, the provisions of section sixty-three of this Act and the Third Schedule to this Act shall apply to the patient as if he had been admitted to the hospital in pursuance of a hospital order (without an order restricting his discharge) made on the date on which the order restricting his discharge ceased to have effect.

66.—(1) If the Secretary of State is satisfied that an order restricting the discharge of a patient is no longer required for the protection of the public, he may direct that the patient shall cease to be subject to the special restrictions set out in section sixty-five of this Act; and where the Secretary of State so directs, the order restricting the discharge of the patient shall cease to have effect, and subsection (5) of the last foregoing section shall apply accordingly.

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Powers of Secretary of State in respect of patients subject to restriction orders.

(2) At any time while an order restricting the discharge of a patient is in force, the Secretary of State may, if he thinks fit, by warrant discharge the patient from hospital, either absolutely or subject to conditions; and where a person is absolutely discharged under this subsection, he shall thereupon cease to be liable to be detained by virtue of the relevant hospital order, and the order restricting his discharge shall cease to have effect accordingly.

(3) The Secretary of State may at any time during the continuance in force of an order restricting the discharge of a patient who has been conditionally discharged under the last foregoing subsection, by warrant recall the patient to such hospital as may be specified in the warrant; and thereupon—

- (a) if the hospital so specified is not the hospital from which the patient was conditionally discharged, the hospital order and the order restricting his discharge shall have effect as if the hospital specified in the warrant were substituted for the hospital specified in the hospital order;
- (b) in any case, the patient shall be treated for the purposes of section forty of this Act as if he had absented himself without leave from the hospital specified in the warrant, and if the order restricting his discharge was made for a specified period, that period shall not in any event expire until the patient returns to the hospital or is returned to the hospital under that section.

(4) If an order restricting the discharge of a patient ceases to have effect after the patient has been conditionally discharged under this section, the patient shall, unless previously recalled under the last foregoing subsection, be deemed to be absolutely discharged on the date when the order ceases to have effect, and shall cease to be liable to be detained by virtue of the relevant hospital order accordingly.

(5) The Secretary of State may, if satisfied that the attendance at any place in Great Britain of a patient who is subject to an order restricting discharge is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place; and where a patient is directed under this subsection to be taken to any place he shall, unless the Secretary of

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State otherwise directs, be kept in custody while being so taken, while at that place and while being taken back to the hospital in which he is liable to be detained.

(6) The Secretary of State may at any time refer to a Mental Health Review Tribunal for their advice the case of a patient who is for the time being subject to an order restricting his discharge, and, where so requested in writing in accordance with the following provisions of this section by such a patient who is detained in hospital, shall do so within the period of two months beginning with the receipt of the request unless during that period the patient is discharged absolutely or conditionally under subsection (2) of this section or the order restricting his discharge ceases to have effect.

(7) A patient shall not be entitled to make a request to the Secretary of State under the last foregoing subsection before the expiration of the period of one year beginning with the date of the relevant hospital order, but subject as aforesaid may make one such request during each period during which he could have made an application to a Mental Health Review Tribunal if he had been subject to a hospital order without an order restricting his discharge and the authority for his detention had been renewed at the requisite intervals.

(8) Where a patient subject to an order restricting his discharge has been conditionally discharged under subsection (2) of this section and subsequently recalled to hospital, the last foregoing subsection shall apply as if the relevant hospital order had been made on the day on which he returns or is returned to hospital, but he may also make one such request as aforesaid between the expiration of the period of six months and the expiration of the period of one year beginning with that day.

Power of magistrates' courts to commit for restriction order.

67.—(1) If in the case of a person of or over the age of fourteen years who is convicted by a magistrates' court of an offence punishable on summary conviction with imprisonment—

- (a) the conditions which, under subsection (1) of section sixty of this Act, are required to be satisfied for the making of a hospital order are satisfied in respect of the offender ; but
- (b) it appears to the court, having regard to the nature of the offence, the antecedents of the offender and the risk of his committing further offences if set at large, that if a hospital order is made an order restricting his discharge should also be made,

the court may, instead of making a hospital order or dealing with him in any other manner, commit him in custody to quarter sessions to be dealt with in respect of the offence.

(2) Subsection (2) of section twenty-nine of the Criminal Justice Act, 1948 (which specifies the court of quarter sessions by which an offender committed to quarter sessions for sentence is to be dealt with) shall apply in relation to the committal of an offender under this section as it applies in relation to the committal of an offender for sentence under section twenty-nine of the Magistrates' Courts Act, 1952.

(3) Where an offender is committed to quarter sessions under this section, the court of quarter sessions shall inquire into the circumstances of the case and may—

- (a) if that court would have power so to do under the foregoing provisions of this Part of this Act upon the conviction of the offender before that court of such an offence as is described in subsection (1) of section sixty of this Act, make a hospital order in his case, with or without an order restricting his discharge ;
- (b) if the court does not make such an order, deal with the offender in any other manner in which the magistrates' court might have dealt with him ;

and the Poor Prisoners Defence Act, 1930, shall apply as if the offender were committed for trial for an indictable offence, subject to the modifications specified in subsections (4) and (5) of section eighteen of the Legal Aid and Advice Act, 1949.

(4) The power of a magistrates' court under section twenty-nine of the Magistrates' Courts Act, 1952 (which enables such a court to commit an offender to quarter sessions where the court is of opinion that greater punishment should be inflicted for the offence than the court has power to inflict) shall also be exercisable by a magistrates' court where it is of opinion that greater punishment should be inflicted as aforesaid on the offender unless a hospital order is made in his case with an order restricting his discharge.

(5) The power of a court of quarter sessions to make a hospital order, with or without an order restricting discharge, in the case of a person convicted before that court of an offence may, in the like circumstances and subject to the like conditions, be exercised by such a court in the case of a person committed to the court under section five of the Vagrancy Act, 1824 (which provides for the committal to quarter sessions of persons being incorrigible rogues within the meaning of that section).

68.—(1) Where an offender is committed under subsection (1) of section sixty-seven of this Act and the magistrates' court by which he is committed is satisfied that arrangements have been made for the admission of the offender to a hospital in the event of an order being made under this section, the court may, instead of committing him in custody, by order direct him to ^{Committal to hospital under s. 67.}

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be admitted to that hospital, specifying it, and to be detained there until the case is disposed of by quarter sessions, and may give such directions as it thinks fit for his production from the hospital to attend the court of quarter sessions by which his case is to be dealt with.

(2) Subsection (1) of section sixty-three and section sixty-four of this Act shall apply in relation to an order under this section as they apply in relation to a hospital order, but as if references to the period of twenty-eight days mentioned in the said subsection (1) were omitted; and subject as aforesaid an order under this section shall, until the offender's case is disposed of by quarter sessions, have the like effect as a hospital order together with an order restricting his discharge, made without limitation of time.

(3) Where an order has been made under this section in respect of an offender, the notice of the date on which the case will be dealt with required by subsection (2) of section twenty-nine of the Criminal Justice Act, 1948, to be given by the clerk of the peace to the governor of the prison or remand centre shall instead be given to the managers of the hospital in which he is detained.

**Appeals from
assizes and
quarter
sessions.**

69.—(1) Where an order restricting discharge is made by a court of quarter sessions in respect of a person committed under section twenty-nine of the Magistrates' Courts Act, 1952, under section five of the Vagrancy Act, 1824, or under section sixty-seven of this Act, that person may appeal to the Court of Criminal Appeal against the order in like manner as against an order made on his conviction on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.

(2) On any appeal to the Court of Criminal Appeal against an order restricting the discharge of an offender (including an appeal under subsection (1) of this section) the court shall have the like powers under subsection (3) of section four of the Criminal Appeal Act, 1907, as if the appeal were an appeal against the hospital order in respect of him as well as against the order restricting his discharge.

(3) On any appeal to the Court of Criminal Appeal by an offender against a hospital order or guardianship order, the court shall have the like powers under subsection (3) of the said section four as if the appeal were an appeal against any further order made by the court which made the hospital order or guardianship order, as well as against the hospital order or guardianship order.

**Appeals from
magistrates'
courts.**

70.—(1) Where on the trial of an information charging a person with an offence a magistrates' court makes a hospital order or guardianship order in respect of him without convicting him,

he shall have the like right of appeal against the order as if it had been made on his conviction; and on any such appeal quarter sessions shall have the like powers as if the appeal had been against both conviction and sentence.

(2) Where a juvenile court, on being satisfied that a child or young person brought before the court is in need of care or protection or that his parent or guardian is unable to control him, makes such an order as aforesaid, the child or young person may appeal to quarter sessions against the order.

(3) An appeal by a child or young person with respect to whom any such order has been made, whether the appeal is against the order or against the finding upon which the order was made, may be brought by him or by his parent or guardian on his behalf.

(4) Section two of the Summary Jurisdiction (Appeals) Act, 1933 (which relates to legal aid) shall with the necessary modifications apply in relation to an appeal against a hospital order or guardianship order made by a magistrates' court (whether or not brought under this section) as it applies in relation to an appeal against sentence.

71.—(1) Where under any enactment to which this subsection applies any person is ordered to be kept in custody during Her Majesty's pleasure, that person shall, until detained in pursuance of any directions under subsection (2) of this section, be detained in such place of safety as the court may order, and the order shall be sufficient authority for his conveyance to that place.

Persons ordered to be kept in custody during Her Majesty's pleasure.

(2) The Secretary of State may by warrant direct that any person who, by virtue of any enactment to which this subsection applies, is required to be kept in custody during Her Majesty's pleasure or until the directions of Her Majesty are known shall be detained in such hospital (not being a mental nursing home) as may be specified in the warrant and, where that person is not already detained in the hospital, give directions for his removal there.

(3) The enactments to which subsection (1) of this section applies are section two of the Criminal Lunatics Act, 1800, section two of the Trial of Lunatics Act, 1883, and subsection (4) of section five of the Criminal Appeal Act, 1907; and the enactments to which subsection (2) of this section applies are the aforementioned enactments and subsection (4) of section six of the Courts-Martial (Appeals) Act, 1951, section one hundred and sixteen of the Army Act, 1955, section one hundred and sixteen of the Air Force Act, 1955, and section sixty-three of the Naval Discipline Act, 1957.

(4) A direction under this section in respect of any person shall have the like effect as a hospital order together with an order restricting his discharge, made without limitation of time; and where such a direction is given in respect of a person while he

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is in the hospital, he shall be deemed to be admitted in pursuance of, and on the date of, the direction.

(5) Where the Secretary of State is notified by the responsible medical officer that a person detained in a hospital, being a person ordered under section two of the Criminal Lunatics Act, 1800, to be kept in custody, no longer requires treatment for mental disorder, the Secretary of State may remit that person to prison, or to a remand centre provided under section forty-three of the Prison Act, 1952, for trial at the next quarter sessions or, as the case may be, assizes for the place where, but for the order, he would have been tried, and on his arrival at the prison or remand centre the direction under this section shall cease to have effect.

Transfer to hospital or guardianship of prisoners, etc.

Removal to
hospital of
persons
serving
sentences of
imprisonment,
etc.

72.—(1) If in the case of a person serving a sentence of imprisonment the Secretary of State is satisfied, by reports from at least two medical practitioners (complying with the provisions of this section)—

- (a) that the said person is suffering from mental illness, psychopathic disorder, subnormality or severe subnormality ; and
- (b) that the mental disorder is of a nature or degree which warrants the detention of the patient in a hospital for medical treatment ;

the Secretary of State may, if he is of opinion having regard to the public interest and all the circumstances that it is expedient so to do, by warrant direct that that person be removed to and detained in such hospital (not being a mental nursing home) as may be specified in the direction.

(2) A direction under this section (in this Act referred to as a transfer direction) shall cease to have effect at the expiration of the period of fourteen days beginning with the date on which it is given unless within that period the person with respect to whom it was given has been received into the hospital specified therein.

(3) A transfer direction with respect to any person shall have the like effect as a hospital order made in his case.

(4) Of the medical practitioners whose reports are taken into account under subsection (1) of this section, at least one shall be a practitioner approved for the purposes of section twenty-eight of this Act by a local health authority as having special experience in the diagnosis or treatment of mental disorders.

(5) A transfer direction shall specify the form or forms of mental disorder referred to in paragraph (a) of subsection (1) of this section from which, upon the reports taken into account

under that subsection, the patient is found by the Secretary of State to be suffering; and no such direction shall be given unless the patient is described in each of those reports as suffering from the same one of those forms, whether or not he is also described in either of them as suffering from another of those forms.

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(6) References in this section to a person serving a sentence of imprisonment include references—

- (a) to a person detained in pursuance of any sentence or order for detention made by a court in criminal proceedings, or made or having effect as if made in any proceedings under the Children and Young Persons Act, 1933 (other than an order under any enactment to which section seventy-one of this Act applies or an order for detention in a remand home under section fifty-four or in a place of safety under section sixty-seven of the said Act of 1933);
- (b) to a person committed to custody under subsection (3) of section ninety-one of the Magistrates' Courts Act, 1952 (which relates to persons who fail to comply with an order to enter into recognisances to keep the peace or be of good behaviour); and
- (c) to a person committed by a court to a prison or other institution to which the Prison Act, 1952, applies in default of payment of any sum adjudged to be paid on his conviction.

73.—(1) If in the case of a person to whom this section applies the Secretary of State is satisfied by the like reports as are required for the purposes of the last foregoing section that that person is suffering from mental illness or severe subnormality of a nature or degree which warrants the detention of the patient in a hospital for medical treatment, the Secretary of State shall have the like power of giving a transfer direction in respect of him under that section as if he were serving a sentence of imprisonment.

Removal to hospital of other prisoners.

(2) This section applies to the following persons, that is to say—

- (a) persons committed in custody for trial at assizes or quarter sessions;
- (b) persons committed in custody to quarter sessions under section twenty-eight or section twenty-nine of the Magistrates' Courts Act, 1952, section five of the Vagrancy Act, 1824, or section sixty-seven of this Act;
- (c) persons remanded in custody by a court of assize or quarter sessions to await a judgment or sentence which has been respited;

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- (d) persons remanded in custody by a magistrates' court ;
- (e) civil prisoners, that is to say, persons committed by a court to prison for a limited term (including persons committed to prison in pursuance of a writ of attachment), not being persons falling to be dealt with under section seventy-two of this Act ;
- (f) aliens detained in a prison or other institution to which the Prison Act, 1952, applies, in pursuance of the Aliens Order 1953, or any order amending or replacing that Order.

(3) Subsections (2) to (5) of the last foregoing section shall apply for the purposes of this section and of any transfer direction given by virtue of this section as they apply for the purposes of that section and of any transfer direction thereunder.

Restriction on discharge of prisoners removed to hospital.

74.—(1) Where a transfer direction is given in respect of any person, the Secretary of State, if he thinks fit, may by warrant further direct that that person shall be subject to the special restrictions set out in section sixty-five of this Act ; and where the Secretary of State gives a transfer direction in respect of any such person as is described in paragraphs (a) to (d) of subsection (2) of the last foregoing section, he shall also give a direction under this section applying the said restrictions to him.

(2) A direction under this section (in this Act referred to as a direction restricting discharge) shall have the like effect as an order restricting the discharge of the patient made under the said section sixty-five.

Further provisions as to prisoners under sentence.

75.—(1) Where a transfer direction and a direction restricting discharge have been given in respect of a person serving a sentence of imprisonment (other than a person detained in a remand home) and the Secretary of State is notified by the responsible medical officer at any time before the expiration of that person's sentence that that person no longer requires treatment for mental disorder, the Secretary of State may—

- (a) by warrant direct that he be remitted to any prison or other institution in which he might have been detained if he had not been removed to hospital, there to be dealt with as if he had not been so removed ; or
- (b) exercise, or authorise the Prison Commissioners or, as the case may be, the managers of any approved school to which he might have been remitted to exercise, any power of releasing him on licence or discharging him under supervision which would have been exercisable if he had been remitted to such a prison or institution as aforesaid,

and on his arrival in the prison or other institution or, as the case may be, his release or discharge as aforesaid, the transfer direction and the direction restricting discharge shall cease to have effect.

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(2) A direction restricting the discharge of a person serving a sentence of imprisonment (including an order for detention in a remand home under section sixty-nine of the Children and Young Persons Act, 1933), shall cease to have effect on the expiration of the sentence.

(3) Subject to the next following subsection, references in this section to the expiration of a person's sentence are references to the expiration of the period during which he would have been liable to be detained in a prison or other institution if the transfer direction had not been given.

(4) For the purposes of subsection (2) of section forty-nine of the Prison Act, 1952 (which provides for discounting from the sentence of certain prisoners periods while they are unlawfully at large) a patient who, having been transferred in pursuance of a transfer direction from any such institution as is referred to in that subsection, is at large in circumstances in which he is liable to be taken into custody under any provision of this Act, shall be treated as unlawfully at large and absent from that institution.

76.—(1) Any transfer direction given in respect of any such person as is described in paragraphs (a) to (c) of subsection (2) of section seventy-three of this Act shall cease to have effect when his case is disposed of by the court to which he was committed or by which he was remanded, as the case may be, but without prejudice to any power of that court to make a hospital order or other order under this Part of this Act in his case. Further provisions as to persons committed for trial or sentence, etc.

(2) Where a transfer direction has been given in respect of any such person as aforesaid, then—

(a) if the Secretary of State is notified by the responsible medical officer at any time before that person is brought before the court to which he was committed or by which he was remanded that he no longer requires treatment for mental disorder, the Secretary of State may by warrant direct that he be remitted to any place where he might have been detained if he had not been removed to hospital, there to be dealt with as if he had not been so removed, and on his arrival at the place to which he is so remitted the transfer direction shall cease to have effect ;

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(b) if (no direction having been given under paragraph (a) of this subsection) it appears to that court that it is impracticable or inappropriate to bring that person before the court and the conditions set out in the next following subsection are satisfied, the court may make a hospital order (with or without an order restricting discharge) in his case in his absence and, in the case of a person committed for trial, without convicting him.

(3) A hospital order may be made in respect of a person under paragraph (b) of the last foregoing subsection if the court is satisfied, on the oral evidence of at least two medical practitioners (complying with subsection (1) of section sixty-two of this Act), that that person is suffering from mental illness or severe subnormality of a nature or degree which warrants the detention of the patient in a hospital for medical treatment, and is of opinion, after considering any depositions or other documents required to be sent to the proper officer of the court, that it is proper to make such an order.

(4) Where a person committed to quarter sessions to be dealt with under section sixty-seven of this Act is admitted to a hospital in pursuance of an order under section sixty-eight of this Act, paragraph (b) of subsection (2) and subsection (3) of this section shall apply as if he were a person subject to a transfer direction.

Further provisions as to persons remanded by magistrates' courts.

77.—(1) A transfer direction given in respect of a person remanded in custody by a magistrates' court shall cease to have effect on the expiration of the period of remand unless, upon his being brought before the magistrates' court, he is committed in custody for trial at assizes or quarter sessions.

(2) Where, on the expiration of the period of remand of any such person, he is committed in custody for trial as aforesaid, section seventy-six of this Act shall apply as if the transfer direction given in his case were a direction given in respect of a person so committed.

(3) Where a transfer direction has been given in respect of a person remanded as aforesaid, the power of further remanding him under section one hundred and five of the Magistrates' Courts Act, 1952, may be exercised by the court without his being brought before the court; and if the court further remands such a person in custody (whether or not he is brought before the court) the period of remand shall, for the purposes of this section, be deemed not to have expired.

(4) Where a transfer direction in respect of any person ceases to have effect under this section, then unless the court before which he is brought on the expiration of the period of remand—

(a) passes a sentence of imprisonment (within the meaning of subsection (6) of section sixty of this Act) on him ; or

(b) makes a hospital order or guardianship order in his case, he shall continue to be liable to be detained in the hospital in which he was detained under the transfer direction as if he had been admitted thereto, on the date on which that direction ceased to have effect, in pursuance of an application for admission for treatment made under Part IV of this Act, and the provisions of this Act shall apply accordingly.

78.—(1) Any transfer direction given in respect of a civil prisoner shall cease to have effect on the expiration of the period during which he would, but for his removal to hospital, be liable to be detained in prison. Further provisions as to civil prisoners.

(2) Where a transfer direction given in respect of any person ceases to have effect by virtue of this section, he shall continue to be liable to be detained in the hospital in which he was detained under that direction as if he had been admitted thereto, on the date on which the direction ceased to have effect, in pursuance of an application for admission for treatment made under Part IV of this Act, and the provisions of this Act shall apply accordingly.

79.—(1) If in the case of a child or young person detained in an approved school the Secretary of State is satisfied by the like reports as are required for the purposes of section seventy-two of this Act— Reception into guardianship of persons sent to approved schools.

(a) that the child or young person is suffering from mental illness, psychopathic disorder, subnormality or severe subnormality ; and

(b) that the mental disorder is of a nature or degree which warrants the reception of the patient into guardianship under this Act ;

the Secretary of State may, if he is of opinion having regard to the public interest and to all the circumstances that it is expedient so to do, by warrant direct that he be placed under the guardianship of a local health authority or of any such other person approved by a local health authority as may be specified in the direction.

(2) A direction shall not be given under this section placing a person under the guardianship of a local health authority or other person unless the Secretary of State is satisfied that that authority or person is willing to receive that person into guardianship.

(3) A direction under this section with respect to any person shall have the like effect as a guardianship order made in his case.

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—*cont.*
Interpretation
of Part V.

Supplemental

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

“ approved school ” means a school approved under section seventy-nine of the Children and Young Persons Act, 1933 ;

“ child ” and “ young person ” have the same meaning as in the Children and Young Persons Act, 1933 ;

“ civil prisoner ” has the meaning assigned to it by paragraph (e) of subsection (2) of section seventy-three of this Act ;

“ guardian ”, in relation to a child or young person, has the same meaning as in the Children and Young Persons Act, 1933 ;

“ place of safety ”, in relation to a person not being a child or young person, means any police station, prison or remand centre, or any hospital the managers of which are willing temporarily to receive him, and in relation to a child or young person means a place of safety within the meaning of the Children and Young Persons Act, 1933 ;

“ remand home ” means premises established or used by the council of a county or county borough under section seventy-seven of the Children and Young Persons Act, 1933 ;

“ responsible medical officer ”, in relation to a person liable to be detained in a hospital within the meaning of Part IV of this Act, means the medical practitioner ‘in charge of the treatment of the patient.

(2) Any reference in this Part of this Act to an offence punishable on summary conviction with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders.

(3) Where a patient who is liable to be detained in a hospital in pursuance of an order or direction under this Part of this Act is treated by virtue of any provision of this Part of this Act as if he had been admitted to the hospital in pursuance of a subsequent order or direction under this Part of this Act or a subsequent application for admission for treatment under Part IV thereof, he shall be treated as if the subsequent order, direction or application had described him as suffering from the form or forms of mental disorder specified in the earlier order or direction or, where he is treated as if he had been so admitted by virtue of a direction under subsection (1) of section sixty-six of this Act, such form of mental disorder as may be specified in the direction under that subsection.

(4) In the following provisions of this Part of this Act, that is to say—

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—cont.

subsections (2) to (5) of section sixty-three ;
subsections (3) to (5) of section sixty-five ; and
section sixty-six,

any reference to a hospital order, a guardianship order or an order restricting the discharge of a patient subject to a hospital order shall be construed as including a reference to any order or direction under this Part of this Act having the like effect as the first-mentioned order ; and the exceptions and modifications set out in the Third Schedule to this Act in respect of the provisions of Part IV of this Act described in that Schedule accordingly include those which are consequential on the provisions of this subsection.

(5) Subsection (2) of section fifty-nine of this Act shall apply for the purposes of this Part of this Act as it applies for the purposes of Part IV of this Act.

(6) References in this Part of this Act to a court of quarter sessions include references to an appeal committee of quarter sessions.

(7) References in this Part of this Act to persons serving a sentence of imprisonment shall be construed in accordance with subsection (6) of section seventy-two of this Act.

(8) Section ninety-nine of the Children and Young Persons Act, 1933 (which relates to the presumption and determination of age) shall apply for the purposes of this Part of this Act as it applies for the purposes of that Act.

PART VI

REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

Removal to and from Scotland

81.—(1) If it appears to the Minister, in the case of a patient who is for the time being liable to be detained or subject to guardianship under this Act, being—

Removal to
Scotland of
patients not
subject to
restriction.

- (a) a patient who is so liable or subject by virtue of an application under Part IV of this Act ;
- (b) a patient who is so liable or subject by virtue of a hospital order or transfer direction without an order or direction restricting discharge ;
- (c) a patient who is so liable or subject by virtue of a guardianship order or a direction under section seventy-nine of this Act,

that it is in the patient's interests to remove him to Scotland, and that arrangements have been made for his reception into a mental hospital, asylum or house in Scotland where persons of unsound mind may be detained under the Lunacy (Scotland) Acts, 1857

PART VI
—*cont.*

to 1913, or for placing him in an institution for defectives or under guardianship within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913, the Minister may authorise the removal of the patient to Scotland and give any necessary directions for his conveyance to his destination.

(2) Where a person removed in pursuance of an authority under this section is received into any such hospital, asylum or house as is mentioned in subsection (1) of this section, then—

- (a) if, immediately before his removal, he was liable to be detained in a hospital within the meaning of Part IV of this Act, he shall on his reception be treated for all purposes as having been so received by virtue of an order under section fourteen of the Lunacy (Scotland) Act, 1862 ;
- (b) if, immediately before his removal, he was subject to guardianship under this Act, he shall on his reception be treated for all purposes as a person in whose case an order under section thirteen of the Lunacy (Scotland) Act, 1866 is in force ;

and for the purposes of paragraph (b) of subsection (1) of section nine of the said Act of 1866 the person entitled to discharge a patient transferred to Scotland under the foregoing provisions of this section shall be ascertained as if the person at whose instance he is detained were dead.

(3) Where a person removed in pursuance of an authority under this section is placed in an institution for defectives or under guardianship within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913, then—

- (a) if before the removal the patient was liable to be detained or subject to guardianship as mentioned in paragraph (a) of subsection (1) of this section, he shall on being so placed be treated for all purposes as having been so placed by his parent or guardian under section four of that Act ;
- (b) if before the removal the patient was liable to be detained or subject to guardianship as mentioned in paragraph (b) or paragraph (c) of the said subsection (1), he shall on being so placed be treated for all purposes as if he were detained in the institution or placed under guardianship in pursuance of a judicial order under section seven of the Mental Deficiency and Lunacy (Scotland) Act, 1913, made on the date on which he is so placed.

Removal to
Scotland of
patients
subject to
restriction on
discharge.

82.—(1) If it appears to the Secretary of State, in the case of a patient who is for the time being liable to be detained by virtue of an order or direction under Part V of this Act, not being a patient to whom section eighty-one of this Act applies, that it

is in the patient's interests to remove him to Scotland and that arrangements have been made for him in accordance with the following provisions of this section, the Secretary of State may by warrant authorise the removal of the patient to Scotland, and may give any necessary directions for his conveyance to his destination.

PART VI
—cont.

(2) Where the patient is liable to be detained by virtue of a hospital order and an order restricting his discharge is in force, arrangements may be made for his reception into a State Mental Hospital within the meaning of the Criminal Justice (Scotland) Act, 1949, or a mental hospital, asylum or house where persons of unsound mind may be detained in pursuance of an order under section fourteen of the Lunacy (Scotland) Act, 1862, or for placing him in a State institution within the meaning of section twenty-eight of the Mental Deficiency and Lunacy (Scotland) Act, 1913.

(3) Where the patient is liable to be detained by virtue of a transfer direction and a direction restricting his discharge is in force, arrangements may be made for his reception into a hospital eligible to receive patients under section six of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, or under subsection (1) of section four of the Criminal Lunatics (Scotland) Act, 1935, or for placing him in an institution for defectives within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913.

(4) Where the patient is liable to be detained in a hospital by virtue of a direction under section seventy-one of this Act, arrangements may be made for his reception into a State Mental Hospital within the meaning of the Criminal Justice (Scotland) Act, 1949, or a mental hospital, asylum or house where persons of unsound mind may be detained in pursuance of an order under section fourteen of the Lunacy (Scotland) Act, 1862.

83.—(1) Where a patient is removed to Scotland in pursuance of such arrangements as are mentioned in subsection (2) of section eighty-two of this Act, then—

- (a) if in pursuance of those arrangements he is received into a mental hospital, asylum or house where persons of unsound mind may be detained in pursuance of an order under section fourteen of the Lunacy (Scotland) Act, 1862, subsection (2) of section eighty-one of this Act shall apply to him as it applies to a patient removed under that section to such a hospital, asylum or house as aforesaid, but, unless the Secretary of State otherwise directs, any power to discharge the patient, to grant him leave of absence or to transfer him from the hospital, asylum or house shall, so long as the order

Application
of Scottish
enactments
to patients
removed
under s. 82.

PART VI
—cont.

restricting the discharge of the patient would have continued in force apart from his removal, be exercisable only with the consent of the Secretary of State ;

- (b) if in pursuance of those arrangements he is placed in a State institution, he shall be treated as if he were detained therein in pursuance of a judicial order under section seven of the Mental Deficiency and Lunacy (Scotland) Act, 1913, made on the date on which he is so placed ;

and for the purposes of paragraph (a) of this subsection any reference in section fourteen of the Lunacy (Scotland) Act, 1862, to a mental hospital shall be construed as including a reference to a State Mental Hospital.

(2) Where a patient is removed in pursuance of such arrangements as are mentioned in subsection (3) of the said section eighty-two, then—

- (a) if in pursuance of those arrangements he is received into a hospital being a State Mental Hospital, he shall be treated as if he had been ordered to be detained therein under subsection (1) of section four of the Criminal Lunatics (Scotland) Act, 1935 ;
- (b) if in pursuance of those arrangements he is detained in any other hospital described in that subsection, he shall be treated as if he had been ordered to be removed to that hospital under section six of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871 ;
- (c) if in pursuance of those arrangements he is removed to an institution for defectives, he shall be treated as if he were detained under an order for his transfer to that institution made under section ten of the Mental Deficiency and Lunacy (Scotland) Act, 1913, on the date of his removal ;

and in any such case the patient shall be treated as if the sentence or order by virtue of which he was detained before the transfer direction was given had been imposed or made by a court in Scotland.

(3) Where a patient is removed in pursuance of such arrangements as are mentioned in subsection (4) of the said section eighty-two, the patient shall be treated as if he had been ordered by a court in Scotland to be kept in strict custody until Her Majesty's pleasure shall be known in pursuance of section eighty-seven or section eighty-eight of the Lunacy (Scotland) Act, 1857, and as if an order for his safe custody in the place of reception had been made on behalf of Her Majesty under the said section eighty-seven or the said section eighty-eight.

84.—(1) In subsection (2) of section sixty-four of the Criminal Justice (Scotland) Act, 1949 (which provides for the removal of state mental patients from mental hospitals in Scotland to mental hospitals in England and Wales) the reference to a mental hospital in England shall be construed as a reference to any hospital within the meaning of this Act.

PART VI
—*cont.*
Removal to
England and
Wales of state
mental
patients.

(2) Where, under the said subsection (2) an order is made by the Secretary of State for the removal of a state mental patient from a mental hospital in Scotland to a hospital in England and Wales, then—

- (a) if the patient is a person ordered to be kept in safe custody during Her Majesty's pleasure in pursuance of section eighty-seven or section eighty-eight of the Lunacy (Scotland) Act, 1857, the patient shall, on his reception into the hospital in England and Wales, be treated as if he had been removed to that hospital in pursuance of a direction of the Secretary of State under section seventy-one of this Act ;
- (b) in any other case, the patient shall be treated, on his reception into the hospital in England and Wales, as if he had been removed to that hospital in pursuance of a transfer direction under Part V of this Act, and a direction restricting his discharge may be given under section seventy-four of this Act accordingly ;

and in any such case the patient shall be treated as if the sentence or order by virtue of which he was detained before being removed under this section had been imposed or made by a court in England and Wales.

Removal to and from Northern Ireland

85.—(1) If it appears to the Minister, in the case of a patient who is for the time being liable to be detained or subject to guardianship as mentioned in subsection (1) of section eighty-one of this Act, that it is in the patient's interest to remove him to Northern Ireland and that arrangements have been made—

Removal to
Northern
Ireland of
patients not
subject to
restriction.

- (a) for his reception into a mental hospital within the meaning of the Mental Health Act (Northern Ireland), 1948 ; or
- (b) for his reception into an institution within the meaning of that Act or for placing him under the guardianship of the Northern Ireland Hospitals Authority ;

the Minister may authorise the removal of the patient to Northern Ireland and give any necessary directions for his conveyance to his destination.

(2) Where a person is removed under this section to Northern Ireland, and is received in pursuance of the arrangements into

PART VI
—*cont.*

a mental hospital, he shall, on his reception, be treated for all purposes as having been so received in pursuance of a judicial order made under Part II of the Mental Health Act (Northern Ireland), 1948, on the date on which he is so received.

(3) Where a person is removed under this section to Northern Ireland, and is received in pursuance of the arrangements into an institution within the meaning of the said Act of 1948, or is placed under the guardianship of the Northern Ireland Hospitals Authority, he shall, on being so received or placed, be treated for all purposes as if he had been so received or placed in pursuance of a judicial order made under Part III of that Act on the date on which he is so received or placed.

Removal to
Northern
Ireland
of patients
subject to
restriction
on discharge.

86.—(1) If it appears to the Secretary of State, in the case of a patient who is for the time being liable to be detained by virtue of an order or direction under Part V of this Act, not being a patient to whom section eighty-five of this Act applies, that it is in the patient's interests to remove him to Northern Ireland and that arrangements have been made—

(a) for his reception into a mental hospital within the meaning of the Mental Health Act (Northern Ireland), 1948; or

(b) for his reception into an institution within the meaning of that Act,

the Secretary of State may by warrant authorise the removal of the patient to Northern Ireland, and may give any necessary directions for his conveyance to his destination.

(2) Where a patient liable to be detained by virtue of a hospital order and subject to an order restricting his discharge is removed under this section, then—

(a) if in pursuance of the arrangements he is received into a mental hospital, he shall be treated as if he were subject to a judicial order made under Part II of the said Act of 1948 on the date of his reception and continued under section fourteen of that Act on any occasion on which it would otherwise have expired during the continuance of the order restricting his discharge;

(b) if in pursuance of the arrangements he is received into an institution within the meaning of that Act, he shall be treated as if he were subject to a judicial order made under Part III of the said Act on the date of his reception and continued under section thirty-nine of that Act on any occasion on which it would otherwise have expired during the continuance of the order restricting his discharge, and section thirty-four of that Act (which provides for the revocation or variation of judicial orders) shall have effect accordingly;

but in either case, unless the Ministry of Home Affairs for Northern Ireland otherwise directs, any power to discharge the patient, to grant him leave of absence or to transfer him from the hospital or institution shall, during the continuance of the order restricting the discharge of the patient, be exercisable only with the consent of that Ministry.

PART VI
—cont.

(3) Where a patient liable to be detained by virtue of a transfer direction and subject to a direction restricting his discharge is removed under this section, he shall, upon being received into such a hospital or institution as aforesaid in pursuance of the arrangements, be treated as if the sentence or order by virtue of which he was detained before the transfer direction was given had been imposed or made by a court in Northern Ireland, and as if—

- (a) where the patient is received into such a mental hospital as aforesaid, he had been transferred to that hospital under section sixteen of the Prison Act (Northern Ireland) 1953 ;
- (b) where he is received into such an institution as aforesaid, he had been transferred to that institution under section thirty-seven of the said Act of 1948.

(4) Where a patient who is liable to be detained by virtue of a direction under section seventy-one of this Act is removed under this section, he shall, on his reception into a mental hospital or institution in pursuance of the arrangements, be treated as if he had been ordered by a court in Northern Ireland to be kept in safe custody during the pleasure of the Governor of Northern Ireland in pursuance of section seventeen of the Lunacy (Ireland) Act, 1821, or of section two of the Trial of Lunatics Act, 1883, as the case may be, and as if—

- (a) where he is received into a mental hospital, an order had been made by or on behalf of the Governor of Northern Ireland for his safe custody in that hospital ;
- (b) where he is received into an institution within the meaning of the said Act of 1948, he had been transferred to that institution under section thirty-seven of that Act.

(5) References in this section to the continuance of the order restricting the discharge of a patient are references to the time for which that order would have continued in force apart from removal of the patient under this section.

87.—(1) If it appears to the Ministry of Health and Local Government for Northern Ireland, in the case of a patient being—

- (a) a certified patient within the meaning of the Mental Health Act (Northern Ireland), 1948, or

Removal to
England and
Wales of
patients
other than
criminal
patients.

PART VI
—*cont.*

(b) a person declared under Part III of that Act to be a person requiring special care (other than a person to whom section eighty-eight of this Act applies),

that it is in the patient's interests to remove him to England and Wales, and that arrangements have been made for his admission to a hospital or for placing him under guardianship there, the Ministry may authorise his removal to England and Wales, and may give any necessary directions for his conveyance to his destination.

(2) Where a patient removed under this section is received into a hospital in pursuance of such arrangements as aforesaid, this Act shall apply to him as if he had been admitted to the hospital in pursuance of an application for admission for treatment under Part IV of this Act, and had been so admitted on the date on which he is so received.

(3) Where a patient so removed is received into guardianship in pursuance of such arrangements as aforesaid, this Act shall apply to him as if he had been received into guardianship in pursuance of a guardianship application under the said Part IV accepted on the date on which he is so received.

Removal to
England
and Wales
of criminal
patients.

88.—(1) If it appears to the Ministry of Home Affairs for Northern Ireland, in the case of a patient being a criminal lunatic within the meaning of this section, that it is in the patient's interests to remove him to England and Wales, and that arrangements have been made for his admission to a hospital there, the Ministry may authorise his removal to England and Wales, and may give any necessary directions for his conveyance to his destination.

(2) Where a patient removed under this section is received into a hospital in England and Wales in pursuance of such arrangements as aforesaid, then—

(a) if the patient is a person ordered to be kept in custody under section seventeen of the Lunacy (Ireland) Act, 1821, or under section two of the Trial of Lunatics Act, 1883, he shall, on his reception into the hospital in England and Wales, be treated as if he had been removed to that hospital in pursuance of a direction under section seventy-one of this Act ;

(h) in any other case, the patient shall be treated, on his reception into the hospital in England and Wales, as if he had been removed to that hospital in pursuance of a transfer direction under Part V of this Act, and as if a direction restricting his discharge had been given under section seventy-four of this Act ;

and in any such case the patient shall be treated as if the sentence or order by virtue of which he was detained before being

removed under this section had been imposed or made by a court in England and Wales.

PART VI
—cont.

(3) In this section "criminal lunatic" means a criminal lunatic within the meaning of the Lunacy (Ireland) Act, 1901, or a person detained in a mental hospital or institution within the meaning of the Mental Health Act (Northern Ireland), 1948, in pursuance of an order made by the Governor of Northern Ireland or the Minister of Home Affairs for Northern Ireland under section thirty-seven of that Act, or of directions given by the Ministry of Home Affairs for Northern Ireland under section sixteen of the Prison Act (Northern Ireland), 1953.

Other provisions as to removal

89.—(1) The Secretary of State may by warrant direct that any offender found by a court in any of the Channel Islands or in the Isle of Man to be insane or to have been insane at the time of the alleged offence, and ordered to be detained during Her Majesty's pleasure, be removed to a hospital in England and Wales.

Removal of certain patients from Channel Islands and Isle of Man to England and Wales.

(2) A patient removed under this section shall, on his reception into the hospital in England and Wales, be treated as if he had been removed to that hospital in pursuance of a direction under section seventy-one of this Act.

(3) The Secretary of State may by warrant direct that any patient removed under this section from any of the Channel Islands or from the Isle of Man be returned to the Island from which he was so removed, there to be dealt with according to law in all respects as if he had not been removed under this section.

90. If it appears to the Secretary of State, in the case of any patient being an alien who is receiving treatment for mental illness as an in-patient—

Removal of alien patients.

(a) in a hospital in England and Wales; or

(b) in a mental hospital or institution within the meaning of the Mental Health (Northern Ireland) Act, 1948,

that proper arrangements have been made for the removal of the patient to a country or territory outside the United Kingdom, the Isle of Man and the Channel Islands and for his care or treatment there, the Secretary of State may by warrant authorise the removal of the patient from the place where he is receiving treatment as aforesaid, and may give such directions as the Secretary of State thinks fit for the conveyance of the patient to his destination in that country or territory and for his detention in any place or on board any ship or aircraft until his arrival at any specified port or place in any such country or territory.

PART VI

—cont.

*Return of patients absent without leave*Persons absent
from Scottish
institutions.

91.—(1) Where a lunatic, defective, or state mental patient liable to detention under the Lunacy (Scotland) Acts, 1857 to 1913, the Mental Deficiency (Scotland) Acts, 1913 and 1940, the Criminal Lunatics (Scotland) Act, 1935, or the Criminal Justice (Scotland) Act, 1949, in an institution to which this section applies is absent from the institution without leave, he may, not later than the expiration of any period within which he might be retaken in Scotland under the said enactments, be retaken in England or Wales by a mental welfare officer, by any constable or by any person for the time being authorised by or by virtue of any such enactment to apprehend him without warrant and may be returned to that institution by any person so authorised.

(2) The institutions to which this section applies are mental hospitals, institutions for mental defectives and State Mental Hospitals within the meaning of the enactments specified in the foregoing subsection, and private asylums licensed thereunder.

Patients absent
from Northern
Irish
institutions.

92.—(1) Any person who, under section sixty-three of the Mental Health Act (Northern Ireland), 1948 (which provides for the retaking of patients absent without leave), is liable to be retaken in Northern Ireland may, within the period within which he might be so retaken, be taken into custody in England or Wales by a mental welfare officer, by any constable or by any person for the time being authorised by or by virtue of that section to retake him, and may be returned by any person so authorised to any hospital, institution or place to which he could lawfully be returned if retaken under that enactment.

(2) Any person being a criminal lunatic within the meaning of section eighty-eight of this Act who is unlawfully at large in England or Wales may be taken into custody in England or Wales by a mental welfare officer, by any constable or by any person authorised by subsection (1) of section thirty-eight of the Prison Act (Northern Ireland), 1953, to arrest him without warrant, and may be returned by any person so authorised to the place in which he is required by the law in force in Northern Ireland to be detained.

Patients absent
from
hospitals
in England
and Wales.

93.—(1) Subject to the provisions of this section, any person who, under section forty or section one hundred and forty of this Act or under the said section forty as applied by section forty-six of this Act, may be taken into custody in England and Wales may be taken into custody in, and returned to England and Wales from, any other part of the United Kingdom or the Channel Islands or the Isle of Man.

(2) For the purposes of the enactments referred to in subsection (1) of this section, in their application by virtue of this

section to Scotland, Northern Ireland, the Channel Islands or the Isle of Man, the expression " constable " includes a Scottish constable, an officer or constable of the Royal Ulster Constabulary, a member of the police in Jersey, an officer of police within the meaning of section forty-three of the Larceny (Guernsey) Law, 1958, or any corresponding law for the time being in force, or a constable in the Isle of Man, as the case may be.

PART VI
—cont

(3) For the purposes of the said enactments in their application by virtue of this section to Scotland or Northern Ireland, any reference to a mental welfare officer shall be construed as including a reference—

- (a) in Scotland, to any person (other than a constable) who, under the Lunacy (Scotland) Acts, 1857 to 1913, the Mental Deficiency (Scotland) Acts, 1913 and 1940, or the Criminal Lunatics (Scotland) Act, 1935, would have power to apprehend a person absent without leave from an institution to which section ninety-one of this Act applies ;
- (b) in Northern Ireland, to any person (other than a constable) who, under section sixty-three of the Mental Health Act (Northern Ireland) 1948, would be authorised to retake a patient absent without leave from a hospital to which that section applies.

(4) This section shall not apply to any person who is subject to guardianship.

Supplemental

94. Section fifty-six of this Act shall have effect as if references therein to Part IV of this Act included references to this Part of this Act so far as it applies to patients removed to England and Wales thereunder or under subsection (2) of section sixty-four of the Criminal Justice (Scotland) Act, 1949. Regulations for purposes of Part VI.

95. Where a patient liable to be detained or subject to guardianship by virtue of an application, order or direction under Part IV or Part V of this Act is removed from England and Wales in pursuance of arrangements under this Part of this Act, the application, order or direction shall cease to have effect when he is duly received into a hospital or other institution, or placed under guardianship, in pursuance of those arrangements. General provisions as to patients removed from England and Wales.

96.—(1) References in this Part of this Act to a hospital, being a hospital in England and Wales, shall be construed as references to a hospital within the meaning of Part IV of this Act. Interpretation of Part VI.

(2) Where a patient is treated by virtue of this Part of this Act as if he had been removed to a hospital in England and

PART VI
—*cont.*

Wales in pursuance of a direction under Part V of this Act, that direction shall be deemed to have been given on the date of his reception into the hospital.

(3) A patient removed to England and Wales under this Part of this Act or under subsection (2) of section sixty-four of the Criminal Justice (Scotland) Act, 1949, shall be treated for the purposes of this Act as suffering from such form of mental disorder as may be recorded in his case in pursuance of regulations made by virtue of section ninety-four of this Act, and references in this Act to the form or forms of mental disorder specified in the relevant application, order or direction shall be construed as including references to the form or forms of mental disorder so recorded.

PART VII

SPECIAL HOSPITALS

Provision of institutions for treatment under conditions of special security.

97.—(1) The Minister shall provide such institutions as appear to him to be necessary for persons subject to detention under this Act, being persons who, in the opinion of the Minister, require treatment under conditions of special security on account of their dangerous, violent or criminal propensities.

(2) The institutions vested in the Minister by subsection (3) of section sixty-two of the Criminal Justice Act, 1948, and by subsection (4) of section forty-nine of the National Health Service Act, 1946, shall be deemed to be institutions provided by the Minister under this section.

(3) Institutions provided, or deemed to be provided, by the Minister under this section are in this Act referred to as special hospitals.

Administrative provisions.

98.—(1) The special hospitals shall be under the control and management of the Minister, and the provisions of Part II of the National Health Service Act, 1946, relating to the local administration of hospital and specialist services shall not apply to those hospitals.

(2) Subsection (1) of section fifty-eight of the National Health Service Act, 1946 (which enables the Minister to acquire land for the purposes of that Act) shall have effect as if the reference to the purposes of that Act included a reference to the purposes of this Part of this Act and as if the reference to any hospital vested in the Minister included a reference to any special hospital.

Transfers to and from special hospitals.

99.—(1) Without prejudice to any other provisions of this Act with respect to the transfer of patients, any patient who is for the time being liable to be detained under this Act in a special hospital may, upon the directions of the Minister, at any time be removed into any other special hospital.

(2) Without prejudice to any such provision as aforesaid, the Minister may give directions for the transfer of any patient who is for the time being liable to be detained under this Act in a special hospital into a hospital not being a special hospital.

PART VII
—cont.

(3) Subsections (2) and (4) of section forty-one of this Act shall apply in relation to the transfer or removal of a patient under this section as they apply in relation to the transfer or removal of a patient from one hospital to another under that section.

PART VIII

MANAGEMENT OF PROPERTY AND AFFAIRS OF PATIENTS

100.—(1) The Lord Chancellor shall from time to time nominate one or more judges of the Supreme Court (hereinafter referred to as “nominated judges”) to act for the purposes of this Part of this Act. Judicial authorities and Court of Protection.

(2) There shall continue to be an office of the Supreme Court, called the Court of Protection, for the protection and management, as provided by this Part of this Act, of the property of persons under disability; and there shall be a Master and a Deputy Master of the Court of Protection appointed by the Lord Chancellor.

(3) The Lord Chancellor may nominate other officers of the Court of Protection to act for the purposes of this Part of this Act.

(4) The functions expressed to be conferred by this Part of this Act on the judge shall be exercisable by the Lord Chancellor or by any nominated judge, and shall also be exercisable by the Master or Deputy Master of the Court of Protection or by any officer nominated under the foregoing subsection, but—

- (a) in the case of the Master, Deputy Master or any such nominated officer, subject to any express provision to the contrary in this Part of this Act or any rules thereunder,
- (b) in the case of the Deputy Master or any such nominated officer, subject to any directions of the Master,
- (c) in the case of any such nominated officer, so far only as may be provided by the instrument by which he is nominated;

and references in this Part of this Act to the judge shall be construed accordingly.

101. The functions of the judge under this Part of this Act shall be exercisable where, after considering medical evidence, he is satisfied that a person is incapable, by reason of mental Persons within the jurisdiction of the judge: “the patient”.

PART VIII
—*cont.*

disorder, of managing and administering his property and affairs ; and a person as to whom the judge is so satisfied is in this Part of this Act referred to as a patient.

General functions of the judge with respect to property and affairs of patient.

102.—(1) The judge may, with respect to the property and affairs of a patient, do or secure the doing of all such things as appear necessary or expedient—

- (a) for the maintenance or other benefit of the patient,
- (b) for the maintenance or other benefit of members of the patient's family,
- (c) for making provision for other persons or purposes for whom or which the patient might be expected to provide if he were not mentally disordered, or
- (d) otherwise for administering the patient's affairs.

(2) In the exercise of the powers conferred by this section regard shall be had first of all to the requirements of the patient, and the rules of law which restricted the enforcement by a creditor of rights against property under the control of the judge in lunacy shall apply to property under the control of the judge ; but subject to the foregoing provisions of this subsection the judge shall, in administering a patient's affairs, have regard to the interests of creditors and also to the desirability of making provision for obligations of the patient notwithstanding that they may not be legally enforceable.

Powers of the judge as to patient's property and affairs.

103.—(1) Without prejudice to the generality of the foregoing section, the judge shall have power to make such orders and give such directions and authorities as he thinks fit for the purposes of that section, and in particular may for those purposes make orders or give directions or authorities for—

- (a) the control (with or without the transfer or vesting of property or the payment into or lodgment in court of money or securities) and management of any property of the patient ;
- (b) the sale, exchange, charging or other disposition of or dealing with any property of the patient ;
- (c) the acquisition of any property in the name or on behalf of the patient ;
- (d) the settlement of any property of the patient, or the gift of any property of the patient to any such persons or for any such purposes as are mentioned in paragraphs (b) and (c) of subsection (1) of the foregoing section, so however that in such cases as a nominated judge may direct the powers conferred by this paragraph shall not be exercisable except by the Lord Chancellor or a nominated judge ;
- (e) the carrying on by a suitable person of any profession, trade or business of the patient ;

- (f) the dissolution of a partnership of which the patient is a member ;
- (g) the carrying out of any contract entered into by the patient ;
- (h) the conduct of legal proceedings in the name of the patient or on his behalf, so however that an order, direction or authority to present a petition in the name or on behalf of the patient for divorce or nullity of marriage, for presumption of death and dissolution of marriage, or for judicial separation shall be made or given only by the Lord Chancellor or a nominated judge ;
- (i) the reimbursement out of the property of the patient, with or without interest, of money applied by any person either in payment of the patient's debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or members of his family or in making provision for other persons or purposes for whom or which he might be expected to provide if he were not mentally disordered ;
- (j) the exercise of any power (including a power to consent) vested in the patient, whether beneficially, or as guardian or trustee, or otherwise, so however that the powers of a patient as patron of a benefice shall be exercisable by the Lord Chancellor only.

(2) If under the foregoing subsection provision is made for the settlement of any property of a patient, or the exercise of a power vested in a patient of appointing trustees or retiring from a trust, the judge may also make as respects the property settled or trust property such consequential vesting or other orders as the case may require, including (in the case of the exercise of such a power as aforesaid) any order which could have been made in such a case under Part IV of the Trustee Act, 1925.

(3) The power of the judge to provide for the settlement of the property of a patient shall not be exercisable at any time when the patient is an infant.

(4) Where under this section a settlement has been made of any property of a patient, and the Lord Chancellor or a nominated judge is satisfied, at any time before the death of the patient, that any material fact was not disclosed when the settlement was made, or that there has been any substantial change in circumstances, he may by order vary the settlement in such manner as he thinks fit, and give any consequential directions.

104. Where it is represented to the judge, and he has reason to believe, that a person may be incapable, by reason of mental disorder, of managing and administering his property and affairs, and the judge is of opinion that it is necessary to make

Judge's powers
in cases of
emergency.

PART VIII
—*cont.*

immediate provision for any of the matters referred to in section one hundred and two of this Act, then pending the determination of the question whether the said person is incapable as aforesaid the judge may exercise in relation to the property and affairs of that person any of the powers conferred on him in relation to the property and affairs of a patient by this Part of this Act so far as is requisite for enabling that provision to be made.

**Power to
appoint
receiver.**

105.—(1) The judge may by order appoint as receiver for a patient a person specified in the order or the holder for the time being of an office so specified; and the receiver shall do all such things in relation to the property and affairs of the patient as the judge, in the exercise of the powers conferred on him by sections one hundred and two and one hundred and three of this Act, orders or directs him to do and may do any such thing in relation thereto as the judge, in the exercise of those powers, authorises him to do.

(2) A receiver appointed for any person shall be discharged by order of the judge on the judge being satisfied that that person has become capable of managing and administering his property and affairs, and may be discharged by order of the judge at any time if the judge considers it expedient to do so; and a receiver shall be discharged (without any order) on the death of the patient.

**Vesting of
stock in
curator
appointed
outside
England and
Wales.**

106.—(1) Where the judge is satisfied—

- (a) that under the law prevailing in a place outside England and Wales a person has been appointed to exercise powers with respect to the property or affairs of any other person on the ground (however formulated) that that other person is incapable, by reason of mental disorder, of managing and administering his property and affairs, and
- (b) that having regard to the nature of the appointment and to the circumstances of the case it is expedient that the judge should exercise his powers under this section,

the judge may direct any stock standing in the name of the said other person or the right to receive the dividends thereof to be transferred into the name of the person so appointed or otherwise dealt with as requested by that person, and may give such directions as the judge thinks fit for dealing with accrued dividends thereof.

(2) In this section “stock” includes shares and also any fund, annuity or security transferable in the books kept by any body corporate or unincorporated company or society, or by an instrument of transfer either alone or accompanied by other formalities, and “dividends” shall be construed accordingly.

107.—(1) Where any property of a person has been disposed of under this Part of this Act, and under his will or any codicil thereto or his intestacy, or by any gift perfected or nomination taking effect on his death, any other person would have taken an interest in the property but for the disposal, he shall take the like interest, if and so far as circumstances allow, in any property belonging to the estate of the deceased which represents the property disposed of; and if the property disposed of was real property any property representing it shall so long as it remains part of his estate be treated as if it were real property.

PART VIII
—cont.
Preservation
of interests in
patient's
property.

(2) The judge, in ordering, directing or authorising under this Part of this Act any disposal of property which apart from this section would result in the conversion of personal property into real property, may direct that the property representing the property disposed of shall, so long as it remains the property of the patient or forms part of his estate, be treated as if it were personal property.

(3) In the foregoing subsections references to the disposal of property are references to the sale, exchange, charging or other dealing with property other than money, the removal of property from one place to another, the application of money in acquiring property or the transfer of money from one account to another, and references to property representing property disposed of shall be construed accordingly and as including the result of successive disposals.

(4) The judge may give such directions as appear to him necessary or expedient for the purpose of facilitating the operation of subsection (1) of this section, including the carrying of money to a separate account and the transfer of property other than money.

(5) Where the judge has ordered, directed or authorised the expenditure of money for the carrying out of permanent improvements on, or otherwise for the permanent benefit of, any property of the patient, he may order that the whole or any part of the money expended or to be expended shall be a charge upon the property, whether without interest or with interest at a specified rate; and—

- (a) a charge under this subsection may be made in favour of such person as may be just, and in particular, where the money charged is paid out of the patient's general estate, may be made in favour of a person as trustee for the patient;
- (b) an order under this subsection may provide for excluding or restricting the operation of subsection (1) of this section:

Provided that a charge created under this subsection shall not confer any right of sale or foreclosure during the lifetime of the patient.

PART VIII

—cont.

Lord
Chancellor's
Visitors.

108.—(1) There shall continue to be Medical and Legal Visitors of patients, appointed by the Lord Chancellor, and the Visitors shall be known as the Lord Chancellor's Visitors.

(2) As respects appointments of Lord Chancellor's Visitors made after the commencement of this Act, the concurrence of the Treasury shall be required as to numbers.

(3) A person shall not be qualified to be appointed a Medical Visitor unless he is a medical practitioner who appears to the Lord Chancellor to have special knowledge and experience of cases of mental disorder.

(4) Subsection (3) of section one hundred and sixteen of the Supreme Court of Judicature (Consolidation) Act, 1925 (which precludes the appointment as deputy in any office of the Supreme Court of a person who is not qualified for appointment to that office) shall not prevent a person who has previously held an appointment as Medical Visitor or as Legal Visitor being appointed as deputy for a Medical Visitor or, as the case may be, a Legal Visitor.

(5) The Lord Chancellor may, with the concurrence of the Treasury as to numbers, appoint persons to be clerks and other officers of the Lord Chancellor's Visitors.

Functions of
Visitors.

109.—(1) It shall be the duty of the Lord Chancellor's Visitors to visit patients in accordance with the directions of the judge for the purpose of investigating matters relating to the capacity of any patient to manage and administer his property and affairs or otherwise relating to the exercise, in relation to him, of the functions of the judge under this Part of this Act; and the Visitors shall make such reports on their visits as the judge may direct.

(2) A Visitor making a visit under this section may interview the patient in private.

(3) A Medical Visitor making a visit under this section may carry out in private a medical examination of the patient and may require the production of and inspect any medical records relating to the patient.

(4) The Master or Deputy Master of the Court of Protection may visit any patient for the purpose mentioned in subsection (1) of this section, and subsection (2) thereof shall have effect accordingly.

(5) A report made by a Visitor under this section, and information contained in such a report, shall not be disclosed except to the judge and any person authorised by the judge to receive the disclosure.

- (6) If any person discloses any report or information in contravention of the last foregoing subsection, he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or both.

(7) In this section references to patients include references to persons alleged to be incapable, by reason of mental disorder, of managing and administering their property and affairs.

PART VIII
—cont.

110.—(1) For the purposes of any proceedings before him with respect to persons suffering or alleged to be suffering from mental disorder, the judge shall have the like powers as are vested in the High Court in respect of securing the attendance of witnesses and the production of documents.

General powers of the judge with respect to proceedings.

(2) Subject to the provisions of this section, any act or omission in the course of such proceedings as aforesaid which, if occurring in the course of proceedings in the High Court would have been a contempt of the Court, shall be punishable by the judge in any manner in which it could have been punished by the High Court.

(3) The foregoing subsection shall not authorise the Master or Deputy Master, or any other officer, of the Court of Protection to exercise any power of attachment or committal, but the Master, Deputy Master or officer may certify any such act or omission to the Lord Chancellor or a nominated judge, and the Lord Chancellor or judge may thereupon inquire into the alleged act or omission and take any such action in relation thereto as he could have taken if the proceedings had been before him.

(4) Subsections (1) to (4) of section forty-nine of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides a special procedure for the issue of writs of subpoena ad testificandum and duces tecum so as to be enforceable throughout the United Kingdom) shall apply in relation to proceedings under this Part of this Act with the substitution for references to the High Court of references to the judge and for references to such writs as aforesaid of references to such document as may be prescribed by rules under this Part of this Act for issue by the judge for securing the attendance of witnesses or the production of documents.

111.—(1) Subject to and in accordance with rules under this Part of this Act, an appeal shall lie to a nominated judge from any decision of the Master or Deputy Master of the Court of Protection or any officer of the Court of Protection nominated under subsection (3) of section one hundred of this Act.

Appeals.

(2) The Court of Appeal shall have the like jurisdiction as to appeals from any decision of the Lord Chancellor or from any decision of a nominated judge, whether given in the exercise of his original jurisdiction or on the hearing of an appeal under the foregoing subsection, as they had immediately before the coming into operation of this Part of this Act as to appeals from orders in lunacy made by the Lord Chancellor or

PART VIII
—*cont.*

any other person having jurisdiction in lunacy, and the provisions of the Supreme Court of Judicature (Consolidation) Act, 1925, relating to appeals shall have effect accordingly.

**Rules of
procedure.**

112.—(1) Proceedings before the judge with respect to persons suffering or alleged to be suffering from mental disorder (in this section referred to as “proceedings”) shall be conducted in accordance with the provisions of rules made under this Part of this Act.

(2) Rules under this Part of this Act may make provision as to the carrying out of preliminary or incidental inquiries, as to the persons by whom and manner in which proceedings may be instituted and carried on, as to the persons who are to be entitled to be notified of, to attend, or to take part in proceedings, as to the evidence which may be authorised or required to be given in proceedings and the manner (whether on oath or otherwise and whether orally or in writing) in which it is to be given, as to the administration of oaths and taking of affidavits for the purposes of proceedings, and as to the enforcement of orders made and directions given in proceedings.

(3) Without prejudice to the provisions of subsection (1) of section one hundred and ten of this Act, rules under this Part of this Act may make provision for authorising or requiring the attendance and examination of persons suffering or alleged to be suffering from mental disorder, the furnishing of information and the production of documents.

(4) Rules under this Part of this Act may make provision as to the termination of proceedings, whether on the death or recovery of the person to whom the proceedings relate or otherwise, and for the exercise, pending the termination of the proceedings, of powers exercisable under this Part of this Act in relation to the property or affairs of a patient.

(5) Rules under this Part of this Act made with the consent of the Treasury may make provision as to the scale of costs, fees and percentages payable in relation to proceedings, and as to the manner in which and funds out of which such costs, fees and percentages are to be paid, may contain provision for charging any percentage upon the estate of the person to whom the proceedings relate and for the payment of costs, fees and percentages within such time after the death of the person to whom the proceedings relate or the termination of the proceedings as may be provided by the rules, and may provide for the remission of fees and percentages.

(6) A charge upon the estate of a person created by virtue of the foregoing subsection shall not cause any interest of that person in any property to fail or determine or to be prevented from recommencing.

(7) Rules under this Part of this Act may authorise the making of orders for the payment of costs to or by persons attending, as well as persons taking part in, proceedings.

PART VIII
—cont.

113.—(1) Rules under this Part of this Act may make provision as to the giving of security by a receiver and as to the enforcement and discharge of the security.

Security and
accounts.

(2) It shall be the duty of a receiver to render accounts in accordance with the requirements of rules under this Part of this Act, as well after his discharge as during his receivership; and rules under this Part of this Act may make provision for the rendering of accounts by persons, not being receivers, ordered, directed or authorised under this Part of this Act to carry out any transaction.

114.—(1) Any power to make rules conferred by this Part of this Act shall be exercisable by the Lord Chancellor.

General
provisions as
to rules under
Part VIII.

(2) Rules under this Part of this Act may contain such incidental and supplemental provisions as appear requisite for the purposes of the rules.

115.—(1) The Master of the Court of Protection shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath; and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the Second Part of the Schedule to that Act included the Master of the Court of Protection.

Supplementary
provisions as to
Court of
Protection.

(2) A person shall not be qualified for appointment as Deputy Master of the Court of Protection unless at the time of his appointment he is a barrister or solicitor of not less than five years' standing or is an officer of the Court of Protection who for not less than five years (whether continuously or not) has been an officer nominated under subsection (3) of section one hundred of this Act.

(3) The Lord Chancellor may, with the concurrence of the Treasury as to numbers, appoint persons to be clerks and other officers of the Court of Protection.

116.—(1) Section two hundred and four of the Law of Property Act, 1925 (by which orders of the High Court are made conclusive in favour of purchasers) shall apply in relation to orders made and directions and authorities given by the judge as it applies in relation to orders of the High Court.

Effect and
proof of
orders, etc.

(2) Office copies of orders made, directions or authorities given, or other instruments issued by the judge and sealed with the official seal of the Court of Protection shall be admissible in all legal proceedings as evidence of the originals without any further proof.

PART VIII

—cont.

Reciprocal arrangements in relation to Scotland and Northern Ireland as to exercise of powers.

117.—(1) This Part of this Act shall apply in relation to the property and affairs in Scotland or Northern Ireland of a patient in relation to whom powers have been exercised under this Part of this Act, or a person as to whom powers are exercisable and have been exercised under section one hundred and four of this Act, as it applies in relation to his property and affairs in England and Wales unless a curator bonis, tutor, judicial factor, committee, receiver or guardian has been appointed for him in Scotland or, as the case may be, Northern Ireland.

(2) Where under the law in force in Scotland or Northern Ireland with respect to the property and affairs of persons suffering from mental disorder a curator bonis, tutor, judicial factor, committee, receiver or guardian has been appointed for any person, the provisions of that law shall apply in relation to that person's property and affairs in England and Wales unless he is a patient in relation to whom powers have been exercised under this Part of this Act, or a person as to whom powers are exercisable and have been exercised under section one hundred and four of this Act.

(3) In this section references to property do not include references to land or interests in land:

Provided that this subsection shall not prevent the receipt of rent or other income arising from land or interests in land.

Construction of references in other Acts to judge or authority having jurisdiction under Part VIII.

118.—(1) The functions expressed to be conferred by any enactment not contained in this Part of this Act on the judge having jurisdiction under this Part of this Act shall be exercisable by the Lord Chancellor or by a nominated judge.

(2) The functions expressed to be conferred by any such enactment on the authority having jurisdiction under this Part of this Act shall, subject to any express provision to the contrary, be exercisable by the Lord Chancellor, a nominated judge, the Master or Deputy Master of the Court of Protection or any officer nominated under subsection (3) of section one hundred of this Act:

Provided that the exercise of those functions by the Deputy Master or any such nominated officer shall be subject to any directions of the Master, and the said functions shall be exercisable by any such nominated officer so far only as may be provided by the instrument by which he is nominated.

(3) Subject to the provisions of the foregoing subsections,—

(a) references in any enactment not contained in this Part of this Act to the judge having jurisdiction under this Part of this Act shall be construed as references to the Lord Chancellor or a nominated judge, and

(b) references in any such enactment to the authority having jurisdiction under this Part of this Act shall be con-

strued as references to the Lord Chancellor, a nominated judge, the Master or Deputy Master of the Court of Protection or any officer nominated under subsection (3) of section one hundred of this Act.

PART VIII
—cont.

119.—(1) In this Part of this Act, unless the context otherwise requires,—

Interpretation
of Part VIII.

“nominated judge” means a judge nominated in pursuance of subsection (1) of section one hundred of this Act;

“patient” has the meaning assigned to it by section one hundred and one of this Act;

“property” includes any thing in action, and any interest in real or personal property;

“the judge” shall be construed in accordance with section one hundred of this Act.

(2) Any power conferred by this Part of this Act to make an order shall be construed as including a power, exercisable in like manner and subject to the like conditions if any, to revoke or vary the order.

120. The provisions of the Lunacy Regulation (Ireland) Act, 1871, described in the Fourth Schedule to this Act (which relate to the management and protection of the property of mentally disordered persons and to the procedure on inquisitions) shall have effect subject to the modifications specified in that Schedule.

Modifications
of Lunacy
Regulation
(Ireland) Act,
1871.

121. The provisions of the Acts described in the Fifth Schedule to this Act which are specified in the third column of that Schedule, so far as they make special provision for persons suffering from mental disorder, shall cease to have effect in relation to patients and to persons as to whom powers are exercisable and have been exercised under section one hundred and four of this Act.

Repeal of
certain
enactments in
relation to
persons within
the jurisdiction
of the judge.

PART IX

MISCELLANEOUS AND GENERAL

Powers and proceedings of Mental Health Review Tribunals

122.—(1) Where, under any provision of this Act, an application to a Mental Health Review Tribunal is authorised to be made by or in respect of a patient, the application shall be made by notice in writing addressed to the tribunal for the area in which the hospital or nursing home in which the patient is detained is situated or in which the patient is residing under guardianship, as the case may be.

Applications
to tribunals.

(2) Except in such cases and at such times as are expressly provided by this Act, no application shall be made to a Mental Health Review Tribunal by or in respect of a patient; and where, under any provision of this Act, any person is authorised to make an application to such a tribunal within a specified period, not more than one such application shall be made by that person within that period.

PART IX
—cont.
Powers of
tribunals.

123.—(1) Where application is made to a Mental Health Review Tribunal by or in respect of a patient who is liable to be detained under this Act, the tribunal may in any case direct that the patient be discharged, and shall so direct if they are satisfied—

- (a) that he is not then suffering from mental illness, psychopathic disorder, subnormality or severe subnormality; or
- (b) that it is not necessary in the interests of the patient's health or safety or for the protection of other persons that the patient should continue to be liable to be detained; or
- (c) in the case of an application under subsection (3) of section forty-four or subsection (3) of section forty-eight of this Act, that the patient, if released, would not be likely to act in a manner dangerous to other persons or to himself.

(2) Where application is made to a Mental Health Review Tribunal by or in respect of a patient who is subject to guardianship under this Act, the tribunal may in any case direct that the patient be discharged, and shall so direct if they are satisfied—

- (a) that he is not then suffering from mental illness, psychopathic disorder, subnormality or severe subnormality; or
- (b) that it is not necessary in the interests of the patient, or for the protection of other persons, that the patient should remain under such guardianship.

(3) Where application is made to a Mental Health Review Tribunal under any provision of this Act by or in respect of a patient and the tribunal do not direct that the patient be discharged, the tribunal may, if satisfied that the patient is suffering from a form of mental disorder other than the form specified in the relevant application, order or direction, direct that that application, order or direction be amended by substituting for the form of mental disorder specified therein such other form of mental disorder as appears to the tribunal to be appropriate.

(4) This section applies in relation to any reference to a Mental Health Review Tribunal made by the Minister under section fifty-seven of this Act as it applies in relation to an application made to such tribunal by or in respect of a patient, but does not apply in relation to any reference by the Secretary of State under subsection (6) of section sixty-six of this Act.

Rules as to
procedure.

124.—(1) The Lord Chancellor may make rules with respect to the making of applications to Mental Health Review Tribunals, and with respect to the proceedings of such tribunals and matters incidental to or consequential on such proceedings.

(2) Rules made under this section may in particular make provision—

PART IX
—*cont.*

- (a) for enabling a tribunal, or the chairman of a tribunal, to postpone the consideration of any application by or in respect of a patient, or of any such application of any specified class, until the expiration of such period (not exceeding twelve months) as may be specified in the rules from the date on which an application by or in respect of the same patient was last considered and determined by that or any other tribunal under this Act ;
- (b) for the transfer of proceedings from one tribunal to another in any case where, after the making of the application, the patient is removed out of the area of the tribunal to which it was made ;
- (c) for restricting the persons qualified to serve as members of a tribunal for the consideration of any application, or of an application of any specified class ;
- (d) for enabling a tribunal to dispose of an application without a formal hearing where such a hearing is not requested by the applicant or it appears to the tribunal that such a hearing would be detrimental to the health of the patient ;
- (e) for enabling a tribunal to exclude members of the public, or any specified class of members of the public, from any proceedings of the tribunal, or to prohibit the publication of reports of any such proceedings or the names of any persons concerned in such proceedings ;
- (f) for regulating the circumstances in which, and the persons by whom, applicants and patients in respect of whom applications are made to a tribunal may, if not desiring to conduct their own case, be represented for the purposes of those applications ;
- (g) for regulating the methods by which information relevant to an application may be obtained by or furnished to the tribunal, and in particular for authorising the members of a tribunal, or any one or more of them, to visit and interview in private any patient by or in respect of whom an application has been made ;
- (h) for making available to any applicant, and to any patient in respect of whom an application is made to a tribunal, copies of any documents obtained by or furnished to the tribunal in connection with the application, and a statement of the substance of any oral information so obtained or furnished except where the tribunal considers it undesirable in the interests of the patient or for other special reasons ;
- (i) for requiring a tribunal, if so requested in accordance with the rules, to furnish such statements of the

PART IX
—cont.

reasons for any decision given by the tribunal as may be prescribed by the rules, subject to any provision made by the rules for withholding such a statement from a patient or any other person in cases where the tribunal considers that furnishing it would be undesirable in the interests of the patient or for other special reasons ;

(j) for conferring on the tribunals such ancillary powers as the Lord Chancellor thinks necessary for the purposes of the exercise of their functions under this Act.

(3) The foregoing provisions of this section apply in relation to references to Mental Health Review Tribunals as they apply in relation to applications to such tribunals by or in respect of patients.

(4) Rules under this section may be so framed as to apply to all applications or references or to applications or references of any specified class and may make different provision in relation to different cases.

(5) A Mental Health Review Tribunal may, and if so required by the High Court shall, state in the form of a special case for determination by the High Court any question of law which may arise before them.

(6) The Arbitration Act, 1950, shall not apply to any proceedings before a Mental Health Review Tribunal except so far as any provisions of that Act may be applied, with or without modifications, by rules made under this section.

Offences

125.—(1) Any person who, with intent to deceive, forges any statements, etc. of the following documents, that is to say :—

(a) any application under Part IV of this Act ;

(b) any medical recommendation or report under this Act ;
or

(c) any other document required or authorised to be made for any of the purposes of this Act,

or who uses, allows another person to use or makes or has in his possession any such document which he knows to have been forged or any document so closely resembling any such document as to be calculated to deceive, shall be guilty of an offence.

(2) Any person who wilfully makes a false entry or statement in any application, recommendation, report, record or other document required or authorised to be made for any of the purposes of this Act or, with intent to deceive, makes use of any such entry or statement which he knows to be false, shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both ; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

PART IX
—cont.

(4) In this section “forge” has the same meaning as in the Forgery Act, 1913.

126.—(1) It shall be an offence for any person being an officer on the staff of or otherwise employed in, or being one of the managers of, a hospital or mental nursing home— Ill-treatment of patients.

(a) to ill-treat or wilfully neglect a patient for the time being receiving treatment for mental disorder as an in-patient in that hospital or home ; or

(b) to ill-treat or wilfully neglect, on the premises of which the hospital or home forms part, a patient for the time being receiving such treatment there as an out-patient.

(2) It shall be an offence for any individual to ill-treat or wilfully neglect a mentally disordered patient who is for the time being subject to his guardianship under this Act or otherwise in his custody or care (whether by virtue of any legal or moral obligation or otherwise).

(3) Any person guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both ;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

127.—(1) The Sexual Offences Act, 1956, shall be amended as follows:— Amendment of Sexual Offences Act, 1956.

(a) for section seven there shall be substituted the following section:—

“Intercourse with defective. **7.**—(1) It is an offence, subject to the exception mentioned in this section, for a man to have unlawful sexual intercourse with a woman who is a defective.

(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective.” ;

(b) for section forty-five there shall be substituted the following section:—

“Meaning of ‘defective’. **45.** In this Act ‘defective’ means a person suffering from severe subnormality within the meaning of the Mental Health Act, 1959.” ;

and section eight of that Act shall cease to have effect.

PART IX
—cont.

(2) An order under section thirty-eight of the said Act made on conviction of an offence against a girl under the age of twenty-one who is a defective within the meaning of that Act may, so far as it has effect for any of the purposes of this Act, be rescinded under that section either before or after the girl has attained that age.

**Sexual
intercourse
with patients.**

128.—(1) Without prejudice to section seven of the Sexual Offences Act, 1956, it shall be an offence, subject to the exception mentioned in this section,—

- (a) for a man who is an officer on the staff of or is otherwise employed in, or is one of the managers of, a hospital or mental nursing home to have unlawful sexual intercourse with a woman who is for the time being receiving treatment for mental disorder in that hospital or home, or to have such intercourse on the premises of which the hospital or home forms part with a woman who is for the time being receiving such treatment there as an out-patient;
- (b) for a man to have unlawful sexual intercourse with a woman who is a mentally disordered patient and who is subject to his guardianship under this Act or is otherwise in his custody or care under this Act or in pursuance of arrangements under the National Health Service Act, 1946, or Part III of the National Assistance Act, 1948, or as a resident in a residential home for mentally disordered persons within the meaning of Part III of this Act.

(2) It shall not be an offence under this section for a man to have sexual intercourse with a woman if he does not know and has no reason to suspect her to be a mentally disordered patient.

(3) Any person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding two years.

(4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

(5) This section shall be construed as one with the Sexual Offences Act, 1956; and section forty-seven of that Act (which relates to the proof of exceptions) shall apply to the exception mentioned in this section.

**Assisting
patients to
absent
themselves
without leave,
etc.**

129.—(1) Any person who induces or knowingly assists any other person—

- (a) being liable to be detained in a hospital within the meaning of Part IV of this Act, or being subject to guardianship under this Act, to absent himself without leave; or

(b) being in legal custody by virtue of section one hundred and thirty-nine of this Act, to escape from such custody ;

PART IX
—cont.

shall be guilty of an offence.

(2) Any person who knowingly harbours a patient who is absent without leave or is otherwise at large and liable to be retaken under this Act, or gives him any assistance with intent to prevent, hinder or interfere with his being taken into custody or returned to the hospital or other place where he ought to be, shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both ;

(b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both.

130.—(1) Any person who refuses to allow the inspection of any premises, or without reasonable cause refuses to allow the visiting, interviewing or examination of any person by a person authorised in that behalf by or under this Act or to produce for the inspection of any person so authorised any document or record the production of which is duly required by him, or otherwise obstructs any such person in the exercise of his functions, shall be guilty of an offence. Obstruction.

(2) Without prejudice to the generality of the foregoing subsection, any person who insists on being present when requested to withdraw by a person authorised as aforesaid to interview or examine a person in private, shall be guilty of an offence.

(3) Any person guilty of an offence under this section 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.

131.—(1) A local health authority may institute proceedings for any offence under this Part of this Act, but without prejudice to any provision of this Part of this Act requiring the consent of the Director of Public Prosecutions for the institution of such proceedings. Prosecutions
by local
authorities

(2) In relation to an offence under section one hundred and thirty of this Act in connection with the inspection of any premises, or the visiting, interviewing or examination of any patient, by a person authorised in that behalf by a registration authority within the meaning of Part III of this Act, subsection (1) of this section shall have effect as if the reference to a local health authority included a reference to that authority.

PART IX

—cont.

Notification of hospitals having arrangements for reception of urgent cases.

Miscellaneous provisions

132. It shall be the duty of every Regional Hospital Board to give notice to every local health authority for an area wholly or partly comprised within the area of the Board specifying the hospital or hospitals administered by the Board in which arrangements are from time to time in force for the reception, in case of special urgency, of patients requiring treatment for mental disorder.

Provision of pocket money for in-patients in hospital.

133.—(1) The Minister may pay to persons who are receiving treatment as in-patients (whether liable to be detained or not) in special hospitals or other hospitals, being hospitals wholly or mainly used for the treatment of persons suffering from mental disorder, such amounts as he thinks fit in respect of their occasional personal expenses where it appears to him that they would otherwise be without resources to meet those expenses.

(2) For the purposes of the National Health Service Act, 1946, the making of payments under this section to persons for whom hospital and specialist services are provided under Part II of that Act shall be treated as included among those services.

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

- (a) for any reference to the Minister there shall be substituted a reference to the Secretary of State ;
- (b) for the words from “ special hospitals ” to “ mental disorder ” there shall be substituted the words “ institutions to which section ninety-one of this Act applies ” ;
- (c) for the reference to the National Health Service Act, 1946, there shall be substituted a reference to the National Health Service (Scotland) Act, 1947.

Correspondence of patients not subject to detention.

134.—(1) Section thirty-six of this Act shall apply in relation to any patient who is receiving treatment for mental disorder in a hospital or mental nursing home, having been admitted for that purpose but not being liable to be detained therein, as it applies in relation to a patient detained in a hospital under Part IV of this Act.

(2) In relation to any patient to whom it applies by virtue of this section, the said section thirty-six shall have effect as if for any reference to the responsible medical officer there were substituted a reference to the medical practitioner in charge of the treatment of the patient.

Warrant to search for and remove patients.

135.—(1) If it appears to a justice of the peace, on information on oath laid by a mental welfare officer, that there is reasonable cause to suspect that a person believed to be suffering from mental disorder—

- (a) has been, or is being, ill-treated, neglected or kept otherwise than under proper control, in any place within the jurisdiction of the justice, or

(b) being unable to care for himself, is living alone in any such place,

the justice may issue a warrant authorising any constable named therein to enter, if need be by force, any premises specified in the warrant in which that person is believed to be, and, if thought fit, to remove him to a place of safety with a view to the making of an application in respect of him under Part IV of this Act, or of other arrangements for his treatment or care.

(2) If it appears to a justice of the peace, on information on oath laid by any constable or other person who is authorised by or under this Act to take a patient to any place, or to take into custody or retake a patient who is liable under this Act to be so taken or retaken,—

(a) that there is reasonable cause to believe that the patient is to be found on premises within the jurisdiction of the justice ; and

(b) that admission to the premises has been refused or that a refusal of such admission is apprehended,

the justice may issue a warrant authorising any constable named therein to enter the premises, if need be by force, and remove the patient.

(3) A patient who is removed to a place of safety in the execution of a warrant issued under this section may be detained there for a period not exceeding seventy-two hours.

(4) In the execution of a warrant issued under subsection (1) of this section, the constable to whom it is addressed shall be accompanied by a mental welfare officer and by a medical practitioner, and in the execution of a warrant issued under subsection (2) of this section the constable to whom it is addressed may be accompanied—

(a) by a medical practitioner ;

(b) by any person authorised by or under this Act to take or retake the patient.

(5) It shall not be necessary in any information or warrant under subsection (1) of this section to name the patient concerned.

(6) In this section “place of safety” means residential accommodation provided by a local authority under Part III of the National Health Service Act, 1946, or under Part III of the National Assistance Act, 1948, a hospital as defined by this Act, a police station, a mental nursing home or residential home for mentally disordered persons or any other suitable place the occupier of which is willing temporarily to receive the patient.

136.—(1) If a constable finds in a place to which the public have access a person who appears to him to be suffering from mental disorder and to be in immediate need of care or control, the constable may, if he thinks it necessary to do so in the

Mentally disordered persons found in public places.

PART IX
—*cont.*

interests of that person or for the protection of other persons, remove that person to a place of safety within the meaning of the last foregoing section.

(2) A person removed to a place of safety under this section may be detained there for a period not exceeding seventy-two hours for the purpose of enabling him to be examined by a medical practitioner and to be interviewed by a mental welfare officer and of making any necessary arrangements for his treatment or care.

Amendment
of provisions
as to members
of Parliament.

137.—(1) The following provisions shall have effect in substitution for the provisions of the Lunacy (Vacating of Seats) Act, 1886.

(2) Where a member of the House of Commons is authorised to be detained on the ground (however formulated) that he is suffering from mental illness, it shall be the duty of the court, authority or person on whose order or application, and of any medical practitioner upon whose recommendation or certificate, the detention was authorised, and of the person in charge of the hospital or other place in which the member is authorised to be detained, to notify the Speaker of the House of Commons that the detention has been authorised.

(3) Where the Speaker receives a notification under the foregoing subsection, or is notified by two members of the House of Commons that they are credibly informed that such an authorisation has been given, the Speaker shall cause the member to whom the notification relates to be visited and examined by two medical practitioners appointed as follows, that is to say—

- (a) where the member is to be visited in England and Wales or in Northern Ireland, by the President of the Royal College of Physicians of London ;
- (b) where the member is to be visited in Scotland, by the President of the Royal College of Physicians of Edinburgh and the President of the Royal Faculty of Physicians and Surgeons of Glasgow, acting jointly,

being in either case practitioners appearing to the President or Presidents to have special experience in the diagnosis or treatment of mental disorders ; and the medical practitioners so appointed shall report to the Speaker whether the member is suffering from mental illness and is authorised to be detained as such.

(4) If the report is to the effect that the member is suffering from mental illness and authorised to be detained as aforesaid, the Speaker shall at the expiration of six months from the date of the report, if the House is then sitting, and otherwise as soon as may be after the House next sits, again cause the

member to be visited and examined by two such medical practitioners as aforesaid, and the medical practitioners shall report as aforesaid.

PART IX
—cont.

(5) If the second report is that the member is suffering from mental illness and authorised to be detained as aforesaid, the Speaker shall forthwith lay both reports before the House of Commons, and thereupon the seat of the member shall become vacant.

(6) This section shall apply in relation to the House of Commons of Northern Ireland as it applies in relation to the House of Commons and references therein to the Speaker shall be construed accordingly.

138.—(1) Where a periodic payment falls to be made to any person by way of pay or pension or otherwise in connection with the service or employment of that or any other person, and the payment falls to be made directly out of moneys provided by Parliament or the Consolidated Fund, or other moneys administered by or under the control or supervision of a Government department, the authority by whom the sum in question is payable, if satisfied after considering medical evidence that the person to whom it is payable (hereinafter referred to as "the patient") is incapable by reason of mental disorder of managing and administering his property and affairs, may, instead of paying the sum to the patient, apply it in accordance with the next following subsection.

Pay,
pensions, etc.
of mentally
disordered
persons.

(2) The authority may pay the sum or such part thereof as they think fit to the institution or person having the care of the patient, to be applied for his benefit, and may pay the remainder (if any) or such part thereof as they think fit—

- (a) to or for the benefit of persons who appear to the authority to be members of the patient's family or other persons for whom the patient might be expected to provide if he were not mentally disordered, or
- (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient's debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.

(3) In this section "Government department" does not include a department of the Government of Northern Ireland.

Supplemental

139.—(1) Any person required or authorised by or by virtue of this Act to be conveyed to any place or to be kept in custody or detained in a place of safety or at any place to which he

Provisions as
to custody,
conveyance
and detention.

PART IX
—cont.

is taken under subsection (5) of section sixty-six of this Act shall, while being so conveyed, detained or kept, as the case may be, be deemed to be in legal custody.

(2) A constable or any other person required or authorised by or by virtue of this Act to take any person into custody, or to convey or detain any person shall, for the purposes of taking him into custody or conveying or detaining him, have all the powers, authorities, protection and privileges which a constable has within the area for which he acts as constable.

(3) In this section “convey” includes any other expression denoting removal from one place to another.

**Retaking
of patients
escaping from
custody.**

140.—(1) If any person being in legal custody by virtue of section one hundred and thirty-nine of this Act escapes, he may, subject to the provisions of this section, be retaken—

- (a) in any case, by the person who had his custody immediately before the escape, or by any constable or mental welfare officer ;
- (b) if at the time of the escape he was liable to be detained in a hospital within the meaning of Part IV of this Act, or subject to guardianship under this Act, by any other person who could take him into custody under section forty of this Act if he had absented himself without leave.

(2) A person who escapes as aforesaid when liable to be detained or subject to guardianship as mentioned in paragraph (b) of the foregoing subsection (not being a person subject to an order under Part V of this Act restricting his discharge or an order or direction having the like effect as such an order) shall not be retaken under this section after the expiration of the period within which he could be retaken under section forty of this Act if he had absented himself without leave on the day of the escape ; and subsection (3) of the said section forty shall apply with the necessary modifications accordingly.

(3) A person who escapes while being taken to or detained in a place of safety under section one hundred and thirty-five or section one hundred and thirty-six of this Act shall not be retaken under this section after the expiration of the period of seventy-two hours beginning with the time when he escapes or the period during which he is liable to be so detained, whichever expires first.

(4) This section, so far as it relates to the escape of a person liable to be detained in a hospital within the meaning of Part IV of this Act, shall apply in relation to a person who escapes—

- (a) while being taken to or from such a hospital in pursuance of regulations under section forty-one of this

Act, or of any order, direction or authorisation under Parts V to VII of this Act; or

PART IX
—cont.

(b) while being taken to or detained in a place of safety in pursuance of an order under Part V of this Act pending his admission to such a hospital,

as if he were liable to be detained in that hospital and, if he had not previously been received therein, as if he had been so received.

(5) In computing for the purposes of sections sixty-three and sixty-four of this Act the period of twenty-eight days therein mentioned, no account shall be taken of any time during which the patient is at large and liable to be retaken by virtue of this section.

(6) Section forty-five of this Act shall, with any necessary modifications, apply in relation to a patient who is at large and liable to be retaken by virtue of this section as it applies in relation to a patient who is absent without leave within the meaning of section forty of this Act, and references therein to the said section forty shall be construed accordingly.

141.—(1) No person shall be liable, whether on the ground of want of jurisdiction or on any other ground, to any civil or criminal proceedings to which he would have been liable apart from this section in respect of any act purporting to be done in pursuance of this Act or any regulations or rules thereunder, or in, or in pursuance of anything done in, the discharge of functions conferred by any other enactment on the authority having jurisdiction under Part VIII of this Act, unless the act was done in bad faith or without reasonable care.

Protection for
acts done in
pursuance of
this Act.

(2) No civil or criminal proceedings shall be brought against any person in any court in respect of any such act without the leave of the High Court, and the High Court shall not give leave under this section unless satisfied that there is substantial ground for the contention that the person to be proceeded against has acted in bad faith or without reasonable care.

(3) This section does not apply to proceedings for an offence under this Act, being proceedings which, under any provision of this Act, can be instituted only by or with the consent of the Director of Public Prosecutions.

(4) In this section, references to the High Court shall be construed, in relation to Northern Ireland, as references to a judge of the High Court of Northern Ireland.

142.—(1) Where the Minister is of opinion, on complaint or otherwise, that a local health authority have failed to carry out functions conferred or imposed on the authority by or under

Default
powers of
Minister.

PART IX
—*cont.*

this Act or have in carrying out those functions failed to comply with any regulations relating thereto, he may after such inquiry as he thinks fit make an order declaring the authority to be in default.

(2) Subsections (3) to (5) of section fifty-seven of the National Health Service Act, 1946 (which relates to orders declaring, among others, a local authority to be in default under that Act) shall apply in relation to an order under this section as they apply in relation to an order under that section.

Inquiries.

143. The Minister may cause an inquiry to be held in any case where he thinks it advisable to do so in connection with any matter arising under this Act, and subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry held under this Act, except that no local authority shall be ordered to pay costs under subsection (4) of that section in the case of any inquiry unless the authority is a party thereto.

Expenses.

144.—(1) There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by the Minister or a Secretary of State under this Act ;
- (b) any sums required for the payment of fees and expenses to medical practitioners acting in relation to a member of the House of Commons under section one hundred and thirty-seven of this Act ;
- (c) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under any other enactment.

(2) Any sums required for the payment of fees and expenses to medical practitioners acting in relation to a member of the House of Commons of Northern Ireland under section one hundred and thirty-seven of this Act shall be defrayed in such manner as may be provided by the Parliament of Northern Ireland.

General provisions as to regulations, orders and rules.

145.—(1) Any power of the Minister or the Lord Chancellor to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.

(2) Any Order in Council under this Act and any statutory instrument containing regulations or rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Warrants of Secretary of State.

146. Any warrant of a Secretary of State under this Act shall be given under the hand of the Secretary of State or of an Under Secretary of State.

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

PART IX
—*cont.*
Interpretation.

“absent without leave” has the meaning assigned to it by section forty of this Act;

“direction restricting discharge” has the meaning assigned to it by section seventy-four of this Act;

“hospital” means—

(a) any hospital vested in the Minister under the National Health Service Act, 1946;

(b) any accommodation provided by a local authority and used for hospital and specialist services under Part II of that Act; and

(c) any special hospital;

and “hospital within the meaning of Part IV of this Act” has the meaning assigned to it by subsection (2) of section fifty-nine of this Act;

“hospital order” and “guardianship order” have the meanings respectively assigned to them by section sixty of this Act;

“local health authority” has the same meaning as in the National Health Service Act, 1946, and includes a joint board constituted under section nineteen of that Act;

“the managers” has the meaning assigned to it by Part IV of this Act;

“medical practitioner” means a registered medical practitioner within the meaning of the Medical Act, 1956;

“medical treatment” includes nursing, and also includes care and training under medical supervision;

“mental nursing home” has the meaning assigned to it in Part III of this Act;

“mental welfare officer” means an officer of a local health authority appointed to act as mental welfare officer for the purposes of this Act;

“Minister” means the Minister of Health;

“nearest relative”, in relation to a patient, has the meaning assigned to it in Part IV of this Act;

“order restricting discharge” has the meaning assigned to it by section sixty-five of this Act;

“patient” (except in Part VIII of this Act) means a person suffering or appearing to be suffering from mental disorder;

“special hospital” has the meaning assigned to it in Part VII of this Act;

PART IX
—cont.

“transfer direction” has the meaning assigned to it by section seventy-two of this Act.

(2) 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.

(3) Without prejudice to the last foregoing subsection, any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act.

(4) In relation to a person who is liable to be detained or subject to guardianship by virtue of an order or direction under Part V of this Act, any reference in this Act to any enactment contained in Part IV of this Act shall be construed as a reference to that enactment as it applies to that person by virtue of the said Part V.

(5) For the purposes of this Act a person shall be deemed not to have attained the age of sixteen, twenty-one or twenty-five years, as the case may be, until the commencement of the sixteenth, twenty-first or twenty-fifth anniversary of the date of his birth.

Transitional provisions.

148.—(1) The transitional provisions set out in the Sixth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.

(2) For the purposes of Part III of the said Sixth Schedule, an order sending a person to an institution or placing a person under guardianship, made before the ninth day of March, nineteen hundred and fifty-six, on a petition presented under the Mental Deficiency Act, 1913, shall be deemed to be valid notwithstanding that that person may not have been found neglected within the meaning of section two of that Act when that order was made if—

- (a) that order has been continued, at any time after that date, by order made by the Board of Control under section eleven of that Act after consideration of the reports and certificate required by that section; or
- (b) the period for which that order was in force on the said date has not expired before the commencement of this Act, but the Board, after considering a report by a medical practitioner qualified to make a special report under the said section eleven, have determined that the patient is not a proper person to be discharged.

149.—(1) The enactments described in the first column of the Seventh Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

PART IX
—*cont.*
Minor and consequential amendments and repeals.

(2) The enactments described in the Eighth Schedule to this Act (which include certain obsolete enactments relating to persons of unsound mind) are hereby repealed to the extent specified in the third column of that Schedule.

(3) Her Majesty may by Order in Council repeal or amend any local enactment so far as appears to Her Majesty to be necessary in consequence of any provision of this Act.

(4) The repeal by this Act of the Mental Treatment Act, 1930, shall not affect any amendment effected by section twenty of that Act in any enactment not repealed by this Act.

(5) The repeal by this Act of the provisions of the Lunacy Act, 1890, and of the Mental Deficiency Act, 1913, relating to the superannuation of officers or employees shall not affect any arrangements for the payment of allowances or other benefits made in accordance with those provisions and in force at the commencement of this Act.

150. The following provisions of this Act shall extend to Scotland, that is to say—

Application to Scotland.

subsection (5) of section three ;

section ten ;

subsection (5) of section sixty-six ;

sections eighty-one to eighty-four ;

section ninety-one ;

section ninety-three and, so far as applied by that section, sections forty, forty-six and one hundred and forty ;

subsection (4) of section one hundred and ten ;

section one hundred and seventeen and so much of Part VIII as is applied in relation to Scotland by that section ;

section one hundred and twenty-nine except so far as it relates to patients subject to guardianship ;

section one hundred and thirty-three ;

sections one hundred and thirty-seven to one hundred and thirty-nine ;

PART IX
—*cont.*

subsection (1) of section one hundred and forty-one ;
 section one hundred and forty-five so far as applicable to
 any Order in Council extending to Scotland ;
 section one hundred and forty-six ;
 section one hundred and forty-nine except so far as it
 relates to the amendments and repeals contained in
 Part I of the Seventh and Eighth Schedules ;
 Part II of the Seventh Schedule ;
 Part II of the Eighth Schedule ;

but except as aforesaid, and except so far as it relates to the
 interpretation or commencement of the said provisions, this
 Act shall not extend to Scotland.

Power of
 Parliament
 of Northern
 Ireland
 to make
 consequential
 amendments
 of this Act.

151. Notwithstanding any limitation imposed on the powers of
 the Parliament of Northern Ireland by the Government of Ireland
 Act, 1920, that Parliament may by any Act re-enacting (with or
 without modifications) or amending the law in force in Northern
 Ireland with respect to persons suffering from mental disorder
 make such amendments of the provisions of this Act which extend
 to Northern Ireland (except section ninety and any provision of
 Part VIII) as may be necessary for the purpose of bringing the
 said provisions into conformity with the provisions of that Act.

Application
 to Northern
 Ireland.

152. The following provisions of this Act shall extend to
 Northern Ireland, that is to say—

subsection (5) of section three ;
 sections eighty-five to eighty-eight ;
 section ninety ;
 section ninety-two ;
 section ninety-three and, so far as applied by that section,
 sections forty, forty-six and one hundred and forty ;
 subsection (4) of section one hundred and ten ;
 section one hundred and seventeen and so much of Part VIII
 as is applied in relation to Northern Ireland by that
 section ;
 section one hundred and twenty ;
 section one hundred and twenty-nine, except so far as it
 relates to patients subject to guardianship ;
 sections one hundred and thirty-seven to one hundred and
 thirty-nine ;
 section one hundred and forty-one ;
 subsection (2) of section one hundred and forty-four ;
 section one hundred and forty-five so far as applicable to
 any Order in Council extending to Northern Ireland ;

section one hundred and forty-six ;

section one hundred and forty-nine except so far as it relates to the amendments and repeals contained in Part I of the Seventh and Eighth Schedules ;

section one hundred and fifty-one ;

the Fourth Schedule ;

Part II of the Seventh Schedule ;

Part II of the Eighth Schedule ;

but except as aforesaid, and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Northern Ireland.

PART IX
—cont.

153.—(1) This Act (except this section) shall come into operation on such date as the Minister may by order appoint. Commencement.

(2) Different dates may be appointed by order under this section for different purposes of this Act ; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any such order, be construed as a reference to the date on which that provision comes into operation.

(3) Without prejudice to section thirty-seven of the Interpretation Act, 1889 (which authorises the exercise of statutory powers between the passing and the commencement of an Act conferring them), the following powers, that is to say—

(a) the power of the Minister to give directions under subsection (1) of section twenty-eight of the National Health Service Act, 1946, for defining the duties of local health authorities under that section as amended by this Act ; and

(b) the powers of the Minister and of local health authorities with respect to the submission, approval or making of proposals under section twenty of that Act for modifying in the light of such directions the proposals in force at the passing of this Act for the carrying out of the duties of those authorities under the said section twenty-eight,

may be exercised at any time after the passing of this Act.

154.—(1) This Act may be cited as the Mental Health Act, 1959. Short title and application to Scilly Isles.

(2) Subsection (3) of section eighty of the National Health Service Act, 1946 (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.

SCHEDULES

FIRST SCHEDULE

MENTAL HEALTH REVIEW TRIBUNALS

Section 3.

1. Each of the Mental Health Review Tribunals shall consist of—
 - (a) a number of persons (hereinafter referred to as “ the legal members ”) appointed by the Lord Chancellor and having such legal experience as the Lord Chancellor considers suitable ;
 - (b) a number of persons (hereinafter referred to as “ the medical members ”) being medical practitioners appointed by the Lord Chancellor after consultation with the Minister ; and
 - (c) a number of persons appointed by the Lord Chancellor after consultation with the Minister and having such experience in administration, such knowledge of social services or such other qualifications or experience as the Lord Chancellor considers suitable.
2. The members of Mental Health Review Tribunals shall hold and vacate office under the terms of the instrument under which they are appointed, but may resign office by notice in writing to the Lord Chancellor ; and any such member who ceases to hold office shall be eligible for re-appointment.
3. One of the legal members of each Mental Health Review Tribunal shall be appointed by the Lord Chancellor as chairman of the Tribunal.
4. Subject to rules made by the Lord Chancellor under paragraph (c) of subsection (2) of section one hundred and twenty-four of this Act, the members who are to constitute a Mental Health Review Tribunal for the purposes of any proceedings or class or group of proceedings under this Act shall be appointed by the chairman of that Tribunal or, if for any reason he is unable to act, by another member of that Tribunal appointed for the purpose by the chairman ; and of the members so appointed—
 - (a) one or more shall be appointed from the legal members ;
 - (b) one or more shall be appointed from the medical members ; and
 - (c) one or more shall be appointed from the members who are neither legal nor medical members.
5. A member of a Mental Health Review Tribunal for any area may be appointed under paragraph 4 of this Schedule as one of the persons to constitute a Mental Health Review Tribunal for any other area for the purposes of any proceedings or class or group of proceedings ; and for the purposes of this Act, a person so appointed shall, in relation to the proceedings for which he was appointed, be deemed to be a member of that other Tribunal.
6. Where the chairman of the Tribunal is included among the persons appointed under paragraph 4 of this Schedule, he shall be president of the Tribunal ; and in any other case the president of the Tribunal shall be such one of the members so appointed (being one of the legal members) as the chairman may nominate.

SECOND SCHEDULE

SECTIONS SUBSTITUTED FOR EDUCATION ACT, 1944, s. 57

Section 11.

57.—(1) It shall be the duty of every local education authority to ascertain what children in their area are suffering from a disability of mind of such a nature or to such an extent as to make them unsuitable for education at school; and for the purpose of fulfilling that duty any officer of a local education authority authorised in that behalf by the authority may by notice in writing served upon the parent of any child who has attained the age of two years require him to submit the child for examination by a medical officer of the authority.

Medical examination and classification of children unsuitable for education.

(2) If a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements of the notice, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) Before any child is medically examined as aforesaid, the local education authority shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

(4) If, after considering the advice given with respect to any child by a medical officer in consequence of a medical examination under this section, and any reports or information which the local education authority are able to obtain from teachers or other persons with respect to the ability and aptitude of the child, the authority decide that the child is suffering from such a disability of mind as aforesaid, they shall (subject to subsection (5) of this section) cause the decision to be recorded and furnish to the local health authority a report of the decision, together with a copy of any written advice, report or information which was taken into account for the purposes of the decision.

(5) Before recording a decision under this section with respect to any child, the local education authority shall give to the parent of the child not less than twenty-one days' notice in writing of their intention to do so, and if within that period the parent refers to the Minister of Education the question whether such a decision should be recorded, the decision shall not be recorded except by direction of that Minister.

(6) Any notice under subsection (5) of this section shall contain a statement of the functions of the local health authority with respect to the making of arrangements for the treatment, care or training of the child in the event of the decision being recorded, and, if known to the local education authority, a statement of the arrangements proposed to be made by the local health authority in the discharge of those functions.

57A.—(1) Where a decision has been recorded under section fifty-seven of this Act in the case of a child—

Review of classification.

(a) the parent of the child may, at any time (but not earlier than twelve months after the recording of the decision nor more often than once in any subsequent period of twelve months) by notice in writing request the local education authority to review the decision; and

2ND SCH.
—cont.

(b) if at any time it appears to the local health authority, or to any authority or body responsible for the management of an institution in which the child is under care, that the decision ought to be reviewed, they shall give notice to that effect to the local education authority.

(2) Where any such notice is given to the local education authority, the local education authority shall cause to be served on the parent of the child the notice authorised by subsection (1) of section fifty-seven of this Act, and subsections (2) and (3) of that section shall apply accordingly; and if they decide, after considering the advice given by the medical officer and any reports or information available to them with respect to the child (including, in the case of a notice under paragraph (b) of subsection (1) of this section, any reports or information from the authority or body by whom the notice is given) that the child is no longer unsuitable to receive education at school, they shall cancel the original decision.

(3) Where a decision recorded under section fifty-seven of this Act is reviewed under this section, the local education authority shall serve on the parent of the child a notice stating whether they have decided that the child is still unsuitable to receive education at school; and where the notice states that the authority have so decided—

(a) the parent may, before the expiration of the period of twenty-one days beginning with the day next following that on which the notice is served upon him, appeal to the Minister of Education against the decision of the authority; and

(b) if that Minister is of opinion that the authority ought to have decided that the child is no longer unsuitable to receive education at school, he may direct the authority to cancel the original decision recorded with respect to the child.

(4) Any notice under subsection (1) of this section shall be given to the local education authority who would be responsible for the education of the child if the decision were cancelled; and where a decision recorded in respect of a child by one local education authority is cancelled under this section by a different local education authority, the authority by whom the decision is cancelled shall give notice to that effect to the authority by whom the decision was recorded.

Supplementary
provisions as
to classification.

57B.—(1) For the purposes of section fifty-seven of this Act a child for whom education is provided by one local education authority in the area of another local education authority shall be treated as if he were in the area of the first-mentioned authority; but any functions of the local education authority under that section may, in accordance with arrangements made between them, be performed on behalf of the first-mentioned authority by the other authority, and the reference in subsection (1) of that section to a medical or other officer of the authority shall be construed accordingly.

(2) If, after considering the advice given with respect to a child by a medical officer in consequence of a medical examination carried out under section thirty-four of this Act, the local education authority decide, not that the child requires special educational treatment, but that he is suffering from such a disability as is referred to in subsection (1) of section fifty-seven of this Act, the provisions of the said section fifty-seven shall apply as if the examination had been carried out and the decision made under that section.

2ND SCH.
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(3) If, after considering the advice given with respect to a child by a medical officer in consequence of a medical examination carried out under section fifty-seven of this Act, or under the said section fifty-seven as applied by section fifty-seven A of this Act, and any such reports or information as are referred to in subsection (4) of the said section fifty-seven or subsection (2) of the said section fifty-seven A, the local education authority decide that the child is not suffering from such a disability as aforesaid, but that he requires special educational treatment, subsections (4) to (6) of the said section thirty-four shall apply as if the examination had been carried out and the decision made under that section.

Sections 63, 65,
66, 68, 71, 72,
74, 79.

THIRD SCHEDULE

APPLICATION OF PART IV TO PATIENTS ADMITTED TO HOSPITAL OR PLACED UNDER GUARDIANSHIP UNDER PART V

		Exceptions and modifications
Section of Part IV and subject matter	Hospital order without restriction (s. 63) Transfer direction without restriction (ss. 72 & 73) Guardianship order or direction (ss. 63 & 79)	Hospital order with restriction or committal to hospital (ss. 65 & 68) Direction as to Queen's pleasure prisoner (s. 71) Transfer direction with restriction (s. 74)
S. 35 (Regulations as to guardianship).	None	Not applicable.
S. 36 (Correspondence of patients)	None	In subsection (2), at the end of paragraph (a), there shall be inserted the words "or the Secretary of State", and subsection (5) shall be omitted. Subsection (1) shall not apply.
S. 37 (Visiting and examination of patients).	In subsection (1), the words "or of advising as to the exercise by the nearest relative of any such patient of any power to order his discharge" and the words "or by the nearest relative of the patient, as the case may be" shall be omitted.	
S. 38 (Re-classification of patients)	In subsection (1), for references to an application for admission or a guardianship application there shall be substituted references to the order or direction under Part V of this Act by virtue of which the patient is liable to be detained or subject to guardianship.	The section shall not apply.

S. 39 (Leave of absence from hospital).

None

In subsection (1), after the word "may" there shall be inserted the words "with the consent of the Secretary of State".

In subsection (4), after the words "the responsible medical officer" and after the words "that officer" there shall in each case be inserted the words "or the Secretary of State".

In subsection (5), after the word "recalled", where that word first occurs, there shall be inserted the words "by the responsible medical officer", and for the words from "he has ceased" to the end of the subsection there shall be substituted the words "the expiration of the period of six months beginning with the first day of his absence on leave".

S. 40 (Return and re-admission of patients absent without leave).

None

Subsections (2) and (3), and in subsection (1), the words "within the period allowed by this section", shall be omitted.

S. 41 (Regulations as to transfer of patients).

In subsection (2), for the words from "as follows" to the end of the subsection there shall be substituted the words "as if the order or direction under Part V of this Act by virtue of which he was liable to be detained or subject to guardianship before being transferred were an order or direction for his admission or removal to the hospital to which he is transferred, or placing him under the guardianship of the authority or person into whose guardianship he is transferred, as the case may be".

In subsection (1), after the word "may" in paragraph (a), there shall be inserted the words "with the consent of the Secretary of State" and the words from "or into" to the end of the subsection shall be omitted.

In subsection (2), for the words from "as follows" to the end of the subsection there shall be substituted the words "as if the order or direction under Part V of this Act by virtue of which he was liable to be detained before being transferred were an order or direction for his admission or removal to the hospital to which he is transferred".

Subsection (5) shall be omitted.

3RD SCH.
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Exceptions and modifications	
Section of Part IV and subject matter	Hospital order without restriction (s. 63) Transfer direction without restriction (ss. 72 & 73) Guardianship order or direction (ss. 63 & 79)
S. 42 (Transfer of guardianship in case of death, incapacity, etc. of guardian).	None
S. 43 (Duration of Authority) ...	In subsection (1), for the words from "day on which he was" to "as the case may be" there shall be substituted the words "date of the relevant order or direction under Part V of this Act".
S. 45 (Special provisions as to patients absent without leave).	In subsection (2), the words "or subsection (2) of section forty-four" shall be omitted.
S. 46 (Special provisions as to patients sentenced to imprisonment, etc.).	For references to an application for admission or a guardianship application there shall be substituted references to the order or direction under Part V of this Act by virtue of which the patient is liable to be detained or subject to guardianship.
	Hospital order with restriction or committal to hospital (ss. 65 & 68) Direction as to Queen's pleasure prisoner (s. 71) Transfer direction with restriction (s. 74)
	Not applicable.
	The section shall not apply.
	The section shall not apply.
	Subsection (1) and paragraph (a) of subsection (2) shall not apply.

<p>S. 47 (Discharge of patients) ...</p>	<p>In subsection (2), paragraph (a) and the words "or by the nearest relative of the patient", in both places where those words occur, shall be omitted.</p>	<p>In subsection (1), references to guardianship shall be omitted, and after the word "made" there shall be inserted the words "with the consent of the Secretary of State and".</p>
<p>S. 49 (Definition of relative and nearest relative).</p>	<p>None</p>	<p>The sections shall not apply.</p>
<p>S. 50 (Children and young persons in care of local authority).</p>	<p>None</p>	<p>The section shall not apply.</p>
<p>S. 51 (Nearest relative of infant under guardianship, etc.).</p>	<p>None</p>	<p>The section shall not apply.</p>
<p>S. 55 (Procedure on applications to county court).</p>	<p>None</p>	<p>The section shall not apply.</p>
<p>S. 56 (Regulations for purposes of Part IV).</p>	<p>None</p>	<p>None</p>

3RD SCL.
—cont.

Exceptions and modifications	
<p>Section of Part IV and subject matter</p>	<p>Hospital order without restriction (s. 63) Transfer direction without restriction (ss. 72 & 73) Guardianship order or direction (ss. 63 & 79)</p>
<p>S. 57 (Power of Minister to refer to Tribunal).</p>	<p>None</p>
<p>S. 59 (Interpretation of Part IV)</p>	<p>None</p>
	<p>Hospital order with restriction or committal to hospital (ss. 65 & 68) Direction as to Queen's pleasure prisoner (s. 71) Transfer direction with restriction (s. 74)</p>
	<p>The section shall not apply.</p>
	<p>In subsection (1) the definition of "the nominated medical attendant", and subsections (3) and (4), shall be omitted.</p>

FOURTH SCHEDULE

Section 120.

MODIFICATIONS OF PROVISIONS OF LUNACY REGULATION (IRELAND)
ACT, 1871

1. In the definitions in section two of the Lunacy Regulation (Ireland) Act, 1871 (in this Schedule referred to as "the Act"), the expression "stock" shall be defined to include shares and also any fund, annuity or security transferable in the books kept by any body corporate or unincorporated company or society, or by an instrument of transfer, either alone or accompanied by other formalities, and the expression "dividend" shall be construed accordingly.

2. Section eighteen of the Act (which contains provisions requiring an inquiry under the Act to be before a jury where the alleged lunatic is not within the jurisdiction and provisions respecting notice to be given to such a lunatic) shall cease to have effect.

3. In section sixty-eight of the Act (which provides that where the property of a lunatic does not exceed two thousand pounds in value or the income thereof one hundred pounds per annum the application thereof for his benefit may be ordered without any inquiry under a commission of lunacy) for the words "two thousand pounds" there shall be substituted the words "ten thousand pounds": for the words "one hundred pounds" there shall be substituted the words "five hundred pounds": for the words "for the purpose of rendering the property of such person or the income thereof," there shall be substituted the words "for the purpose of protecting the property of such person or the income thereof or of rendering such property or income"; and after the words "trade or business" there shall be inserted the words "or for otherwise administering the affairs of such person."

4. For section ninety-one of the Act (which authorises the making of orders with respect to stock standing in Northern Ireland in the name of a lunatic residing outside Northern Ireland) there shall be substituted the following section:—

"91. Where the Lord Chief Justice of Northern Ireland is satisfied—

- (a) that under the law prevailing in a place outside Northern Ireland a person has been appointed to exercise powers with respect to the property or affairs of any other person on the ground (however formulated) that that other person is incapable, by reason of a disorder or disability of mind, of managing and administering his property or affairs; and
- (b) that having regard to the nature of the appointment and to the circumstances of the case it is expedient that he should exercise his powers under this section:

he may direct any stock standing in the name of the said other person or the right to receive the dividends thereof to be transferred into the name of the person so appointed or otherwise dealt with as requested by that person, and may give such directions as the judge thinks fit for dealing with accrued dividends thereof."

5. In section ninety-six of the Act (which prescribes the extent of the powers and authorities given by the Act) for the words

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4TH SCH.
—cont.

“(except England, Wales and Scotland)”, there shall be substituted the following words:—

“but shall not be exercisable in relation to any person—

(a) in relation to whom powers have been exercised in England or Wales under any enactment there in force with respect to the management of property or affairs of mentally disordered persons: or

(b) for whom a curator bonis, tutor, or judicial factor has been appointed in Scotland”.

Section 121.

FIFTH SCHEDULE

GENERAL ENACTMENTS CEASING TO HAVE EFFECT IN RELATION TO PERSONS WITHIN JURISDICTION UNDER PART VIII

Session and Chapter	Short Title	Enactments
13 Geo. 3. c. 81.	The Inclosure Act, 1773.	Sections twenty-two and twenty-four.
17 Geo. 3. c. 53.	The Clergy Residences Repair Act, 1776.	Section fourteen.
42 Geo. 3. c. 116.	The Land Tax Redemption Act, 1802.	Section fourteen.
55 Geo. 3. c. 128.	The Admiralty (Signal Stations) Act, 1815.	Section three.
55 Geo. 3. c. 147.	The Glebe Exchange Act, 1815.	Sections twelve, thirteen and seventeen.
57 Geo. 3. c. xxix.	The Metropolitan Paving Act, 1817.	Section eighty-one.
7 Geo. 4. c. 16.	The Chelsea and Kilmainham Hospitals Act, 1826.	Sections forty-four to forty-eight.
7 Geo. 4. c. 66.	The Clergy Residence Act, 1826.	Sections one and three.
10 Geo. 4. c. 50.	The Crown Lands Act, 1829.	Sections forty and forty-one.
2 & 3 Will. 4. c. 80.	The Ecclesiastical Corporations Act, 1832.	Section three.
1 & 2 Vict. c. 23.	The Parsonages Act, 1838.	Section twelve.
1 & 2 Vict. c. 106.	The Pluralities Act, 1838.	Section one hundred and twenty-seven.
2 & 3 Vict. c. 49.	The Church Building Act, 1839.	Section twenty.
4 & 5 Vict. c. 38.	The School Sites Act, 1841.	Section five.
5 & 6 Vict. c. 26.	The Ecclesiastical Houses of Residence Act, 1842.	Section twelve.
5 & 6 Vict. c. 27.	The Ecclesiastical Leases Act, 1842.	Section seven.
5 & 6 Vict. c. 94.	The Defence Act, 1842.	Sections ten and eighteen.
5 & 6 Vict. c. 108.	The Ecclesiastical Leasing Act, 1842.	Section twenty-four.

Session and Chapter	Short Title	Enactments
8 & 9 Vict. c. 16.	The Companies Clauses Consolidation Act, 1845.	Section seventy-nine.
8 & 9 Vict. c. 18.	The Lands Clauses Consolidation Act, 1845.	Sections seven, eight, nine, and sixty-nine to seventy-two.
8 & 9 Vict. c. 56.	The Land Drainage Act, 1845.	Section three.
8 & 9 Vict. c. 118.	The Inclosure Act, 1845.	Sections twenty, one hundred and thirty-three, one hundred and thirty-four and one hundred and thirty-seven.
9 & 10 Vict. c. 73.	The Tithe Act, 1846.	Sections five, nine and ten.
17 & 18 Vict. c. 112.	The Literary and Scientific Institutions Act, 1854.	Section five.
23 & 24 Vict. c. 112.	The Defence Act, 1860.	Section eleven.
25 & 26 Vict. c. 53.	The Land Registry Act, 1862.	Section one hundred and sixteen.
27 & 28 Vict. c. 114.	The Improvement of Land Act, 1864.	Section twenty-four.
29 & 30 Vict. c. 122.	The Metropolitan Commons Act, 1866.	Section twenty-eight.
31 & 32 Vict. c. 109.	The Compulsory Church Rate Abolition Act, 1868.	Section seven.
36 & 37 Vict. c. 50.	The Places of Worship Sites Act, 1873.	Sections one and three.
40 & 41 Vict. c. 59.	The Colonial Stock Act, 1877.	Section six.
56 & 57 Vict. c. 39.	The Industrial and Provident Societies Act, 1893.	Sections twenty-nine and thirty.
57 & 58 Vict. c. 46.	The Copyholds Act, 1894.	Section forty-five.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	In section fifty-five, subsection (1).
3 & 4 Geo. 5. c. 32.	The Ancient Monuments Consolidation and Amendment Act, 1913.	In section five, subsection (2).
13 & 14 Geo. 5. c. 16.	The Salmon and Fresh Water Fisheries Act, 1923.	In section fifty, subsection (2).

5TH SCH.
—cont.

SIXTH SCHEDULE
TRANSITIONAL PROVISIONS

Section 148

PART I

PROVISIONS RELATING TO PART II

1. Without prejudice to the power of the Minister to give directions under subsection (1) of section twenty-eight of the National Health Service Act, 1946, for defining the extent of the duties of local health authorities under that section, and subject to any directions which may be given by the Minister thereunder, it shall be the duty of every such authority to continue to provide under

6TH SCH.
—cont.

that section services corresponding (subject to any necessary modifications) with the services which, under any enactment repealed by this Act, were required to be provided by that authority for or for the benefit of persons of unsound mind or mental defectives; and any proposals in force immediately before the commencement of this Act under section twenty of the said Act of 1946, being proposals with respect to the provision of such services as aforesaid, shall continue in force accordingly until modified by further proposals under the said section twenty.

2. Anything done before the commencement of this Act under any enactment referred to in section eleven of this Act shall have effect as if done under the corresponding provision of the Education Act, 1944, as amended by that section; and without prejudice to the generality of the foregoing provision, any decision reported by a local education authority under section fifty-seven of the said Act of 1944, and not cancelled before the commencement of this Act, shall be treated as a decision recorded under section fifty-seven of that Act as so amended, and references in section twelve of this Act to a child who is the subject of a decision recorded under that section shall be construed accordingly.

PART II

PROVISIONS RELATING TO PART III

3.—(1) Until the expiration of the period of six months beginning with the commencement of this Act or until registration is effected under sub-paragraph (2) of this paragraph, whichever first occurs—

- (a) any person who, immediately before the date of the commencement of this Act, was the holder of a licence granted and in force under Part VIII of the Lunacy Act, 1890, in respect of a licensed house;
- (b) the management committee of a hospital which, immediately before that date, was a registered hospital as defined by section seventeen of this Act; and
- (c) any person who, immediately before that date, was carrying on a nursing home for the time being approved for the purposes of section one or section five of the Mental Treatment Act, 1930,

shall be treated for the purposes of the provisions of Part III of this Act relating to mental nursing homes as if he or they were registered in respect of the house, hospital or home as a mental nursing home and (except in the case of a nursing home approved for the purposes of section one but not section five of the Mental Treatment Act, 1930) as if the particulars of registration were entered in the separate part of the register referred to in subsection (1) of section fifteen of this Act.

(2) Before the expiration of the said period of six months the registration authority for the purposes of the provisions of Part III of this Act relating to mental nursing homes shall, without an application being made in that behalf,—

- (a) register any person or committee mentioned in the foregoing sub-paragraph in respect of the relevant house, hospital or home as a mental nursing home and (except as mentioned in that sub-paragraph) enter the particulars of registration in the said separate part of the register; and

- (b) issue to him or them a certificate of registration specifying as the number of persons permitted to be kept at any one time in the home the number permitted to be kept there immediately before the commencement of this Act.

6TH SCH.
—cont.

4. During the period of six months beginning with the commencement of this Act—

- (a) the managers of any institution in respect of which a certificate under section thirty-six of the Mental Deficiency Act, 1913, was in force immediately before the date of the commencement of this Act ;
- (b) any person who, immediately before that date, had the custody at any place of a patient under section fifty-seven of the Lunacy Act, 1890 ; and
- (c) any person who, immediately before that date, had the charge of a certified or temporary patient as a single patient under the Lunacy and Mental Treatment Acts, 1890 to 1930, in any place not being a licensed house or nursing home to which paragraph 3 of this Schedule applies,

shall be treated for the purposes of the provisions of Part III of this Act relating to mental nursing homes as if they or he were registered in respect of that institution or place as a mental nursing home and as if the particulars of registration were entered in the separate part of the register referred to in subsection (1) of section fifteen of this Act.

5. During the period of six months beginning with the commencement of this Act—

- (a) the managers of any premises, or the person approved under the Mental Deficiency Act, 1913, in respect of any house which, immediately before the date of the commencement of this Act, were or was an approved home within the meaning of section fifty of that Act ;
- (b) any person who, immediately before that date, had the care and control in any place of any defectives with the consent of the Board of Control under subsection (1) of section fifty-one of that Act ;
- (c) any person who, immediately before that date, had the care and control in any place (not being a place to which paragraph 4 (c) of this Schedule applies) of any voluntary patient received as a single patient under section one of the Mental Treatment Act, 1930 ; and
- (d) any person who, immediately before that date, was registered or exempted from registration under Part VI of the Public Health Act, 1936, or under Part XI of the Public Health (London) Act, 1936, in respect of a nursing home which, if this Act had been in force, would have been a mental nursing home within the meaning of Part III of this Act (not being a place to which paragraph 4 (c) of this Schedule applies),

shall be treated for the purposes of the provisions of the said Part III as if they or he were registered in respect of that home or place and, in the case of a home or place being a mental nursing home within the meaning of the said Part III, as if the particulars of registration were so entered otherwise than in the separate part of the register referred to in subsection (1) of section fifteen of this Act.

6TH SCH.
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6. Where, by virtue of this Schedule any person is treated for the purposes of the provisions of Part III of this Act as if he were registered in respect of any premises, institution, home or place, the said Part III shall apply as if the number of patients specified in the certificate of registration in pursuance of subsection (2) of section fifteen or subsection (1) of section twenty of this Act were the number permitted to be kept there immediately before the commencement of this Act, including any single patients who were then kept in the premises, institution, home or place.

PART III

PROVISIONS RELATING TO PARTS IV AND V

Patients other than transferred patients and short-period patients.

7.—(1) This paragraph applies to patients who immediately before the commencement of this Act were patients of any of the following classes, that is to say—

- (a) patients liable to be detained in a hospital or other place, or as single patients, in pursuance of a reception order under section six or section twelve of the Lunacy Act, 1890, or a summary reception order under section sixteen of that Act or an order having the like effect as a summary reception order (including patients who were treated by virtue of any enactment as liable to be so detained or in whose case a summary reception order was so treated as having been made);
- (b) temporary patients liable to be so detained under section five of the Mental Treatment Act, 1930;
- (c) patients liable to be so detained or subject to guardianship by virtue of section three, section six, subsection (1) of section eight, section sixteen or subsection (3) of section sixty-seven of the Mental Deficiency Act, 1913, or, being patients whose sentence or other period of detention ordered by the court had expired before the commencement of this Act, by virtue of section nine of that Act.

(2) A patient to whom this paragraph applies shall, notwithstanding the repeal or exclusion by this Act of any enactment by virtue of which he was, or was treated as, liable to be so detained or subject to guardianship, continue to be liable to be detained in any hospital or other place in which he might have been detained immediately before the commencement of this Act or, as the case may be, subject to guardianship until the expiration of the period of six months beginning with the commencement of this Act (in this Part of this Schedule referred to as the initial period).

(3) During the initial period the responsible medical officer shall record with respect to each such patient as aforesaid for whose treatment he is responsible his opinion whether the patient is suffering from mental illness, severe subnormality, psychopathic disorder or subnormality and whether his mental disorder is of a nature or degree which warrants the detention of the patient in a hospital for medical treatment, or his retention under guardianship.

8.—(1) In relation to any patient who by virtue of the last foregoing paragraph is liable to be detained in a hospital or subject to

guardianship during the initial period, Part IV of this Act shall, subject to the exceptions and modifications specified in the following provisions of this paragraph, apply during that period as if he had been admitted to the hospital in pursuance of an application for admission for treatment under the said Part IV or had been received into guardianship in pursuance of a guardianship application thereunder, and the other provisions of this Act shall apply in relation to him accordingly.

6TH SCH.
—cont.

(2) Section thirty-eight of this Act shall not apply in relation to the patient until the form or forms of mental disorder from which, in the opinion of the responsible medical officer, the patient is suffering have been recorded under the last foregoing paragraph and, on that being done, Part IV of this Act shall have effect as if the application had specified as the form or forms of mental disorder from which he is suffering the form or forms so recorded.

(3) If the patient is also a patient to whom paragraph 21 of this Schedule applies, sections thirty-nine and forty of this Act shall apply in relation to him subject to the modifications mentioned in that paragraph, and if he is not, but no form or forms of mental disorder have been recorded in his case under the last foregoing paragraph, the said section forty shall apply in relation to him as if for paragraphs (a) and (b) of subsection (3) of that section there were substituted the following sub-paragraphs:—

“ (a) in the case of a patient mentioned in sub-paragraph (1) (c) of paragraph 7 of the Sixth Schedule to this Act, six months ;

(b) in the case of any other patient to whom that paragraph applies, twenty-eight days.”

(4) Sections forty-three to forty-five of this Act shall not apply in relation to the patient except in so far as provisions of the said section forty-three are applied by the following provisions of this Part of this Schedule.

(5) If the patient was immediately before the commencement of this Act liable to be detained by virtue of section six, subsection (1) of section eight or section nine of the Mental Deficiency Act, 1913, the power of discharging him under section forty-seven of this Act shall not be exercisable by the nearest relative.

(6) In its application to a patient who was immediately before the commencement of this Act in the custody of a relative or friend under section fifty-seven of the Lunacy Act, 1890, Part IV of this Act shall have effect as if—

(a) for references (except in section forty-seven of this Act) to the managers of the hospital in which the patient is detained there were substituted references to the person having the custody of the patient ; and

(b) for references to those managers in the said section forty-seven there were substituted references to the managers of the hospital from which he was transferred to the custody of the relative or friend.

(7) In its application to any such patient who was immediately before the commencement of this Act liable to be detained as a single

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6TH SCH.
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patient under the Lunacy and Mental Treatment Acts, 1890 to 1930, Part IV of this Act shall have effect as if—

- (a) for references (except in section forty-seven of this Act) to the managers of the hospital in which the patient was detained there were substituted references to the person having charge of the patient ; and
- (b) the references in the said section forty-seven to those managers were omitted.

9.—(1) A patient to whom paragraph 7 of this Schedule applies shall unless previously discharged continue to be liable to be detained in a hospital or, as the case may be, subject to guardianship after the expiration of the initial period if—

- (a) he satisfies the conditions specified in sub-paragraph (2) or sub-paragraph (3) of this paragraph ; and
- (b) the authority for his detention or guardianship is renewed under the following provisions of this Part of this Schedule before the expiration of the initial period or his current period of treatment would expire after the expiration of the initial period.

(2) Any such patient shall be so liable or subject if it is recorded under the said paragraph 7 that in the opinion of the responsible medical officer he is suffering from mental illness or severe subnormality and his mental disorder is of a nature or degree which warrants the detention of the patient in a hospital for medical treatment or, as the case may be, his retention under guardianship.

(3) Any such patient shall be so liable or subject if it is so recorded that in the opinion of the responsible medical officer he is suffering from subnormality or psychopathic disorder, but not from mental illness or severe subnormality, and his mental disorder is of such a nature or degree as aforesaid and either—

- (a) he was immediately before the commencement of this Act liable to be detained or subject to guardianship in pursuance of an order under subsection (1) of section eight or section nine of the Mental Deficiency Act, 1913, or by virtue of an order made, or having effect as if made, under section thirty of the Magistrates' Courts Act, 1952 ; or
- (b) he had not attained the age of twenty-one years when he was first detained or placed under guardianship and will not attain the age of twenty-five years before the expiration of the initial period ; or
- (c) in the case of any other patient liable to be detained in a hospital, the responsible medical officer before the expiration of the initial period records his opinion under the following provisions of this Part of this Schedule that the patient is unfit for discharge.

10.—(1) The period for which a patient may by virtue of the last foregoing paragraph be detained or kept under guardianship after the expiration of the initial period, without renewal of the authority for his detention or guardianship, shall be the remainder of his current period of treatment.

(2) Where the current period of treatment of a patient who may be detained or kept as aforesaid would continue after the expiration of the period of two years beginning with the commencement of this Act, the patient may between the expiration of the said period of two years and the expiration of the current period of treatment apply to a Mental Health Review Tribunal.

6TH SCH.
—CONT

11.—(1) Authority for the detention or guardianship of a patient to whom paragraph 7 of this Schedule applies may on the expiration of the relevant period, unless the patient has previously been discharged, be renewed for whichever of the following periods is applicable, that is to say—

- (a) where the period for which he has, at the expiration of the relevant period, already been detained or subject to guardianship on account of any description of mental disorder (whether before or after the appointed day) is not more than one year, a further period of one year;
- (b) where the period for which he has already been so detained or subject is more than one year, a further period of two years.

(2) Subsections (3) to (6) of section forty-three of this Act shall apply in relation to the renewal of authority for the detention or guardianship of a patient under this paragraph as they apply in relation to the renewal of authority for the detention or guardianship of the patient under subsection (2) of that section.

(3) In this paragraph “the relevant period” means, in relation to a patient, the patient’s current period of treatment or, if that period expires during the initial period, the initial period or any period subsequent to the said period for which authority for the detention or guardianship of the patient has previously been renewed under this paragraph.

12.—(1) In relation to any patient who by virtue of paragraph 9 of this Schedule is liable to be detained in a hospital or subject to guardianship after the expiration of the initial period, Part IV of this Act shall, subject to the exceptions and modifications specified in the following provisions of this paragraph, apply as if he had been admitted to the hospital in pursuance of an application for admission for treatment under the said Part IV or had been received into guardianship in pursuance of a guardianship application thereunder and had been so admitted or received as a patient suffering from the form or forms of mental disorder recorded under paragraph 7 of this Schedule or, if a different form or forms have been specified in a report under section thirty-eight of this Act as applied by that paragraph, the form or forms so specified, and the other provisions of this Act shall apply to him accordingly.

(2) Section forty-three of this Act shall not apply in relation to the patient, but the provisions of paragraph 11 of this Schedule shall apply instead.

(3) Section forty-four of this Act shall not apply in relation to any such patient as is mentioned in sub-paragraph (3) of paragraph 9 of this Schedule, but any such patient as is mentioned in paragraph (b)

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6TH SCH.
—cont.

of that sub-paragraph shall cease to be liable to be detained on attaining the age of twenty-five years unless, during the period of two months ending on the date when he attains that age, the responsible medical officer records his opinion under the following provisions of this Part of this Schedule that the patient is unfit for discharge.

(4) If the patient was immediately before the commencement of this Act liable to be detained by virtue of section six, subsection (1) of section eight or section nine of the Mental Deficiency Act, 1913, the power of discharging him under section forty-seven of this Act shall not be exercisable by his nearest relative, but his nearest relative may make an application in respect of him to a Mental Health Review Tribunal, during the period of twelve months beginning with the expiration of the initial period and in any subsequent period of twelve months.

13.—(1) The responsible medical officer may record for the purposes of paragraph (c) of sub-paragraph (3) of paragraph 9 of this Part of this Schedule or sub-paragraph (3) of paragraph 12 thereof his opinion that a patient detained in a hospital is unfit for discharge if it appears to the responsible medical officer,—

- (a) that if that patient were released from the hospital he would be likely to act in a manner dangerous to other persons or to himself, or would be likely to resort to criminal activities ; or
- (b) that that patient is incapable of caring for himself and that there is no suitable hospital or other establishment into which he can be admitted and where he would be likely to remain voluntarily ;

and where the responsible medical officer records his opinion as aforesaid he shall also record the grounds for his opinion.

(2) Where the responsible medical officer records his opinion under this paragraph in respect of a patient, the managers of the hospital or other persons in charge of the establishment where he is for the time being detained or liable to be detained shall cause the patient to be informed, and the patient may, at any time before the expiration of the period of twenty-eight days beginning with the date on which he is so informed, apply to a Mental Health Review Tribunal.

(3) On any application under the last foregoing sub-paragraph the Tribunal shall, if satisfied that none of the conditions set out in paragraphs (a) and (b) of sub-paragraph (1) of this paragraph are fulfilled, direct that the patient be discharged, and subsection (1) of section one hundred and twenty-three of this Act shall have effect in relation to the application as if paragraph (b) of that subsection were omitted.

14. Any person who immediately before the commencement of this Act was the guardian of any such patient as is mentioned in sub-paragraph (1) (c) of paragraph 7 of this Schedule shall be deemed for the purposes of this Act to have been named as the guardian of the patient in an application for his reception into guardianship under Part IV of this Act accepted on that person's behalf by the relevant local authority.

*Transferred patients*6TH SCH.
—cont.

15.—(1) This paragraph applies to patients who immediately before the commencement of this Act were liable to be detained in a hospital or other place as Broadmoor patients or, not being Broadmoor patients, as patients of any of the following classes, that is to say—

- (a) patients liable to be detained by virtue of section nine of the Mental Deficiency Act, 1913, not being patients whose sentence or other period of detention ordered by the court had expired before the commencement of this Act ;
- (b) patients liable to be detained by virtue of subsection (4) of section eight of the said Act of 1913 ;
- (c) patients liable to be detained by virtue of subsection (3) of section sixty-three or subsection (3) of section sixty-four of the Criminal Justice Act, 1948, or subsection (2) of section sixty-four of the Criminal Justice (Scotland) Act, 1949 ; or
- (d) patients liable to be detained by virtue of section ten of the Colonial Prisoners Removal Act, 1884 ;

and any patient to whom this paragraph applies is in this Part of this Schedule referred to as a transferred patient.

(2) A transferred patient who immediately before the commencement of this Act was liable to be detained in a hospital as being or having been required to be kept in custody during Her Majesty's pleasure or until the directions of Her Majesty are known (including a patient of that or a similar description liable to be detained by virtue of section ten of the Colonial Prisoners Removal Act, 1884, but not including a patient transferred to England and Wales from Scotland, the Channel Islands or the Isle of Man) shall be treated for the purposes of this Act as if he were liable to be detained in a hospital in pursuance of a direction under section seventy-one of this Act.

(3) A transferred patient who immediately before the commencement of this Act was subject to a sentence of imprisonment within the meaning of section seventy-two of this Act (including a patient liable to be detained by virtue of section ten of the Colonial Prisoners Removal Act, 1884, who does not fall within the last foregoing subparagraph) shall be treated for the purposes of this Act as if he were liable to be detained in a hospital by virtue of a transfer direction under the said section seventy-two and as if a direction restricting his discharge had been given under section seventy-four of this Act.

(4) Section eighty-four of this Act shall apply to a transferred patient who having been a state mental patient in Scotland was immediately before the commencement of this Act liable to be detained in a hospital in England and Wales by virtue of subsection (3) of section sixty-three of the Criminal Justice Act, 1948, or subsection (2) of section sixty-four of the Criminal Justice (Scotland) Act, 1949, as if he had been removed to such a hospital from Scotland in pursuance of an order under the said subsection (2) ; and where he is treated by virtue of the said section eighty-four as if he had been removed to a hospital in pursuance of a transfer direction, he shall also be treated as if a direction restricting his discharge had been given as aforesaid.

6TH SCH
—cont.

(5) Section eighty-nine of this Act shall apply to a transferred patient who having been ordered by a court in any of the Channel Islands or in the Isle of Man to be detained during Her Majesty's pleasure was removed to, and was immediately before the commencement of this Act liable to be detained in, a hospital in England and Wales as if he had been removed to such a hospital under that section.

(6) Any person to whom this paragraph applies and who does not fall within any of the four last foregoing sub-paragraphs shall be treated for the purposes of this Act as if he were liable to be detained in a hospital in pursuance of a transfer direction given under section seventy-three of this Act and as if a direction restricting his discharge had been given under section seventy-four of this Act, and he shall be so treated notwithstanding that he is not suffering from a form of mental disorder mentioned in the said section seventy-three.

16.—(1) References in the last foregoing paragraph to a patient who immediately before the appointed day was liable to be detained as a Broadmoor patient include references to a Broadmoor patient conditionally discharged by the Secretary of State before the commencement of this Act under section five of the Criminal Lunatics Act, 1884, and—

(a) any such patient shall be treated as if he had been conditionally discharged by the Secretary of State under section sixty-six of this Act ; and

(b) any direction given before the commencement of this Act under the said section five to take any such patient into custody and convey him to a hospital shall be deemed to have been given under the said section sixty-six.

(2) Sections thirty-nine and forty of this Act, in their application to a transferred patient, who is also a patient to whom paragraph 21 of this Schedule applies shall have effect subject to the modifications mentioned in that paragraph.

17. Upon a direction restricting the discharge of a transferred patient ceasing to have effect, the responsible medical officer shall record his opinion whether the patient is suffering from mental illness, severe subnormality, psychopathic disorder or subnormality, and references in this Act to the form or forms of mental disorder specified in the relevant application, order or direction shall be construed as including references to the form or forms of mental disorder so recorded.

Short-period patients

18. A person who immediately before the commencement of this Act was detained under section eleven of the Lunacy Act, 1890, may continue to be detained until the expiration of the period of seven days mentioned in that section or, if at the commencement of this Act that period had expired and a petition for a reception order was pending, until the expiration of the period of twenty-eight days beginning with the commencement of this Act or until he becomes liable to be detained or subject to guardianship under this Act, whichever occurs first, and may be so detained in any place in which he might have been detained but for the repeal of that section.

19. A person who immediately before the commencement of this Act was detained by virtue of section twenty, section twenty-one or section twenty-one A of the Lunacy Act, 1890, may continue to be

detained until the expiration of his current period of treatment or until he becomes liable to be detained or subject to guardianship under this Act, whichever occurs first, and may be so detained in any place in which he might have been detained but for the repeal of that section.

6TH SCH.
—cont.

20. A person who immediately before the commencement of this Act—

- (a) was detained by virtue of subsection (3) of section eight of the Mental Deficiency Act, 1913, in an institution or place of safety within the meaning of that Act ; or
- (b) was detained under section fifteen of that Act in such a place of safety ;

may continue to be detained as aforesaid until the expiration of the period of twenty-eight days beginning with the commencement of this Act or until he becomes liable to be detained or subject to guardianship under this Act, whichever occurs first.

Patients on leave or absent without leave

21.—(1) Sections thirty-nine and forty of this Act shall apply to a patient to whom paragraph 7 of this Schedule applies or a transferred patient who immediately before the commencement of this Act was absent on trial or leave or in pursuance of a licence under any enactment repealed by this Act or any rules or regulations thereunder, as if he had been granted leave of absence under the said section thirty-nine at the commencement of this Act for an indefinite period, and accordingly a patient to whom paragraph 7 of this Schedule applies may be recalled under the said section thirty-nine at any time within the initial period and a transferred patient may be so recalled at any time within or after the initial period.

(2) Section forty of this Act shall, subject to the next following sub-paragraph, apply to a patient to whom paragraph 7 of this Schedule applies, a transferred patient or a short-period patient who immediately before the commencement of this Act was absent otherwise than as mentioned in the foregoing sub-paragraph from the hospital or other place where he was required to be by virtue of any such enactment, rules or regulations as if he had absented himself without leave or without permission from the hospital or other place as mentioned in subsection (1) of that section or, as the case may be, he were absent without his guardian's permission as mentioned in subsection (2) of that section.

(3) The period within which any patient to whom paragraph 7 of this Schedule applies or a short-period patient may be retaken and returned under the said section forty shall be whichever of the following periods is applicable instead of that specified in subsection (3) of that section, that is to say—

- (a) in the case of a patient liable to be detained by virtue of any of the provisions of the Mental Deficiency Act, 1913 (not being a transferred patient), the initial period ;
- (b) in the case of any other patient to whom paragraph 7 of this Schedule applies or any other short-period patient, the period of twenty-eight days beginning with the commencement of this Act ;

and a transferred patient may be retaken and returned under the said section forty at any time.

6TH SCH.
—cont.

Supplemental

22. Any opinion recorded by the responsible medical officer under this Part of this Schedule shall be recorded in such form as may be prescribed by regulations made by the Minister.

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

“current period of treatment” means, in relation to any patient, the period for which he would have been liable to be detained or subject to guardianship by virtue of any enactment repealed or excluded by this Act, or any enactment repealed or replaced by any such enactment as aforesaid, being a period which began but has not expired before the commencement of this Act ;

“initial period” has the meaning assigned to it by paragraph 7 of this Schedule ;

“the responsible medical officer” means—

(a) in relation to a patient subject to guardianship, the medical officer of health of the responsible local health authority or any other medical officer authorised by that authority to act (either generally or in any particular case or for any particular purpose) as the responsible medical officer ;

(b) in relation to any other class of patient, the medical practitioner in charge of the treatment of the patient ;

“transferred patient” has the meaning assigned to it by paragraph 15 of this Schedule ;

“short-period patient” means a patient to whom paragraph 18, 19, or 20 of this Schedule applies.

(2) Subsection (2) of section fifty-nine of this Act shall apply for the purposes of this Part of this Schedule as it applies for the purposes of Part IV of this Act.

(3) The sentence or other period of detention of a person who was liable to be detained or subject to guardianship immediately before the commencement of this Act by virtue of an order under section nine of the Mental Deficiency Act, 1913, shall be treated for the purposes of this Part of this Schedule as expiring at the end of the period for which that person would have been liable to be detained in a prison or other institution if the order had not been made.

PART IV

PROVISIONS RELATING TO PART VIII

24.—(1) The persons who immediately before the commencement of this Act were respectively Master in Lunacy and Assistant Master in Lunacy shall by virtue of this sub-paragraph continue in office as Master and Deputy Master of the Court of Protection ; and it shall not be necessary for the Master to take the oaths required by subsection (1) of section one hundred and fifteen of this Act.

(2) Notwithstanding anything in subsection (2) of section one hundred and fifteen of this Act, a person who, immediately before

the commencement of this Act, was authorised by an order under section eight of the Administration of Justice (Miscellaneous Provisions) Act, 1933, to exercise the jurisdiction of the Master in Lunacy shall be qualified for appointment as Deputy Master of the Court of Protection if he is at the time of the appointment an officer nominated under subsection (3) of section one hundred of this Act.

6TH SCH.
—cont.

(3) The persons who immediately before the commencement of this Act were clerks and other officers of the Master in Lunacy shall by virtue of this sub-paragraph continue in office as officers of the Court of Protection.

25. Any order or appointment made, direction or authority given, or thing done, which—

- (a) had effect immediately before the commencement of this Act with respect to the property or affairs of a person falling within subsection (1) of section one hundred and sixteen of the Lunacy Act, 1890, or section sixty-four of the Mental Deficiency Act, 1913, and
- (b) was such as could have been made, given or done under any provision of Part VIII of this Act if that provision had been in force at the material time,

shall continue to have effect as if made, given or done under that provision; and where at the commencement of this Act any person's estate was subject to the jurisdiction of the Master in Lunacy under Part IV of the Lunacy Act, 1890, Part VIII of this Act shall apply in that person's case as if immediately after the commencement of this Act it had been determined that he was then a patient within the meaning of the said Part VIII.

26. A person who, immediately before the commencement of this Act, was the committee of the estate of a person of unsound mind so found by inquisition shall thereafter be deemed to be a receiver for that person appointed under section one hundred and five of this Act with such functions in relation to that person's property and affairs as were exercisable by him in relation thereto as committee of the estate, and references in any document to such a committee shall be construed accordingly.

27. Subsection (1) of section one hundred and seven of this Act shall apply in relation to any disposal of property (within the meaning of that subsection) of a person living at the commencement of this Act, being a disposal effected under the Lunacy Act, 1890, as it applies in relation to the disposal of the property of a person effected under Part VIII of this Act.

28. Rules under Part VIII of this Act may contain transitional provisions with respect to proceedings pending at the commencement of this Act and, notwithstanding anything in section one hundred and one of this Act, such rules may provide for treating as sufficient for conferring jurisdiction under the said Part VIII any evidence given in such proceedings, or in proceedings brought within one month after the commencement of this Act, being evidence which would have been sufficient to confer jurisdiction under Part IV of the Lunacy Act, 1890.

Sections 149,
150, 152.

SEVENTH SCHEDULE
MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS EXTENDING TO ENGLAND AND WALES ONLY

<i>Enactment</i>	<i>Amendment</i>
<p>The Fines and Recoveries Act, 1833, 3 & 4 Will. 4. c. 74.</p>	<p>In section thirty-three, for the words from "lunatic" where it first occurs to "unsound mind as aforesaid" there shall be substituted the words "incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, the judge having jurisdiction under Part VIII of that Act shall be the protector of the settlement in his stead so long as he is incapable as aforesaid".</p> <p>In sections forty-eight and forty-nine, for the references to the Lord High Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal or other the person or persons intrusted as mentioned in those sections there shall be substituted references to the judge having jurisdiction under Part VIII of this Act.</p> <p>In section ninety-one, for the words from "being a lunatic" to "inquisition or not" there shall be substituted the words "suffering from mental disorder" and for the reference to the Lord High Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal or other the person or persons intrusted as mentioned in that section there shall be substituted a reference to the judge having jurisdiction under Part VIII of this Act.</p>
<p>The Court of Chancery of Lancaster Act, 1850, 13 & 14 Vict. c. 43.</p>	<p>In section nine, for the words from "person" to "inquisition" there shall be substituted the words "person suffering from mental disorder within the meaning of the Mental Health Act, 1959".</p> <p>In section ten, for the words "lunatic, or person of unsound mind" there shall be substituted the words "or person suffering from mental disorder within the meaning of the</p>

Enactment

The Court of Chancery of Lancaster Act, 1850, 13 & 14 Vict. c. 43—*cont.*

The Improvement of Land Act, 1864, 27 & 28 Vict. c. 114.

The Habitual Drunkards Act, 1879, 42 & 43 Vict. c. 19.

The Colonial Prisoners Removal Act, 1884, 47 & 48 Vict. c. 31.

Amendment

Mental Health Act, 1959”, and for the words from “committee” to “mind” there shall be substituted the words “receiver or guardian ad litem of a person suffering from mental disorder as aforesaid, and of the guardian ad litem of any infant.”.

In section sixty-eight, for the words “committee, or trustee” there shall be substituted the words “or receiver” and for the words “lunatic, idiot” there shall be substituted the words “or patient within the meaning of Part VIII of the Mental Health Act, 1959”.

In section three, in the definition of “habitual drunkard”, for the words “amenable to any jurisdiction in lunacy” there shall be substituted the words “a mentally disordered person within the meaning of the Mental Health Act, 1959”.

In section seven, for the words from “who is licensed” to the end of the section there shall be substituted the words “in respect of premises which are a mental nursing home within the meaning of the Mental Health Act, 1959”.

In section ten, after subsection (2), there shall be added the following subsection—

“(3) Without prejudice to the foregoing provisions of this section, where a criminal lunatic is removed to England and Wales, then—

(a) except where he is a criminal lunatic by virtue of having been convicted of an offence and afterwards certified or otherwise lawfully proved to be insane, the Secretary of State may give the like direction in respect of him under section seventy-one of the Mental Health Act, 1959, as may be given in the case of a person to whom that section applies;

7TH SCH.
—*cont.*

7TH SCH.
—cont.

Enactment
The Colonial Prisoners
Removal Act, 1884, 47 & 48
Vict. c. 31—cont.

Amendment
(b) in the said excepted case, the Secretary of State may give the like direction in respect of him under section seventy-two of that Act (with or without a direction under section seventy-four thereof) as may be given in the case of a person serving a sentence of imprisonment with respect to whom the Secretary of State is satisfied as mentioned in subsection (1) of that section."

The Forgery Act, 1913, 3 & 4
Geo. 5. c. 27.

In section three, in paragraph (d) of subsection (3), for the words "any master or registrar in lunacy" there shall be substituted the words "the authority having jurisdiction under Part VIII of the Mental Health Act, 1959".

In section five, in paragraph (b) of subsection (3), for the words "the office of any master or registrar in lunacy" there shall be substituted the words "the Court of Protection".

The Settled Land Act, 1925,
15 & 16 Geo. 5. c. 18.

In section sixty-eight, in subsection (3), for the words "a lunatic, or a defective" there shall be substituted the words "suffering from mental disorder".

The Trustee Act, 1925, 15 & 16
Geo. 5. c. 19.

In section thirty-six, the following subsection shall be substituted for subsection (9)—

"(9) Where a trustee is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of exercising his functions as trustee and is also entitled in possession to some beneficial interest in the trust property, no appointment of a new trustee in his place shall be made by virtue of paragraph (b) of subsection (1) of this section unless leave to make the appointment has been given by the authority

Enactment

The Trustee Act, 1925, 15 & 16
Geo. 5. c. 19—*cont.*

Amendment

having jurisdiction under Part VIII of the Mental Health Act, 1959.”

7TH SCEL
—*cont.*

In section forty-one, in subsection (1), for the words “ a lunatic or a defective ” there shall be substituted the words “ incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of exercising his functions as trustee ”.

The following section shall be substituted for section fifty-four—

“ Jurisdiction in regard to mental patients.

54.—(1) Subject to the provisions of this section, the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, shall not have power to make any order, or give any direction or authority, in relation to a patient who is a trustee if the High Court has power under this Act to make an order to the like effect.

(2) Where a patient is a trustee and a receiver appointed by the said authority is acting for him or an application for the appointment of a receiver has been made but not determined, then, except as respects a trust which is subject to an order for administration made by the High Court, the said authority shall have concurrent jurisdiction with the High Court in relation to—

- (a) mortgaged property of which the patient has become a trustee merely by reason of the mortgage having been paid off;
- (b) matters consequent on the making of provision by the said authority for the exercise of a power of appointing trustees or retiring from a trust;
- (c) matters consequent on the making of provision by the said authority for the carrying out of any contract entered into by the patient;

7TH SCH.
—cont.

Enactment

The Trustee Act, 1925, 15 & 16
Geo. 5. c. 19—cont.

Amendment

(d) property to some interest in which the patient is beneficially entitled but which, or some interest in which, is held by the patient under an express, implied or constructive trust.

The Lord Chancellor may make rules with respect to the exercise of the jurisdiction referred to in this subsection.

(3) In this section “ patient ” means a patient as defined by section one hundred and one of the Mental Health Act, 1959, or a person as to whom powers are exercisable and have been exercised under section one hundred and four of that Act.”

In section fifty-five (except so far as it applies to vesting orders made before the commencement of this Act), for the words “ the Lunacy Act, 1890 ” there shall be substituted the words “ Part VIII of the Mental Health Act, 1959 ”.

The Law of Property Act, 1925, 15 & 16 Geo. 5. c. 20. The following section shall be substituted for section twenty-two—

“Conveyances on behalf of persons suffering from mental disorder and as to land held by them on trust for sale. 22.—(1) Where a legal estate in land (whether settled or not) is vested in a person suffering from mental disorder, either solely or jointly with any other person or persons, his receiver or (if no receiver is acting for him) any person authorised in that behalf shall, under an order of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, or of the court, or under any statutory power, make or concur in making all requisite dispositions for conveying or creating a legal estate in his name and on his behalf.

(2) If land held on trust for sale is vested, either solely or jointly with any other person or persons, in a person who is incapable, by reason of mental disorder, of exercising his functions as trustee, a new trustee shall be appointed in the place

Enactment

The Law of Property Act, 1925,
15 & 16 Geo. 5. c. 20—*cont.*

Amendment

of that person, or he shall be otherwise discharged from the trust, before the legal estate is dealt with under the trust for sale or under the powers vested in the trustees for sale.”

In section twenty-six, in subsection (2), the words “committee or” shall be omitted, and for the words “lunatic or defective” there shall be substituted the words “person suffering from mental disorder”.

In section twenty-eight, in proviso (i) of subsection (3), for the words “lunatic or defective” there shall be substituted the words “person suffering from mental disorder”; and the words “committee or” shall be omitted.

In section two hundred and five, in subsection (1), the following paragraph shall be substituted for paragraph (xiii)—

“(xiii) ‘Mental disorder’ has the meaning assigned to it by section four of the Mental Health Act, 1959, and ‘receiver’, in relation to a person suffering from mental disorder, means a receiver appointed for that person under Part VIII of that Act;”

The Land Registration Act,
1925, 15 & 16 Geo. 5. c. 21.

In section one hundred and eleven, in subsection (5), for the words from “a lunatic” to the words “lunacy or” there shall be substituted the words “incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, his receiver or (if no receiver is acting for him) any person authorised in that behalf shall, under an order of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, or” and for the words “lunatic or defective” in each place where they occur there shall be substituted the words “the proprietor”, and in subsection (6), for the words “the Lunacy Act, 1890” there shall be substituted the words “Part VIII of the Mental Health Act, 1959”.

7TH SCH.
—*cont.*

7TH SCH.

—cont.

Enactment

The Administration of Estates Act, 1925, 15 & 16 Geo. 5. c. 23.

The Supreme Court of Judicature (Consolidation) Act, 1925, 15 & 16 Geo. 5. c. 49.

Amendment

In section forty-one, in subsection (1), in paragraph (ii) of the proviso, for the words "a lunatic or defective" there shall be substituted the words "is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs" and the word "committee" shall be omitted, and in paragraph (iv) of the proviso, for the words from "committee" to "appointed" there shall be substituted the words "receiver is acting for a person suffering from mental disorder", and for the words "lunatic or defective" in the second place where they occur there shall be substituted the words "said person".

In section sixty-eight, in subsection (5), in paragraph (a) of the proviso, for the words "person of unsound mind, whether so found by inquisition or not" there shall be substituted the words "person who is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs", for the word "committee" there shall be substituted the word "receiver", and for the words from "any committee" to the end of the paragraph there shall be substituted the words "any receiver of a person suffering from mental disorder and that person, unless with the previous sanction of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959".

In section one hundred and twenty-nine, in subsection (1), for the words "in matters and proceedings in lunacy a judge or master in lunacy" there shall be substituted the words "in proceedings before the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, that authority".

Enactment

The Supreme Court of Judicature (Consolidation) Act, 1925, 15 & 16 Geo. 5. c. 49
—cont.

Amendment

7TH SCH
—cont.

In section one hundred and forty-nine, for the words “the Lord Chancellor and any person exercising the powers of the judge in lunacy” there shall be substituted the words “the authority having jurisdiction under Part VIII of the Mental Health Act, 1959”.

In section two hundred and twenty-five, in the definition of “Officer of the Supreme Court”, for the words from “salaries” to “lunacy” there shall be substituted the words “salaries, pensions and allowances of officers includes an officer of the Court of Protection or of the Lord Chancellor’s Visitors”.

In the Third Schedule, for the words “Master in Lunacy” there shall be substituted the words “Master of the Court of Protection”, for the words “Legal Visitor in Lunacy” there shall be substituted the words “Lord Chancellor’s Legal Visitor” and for the words “Medical Visitor in Lunacy” there shall be substituted the words “Lord Chancellor’s Medical Visitor”.

In the Fourth Schedule, for the words “Master in Lunacy” wherever they occur there shall be substituted the words “Master of the Court of Protection”, and in paragraph 4, there shall be inserted at the end the words “or

(iv) the Deputy Master of the Court of Protection.”,

and in paragraph 8, for the words “Legal Visitor in Lunacy” there shall be substituted the words “Lord Chancellor’s Legal Visitor”.

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

In section ninety-two, for the words from “but does not include” to the end of the section there shall be substituted the words “but does not include any mental nursing home or residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act, 1959”.

7TH SCH.
—cont.

<i>Enactment</i>	<i>Amendment</i>
<p>The Children and Young Persons Act, 1933, 23 & 24 Geo. 5. c. 12—cont.</p>	<p>In the Fourth Schedule, in paragraph 4, the words from “ and shall ” to the end of the paragraph shall be omitted.</p>
<p>The Public Health Act, 1936, 26 Geo. 5 & 1 Edw. 8. c. 49.</p>	<p>In section one hundred and ninety-nine, in subsection (1), in the definition of “ nursing home ”, for paragraphs (ii) and (iii) there shall be substituted the following paragraph:— “(ii) except so far as this Part of this Act is applied thereto by Part III of the Mental Health Act, 1959, any mental nursing home within the meaning of that Act.”</p>
<p>The Public Health (London) Act, 1936, 26 Geo. 5 & 1 Edw. 8. c. 50.</p>	<p>In section three hundred and four, in subsection (1), in the definition of “ nursing home ”, for paragraphs (ii) and (iii) there shall be substituted the following paragraph:— “(ii) except so far as Part XI of this Act is applied thereto by Part III of the Mental Health Act, 1959, any mental nursing home within the meaning of that Act.”</p>
<p>The Limitation Act, 1939, 2 & 3 Geo. 6. c. 21.</p>	<p>In section thirty-one, in subsection (3) (except so far as it relates to any period before the commencement of this Act), for paragraphs (a) and (b) there shall be substituted the following paragraphs:— “(a) while he is liable to be detained or subject to guardianship under the Mental Health Act, 1959; and (b) while he is receiving treatment as an in-patient in any hospital or mental nursing home within the meaning of that Act without being liable to be detained thereunder, being treatment which follows without any interval a period during which he was liable to be detained or subject to guardianship under that Act or by virtue of any enactment repealed or excluded by that Act”.</p>

Enactment

The London Government Act, 1939, 2 & 3 Geo. 6. c. 40.

Amendment

7TH SCR.
—cont.

In section ninety-four, subsection (1) shall cease to have effect; the following subsection shall be substituted for subsection (2)—

“(2) Subject to the provisions of this section, where any sum to which this section applies is payable to a person by a local authority and the authority is satisfied after considering medical evidence that the said person (hereinafter referred to as ‘the patient’) is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, the authority may pay the said sum or such part thereof as the authority thinks fit to the institution or person having the care of the patient, to be applied for his benefit, and may pay the remainder (if any) or such part thereof as the authority thinks fit—

(a) to or for the benefit of persons who appear to the authority to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered, or

(b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph”;

and in subsections (4) and (5), for the references to the Master in Lunacy there shall be substituted references to the authority having jurisdiction under Part VIII of this Act.

7TH SCH.
—cont.

Enactment

The Education Act, 1944,
7 & 8 Geo. 6. c. 31.

The Teachers' Superannuation
Act, 1945, 8 & 9 Geo. 6. c. 14.

The National Health Service
Act, 1946, 9 & 10 Geo. 6.
c. 81.

Amendment

In section one hundred and sixteen, for the words from "person who is the subject of an order or inquisition" to "education at school" there shall be substituted the words "child who is for the time being the subject of a decision recorded under section fifty-seven of this Act".

In section one, in subsection (1), after paragraph (d) there shall be inserted the following paragraph—

"(dd) as a teacher of such kind as may be prescribed of mentally disordered patients who is employed—

(i) in a hospital vested in the Minister of Health under the National Health Service Act, 1946;

(ii) by a local health authority in the exercise of their functions under section twenty-eight of the said Act of 1946;

(iii) by a voluntary organisation to which a local health authority is making contributions under that section";

and after paragraph (e) there shall be inserted the following paragraph—

"(ee) as a teacher employed in a mental nursing home or residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act, 1959, being a teacher who at any time before the coming into operation of the said Part III was employed in recognised or contributory service in any such certified institution as aforesaid".

In section sixty-three, for the words "the Mental Deficiency Acts, 1913 to 1938" there shall be substituted the words "section twenty-eight of this Act as extended by Part II of the Mental Health Act, 1959".

<i>Enactment</i>	<i>Amendment</i>
<p>The National Health Service Act, 1946, 9 & 10 Geo. 6. c. 81—<i>cont.</i></p>	<p>In section seventy-nine, in subsection (1), in the definition of “illness”, for the words “mental illness” there shall be substituted the words “mental disorder within the meaning of the Mental Health Act, 1959”.</p>
<p>The National Assistance Act, 1948, 11 & 12 Geo. 6. c. 29.</p>	<p>In section forty-nine, for the words from “section one” to “that section” there shall be substituted the words “Part VIII of the Mental Health Act, 1959, as receiver for a patient or as a person otherwise having functions in relation to the property and affairs of a patient”, and for the words “the said powers” there shall be substituted the words “such functions”.</p>
<p>The Children Act, 1948, 11 & 12 Geo. 6. c. 43.</p>	<p>In section two, in the proviso to subsection (3), for the words “unsoundness of mind or mental deficiency” there shall be substituted the words “mental disorder within the meaning of the Mental Health Act, 1959”.</p>
<p>The Criminal Justice Act, 1948, 11 & 12 Geo. 6. c. 58.</p>	<p>In section four, in subsection (1), for the words from “appearing” to “1913” there shall be substituted the words “approved for the purposes of section twenty-eight of the Mental Health Act, 1959, that the mental condition of an offender is such as requires and may be susceptible to treatment but is not such as to warrant his detention in pursuance of a hospital order under Part V of that Act”.</p> <p>In subsection (2) of that section, the following paragraph shall be substituted for paragraphs (a) and (b):—</p> <p>“(a) treatment as a resident patient in a hospital or mental nursing home within the meaning of the Mental Health Act, 1959, not being a special hospital within the meaning of that Act.”</p>

7TH SCH
—cont.

Enactment

The Criminal Justice Act, 1948,
11 & 12 Geo. 6. c. 58—cont.

Amendment

In subsection (3) of that section, the words “ or can be ” and the words “ as a voluntary patient or ” shall be omitted.

In subsection (4) of that section, the words “ as a voluntary patient or ” shall be omitted.

For subsections (7) and (8) of that section there shall be substituted the following subsection:—

“ (7) Subsections (2) and (3) of section sixty-two of the Mental Health Act, 1959, shall apply for the purposes of this section as if for the reference in the said subsection (2) to paragraph (a) of subsection (1) of section sixty of that Act there were substituted a reference to subsection (1) of this section.”

The National Service Act, 1948,
11 & 12 Geo. 6. c. 64.

In the First Schedule, for paragraph 3 there shall be substituted the following paragraph:—

“ 3. A person who—

(a) is receiving treatment for mental disorder as an in-patient in a hospital within the meaning of the Mental Health Act, 1959, or is receiving such treatment as an in-patient in any other place at the expense of a Regional Hospital Board; or

(b) is suffering from severe subnormality within the meaning of that Act and is either resident in accommodation provided by, or by arrangement with, a local health authority under section twenty-eight of the National Health Service Act, 1946, or is otherwise receiving care from a local health authority under that section.”

Enactment

The Recall of Army and Air Force Pensioners Act, 1948, 12, 13 & 14 Geo. 6. c. 8.

Amendment

In the Schedule, for paragraph 2 there shall be substituted the following paragraph:—

“ 2. A person who is receiving treatment for mental disorder as an in-patient in a hospital within the meaning of the Mental Health Act, 1959, or is receiving such treatment as an in-patient in any other place at the expense of a Regional Hospital Board ”.

7TH SCH.
—cont.

The National Health Service (Amendment) Act, 1949, 12, 13 & 14 Geo. 6. c. 93.

For section twenty-five there shall be substituted the following section:—

“ 25.—(1) Where a medical practitioner carries out a medical examination of any person with a view to an application for his admission to hospital for observation or treatment being made under Part IV of the Mental Health Act, 1959, the local health authority for the area where the person examined resides shall, subject to the following provisions of this section, pay to that medical practitioner reasonable remuneration in respect of the said examination and in respect of any recommendation or report made by him with regard to the person examined and the amount of any expenses reasonably incurred by him in connection with the examination or the making of any such recommendation or report.

(2) No payment shall be made under this section to a medical practitioner in respect of an examination carried out as part of his duty to provide general medical services for the person examined or in respect of an examination carried out or any recommendation or report made as part of his duty as an officer of a Regional Hospital Board or a Board of Governors of a teaching hospital.

7TH SCH.

—cont.

Enactment

The National Health Service
(Amendment) Act, 1949, 12,
13 & 14 Geo. 6. c. 93.—cont.

Amendment

(3) This section shall only apply in a case where it is intended, when the medical examination of the person in question is carried out, that if he is admitted to hospital in pursuance of any such application as is mentioned in subsection (1) of this section, the whole cost of his maintenance and treatment will be defrayed out of moneys provided by Parliament under the National Health Service Act, 1946, or the Mental Health Act, 1959."

The Matrimonial Causes Act,
1950, 14 Geo. 6. c. 25.

In section one, in subsection (2) (except so far as it relates to any time before the commencement of this Act) for paragraph (a) there shall be substituted the following paragraph:—

"(a) while he is liable to be detained in a hospital, mental nursing home or place of safety under the Mental Health Act, 1959",

and in paragraph (d), the words "the Mental Treatment Act, 1930, or under" shall be omitted.

In section eight, in subsection (1) (except so far as it relates to a marriage celebrated before the commencement of this Act) in paragraph (b), for the words from "a mental defective" to "1938" there shall be substituted the words "was then suffering from mental disorder within the meaning of the Mental Health Act, 1959, of such a kind or to such an extent as to be unfitted for marriage and the procreation of children", and for the word "fits" there shall be substituted the word "attacks".

In section twenty-seven, in subsection (2), in paragraph (b), after the word "deficiency" there shall be inserted the words "or disorder".

*Enactment**Amendment*7TH SCH.
—cont.

The Costs in Criminal Cases Act, 1952, 15 & 16 Geo. 6. and 1 Eliz. 2. c. 48.

In section fourteen, in subsection (1), after the words "that Act" there shall be inserted the words "or with a view to the making of a hospital order with an order restricting his discharge under Part V of the Mental Health Act, 1959".

The Magistrates' Courts Act, 1952, 15 & 16 Geo. 6 and 1 Eliz. 2. c. 55.

In section twenty-six, in subsection (1), for the words "the offence has been committed by the accused" there shall be substituted the words "the accused did the act or made the omission charged"; in subsection (3), for the words from "shall undergo" to the words "may be so specified" there shall be substituted the words "shall—

(a) undergo medical examination by a duly qualified medical practitioner or, where the inquiry is into his mental condition and the recognizance so specifies, two such practitioners; and

(b) for the purpose attend at an institution or place, or on any such practitioner, specified in the recognizance and, where the inquiry is into his mental condition, comply with any directions which may be given to him for the said purpose by any person so specified or by a person of any class so specified",

and for the words "for such period as may be specified in the recognizance" there shall be substituted the words "until the expiration of such period as may be specified in the recognizance or he is discharged therefrom, whichever occurs first"; in subsection (4), for the words from "it may" to the end of the subsection there shall be substituted the words "the conditions of the recognizance taken for the purpose of his committal may, in addition to the condition for his appearance, include the like conditions as could be included in the

7TH SCH.
—cont.

<i>Enactment</i>	<i>Amendment</i>
<p>The Magistrates' Courts Act, 1952, 15 & 16 Geo. 6 and 1 Eliz. 2. c. 55—<i>cont.</i></p>	<p>conditions of a recognizance with respect to the like inquiry by virtue of the last preceding subsection"; and subsection (6) shall cease to have effect.</p>
<p>The Local Government Superannuation Act, 1953, 1 & 2 Eliz. 2. c. 25.</p>	<p>In section fifteen, in subsection (1), in paragraph (a) for the words "the Mental Deficiency Acts, 1913 to 1938" there shall be substituted the words "the Mental Health Act, 1959".</p>
<p>The Sexual Offences Act, 1956, 4 & 5 Eliz. 2. c. 69.</p>	<p>In the Second Schedule, in paragraph 1, in the fourth column, for the words "an idiot or imbecile" there shall be substituted the words "a defective"; in paragraph 11 in the first column, for the words "idiot or imbecile" there shall be substituted the word "defective"; and in paragraph 14, in the fourth column, for the words "an idiot or imbecile" there shall be substituted the words "a defective".</p>
<p>The Nurses Act, 1957, 5 & 6 Eliz. 2. c. 15.</p>	<p>In section two, in subsection (1), for the word "diseases" there shall be substituted the word "disorder".</p> <p>In section eight, in subsection (2), for the word "diseases" there shall be substituted the word "disorder".</p> <p>In section eighteen, in subsection (3), for the word "diseases" there shall be substituted the word "disorder".</p> <p>In section thirty-one, for the word "diseases" there shall be substituted the word "disorder".</p> <p>In section thirty-three, in subsection (1), for the definition of "mental hospital" there shall be substituted the following definition, that is to say, "'mental hospital' means any hospital or mental nursing home within the meaning of the Mental Health Act, 1959, wholly or mainly used for the treatment of persons suffering from mental disorder", and in the definition of "registered mental nurse" for the word "diseases" there shall be substituted the word "disorder".</p>

<i>Enactment</i>	<i>Amendment</i>	7TH SCH. — <i>cont.</i>
<p>The Nurses Act, 1957, 5 & 6 Eliz. 2. c. 15—<i>cont.</i></p>	<p>In the First Schedule, in sub-paragraph (1) of paragraph 2, for the word “diseases” there shall be substituted the word “disorder”. In the Third Schedule, in paragraph 1, in sub-paragraph (3), for the word “diseases” there shall be substituted the word “disorder”.</p>	
<p>The Solicitors Act, 1957, 5 & 6 Eliz. 2. c. 27.</p>	<p>In section twelve, in subsection (1), the following shall be substituted for paragraph (e)— “(e) whilst he is a patient as defined by section one hundred and one of the Mental Health Act, 1959, or a person as to whom powers are exercisable and have been exercised under section one hundred and four of that Act;”</p>	
<p>The Variation of Trusts Act, 1958, 6 & 7 Eliz. 2. c. 53.</p>	<p>In section one, in subsection (3), for the words from “the Judge” to the end of the subsection there shall be substituted the words “the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, if that person is a patient within the meaning of the said Part VIII”, and in subsection (6), for the words from “section one hundred and seventy-one” to the end of the subsection there shall be substituted the words “the powers of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959”.</p>	
<p>The Local Government Act, 1958, 6 & 7 Eliz. 2. c. 55.</p>	<p>In section forty-six, in subsection (1), references to Part III of the National Health Service Act, 1946, and to section twenty-eight of that Act, and references to sections twenty-nine and thirty of the National Assistance Act, 1948, shall include references to those enactments as amended by this Act; and for paragraphs (d) and (e) there shall be substituted the following paragraph— “(d) the Mental Health Act, 1959, except so far as it amends Part III of the National Health Service Act, 1946”;</p>	

7TH SCH.
—cont.

<i>Enactment</i>	<i>Amendment</i>
<p>The Local Government Act, 1958, 6 & 7 Eliz. 2. c. 55— <i>cont.</i></p>	<p>In Part III of the First Schedule, in paragraph 4, in sub-paragraph (1), for the words “ occupation centres provided for the purposes of paragraph (cc) of section thirteen of the Mental Deficiency Act, 1913 ” there shall be substituted the words “ centres provided under section twenty-eight of the National Health Service Act, 1946, for the occupation or training of persons who are or have been suffering from mental disorder ” and, in sub-paragraph (2), after “ occupation ” there shall be inserted “ or training ”.</p>

PART II

OTHER AMENDMENTS

<i>Enactment</i>	<i>Amendment</i>
<p>The Naval Enlistment Act, 1884, 47 & 48 Vict. c. 46.</p>	<p>In section three, after the word “ 1955 ” there shall be inserted the words “ as amended by the Mental Health Act, 1959 ”</p>
<p>The Pharmacy and Poisons Act, 1933, 23 & 24 Geo. 5. c. 25.</p>	<p>In section ten, in subsection (6), for the words from “ trustee ” to “ powers of a committee ” there shall be substituted the words “ or trustee, or a receiver appointed under Part VIII of the Mental Health Act, 1959 ”.</p> <p>In section thirty, in paragraph (f), for the words from “ references ” to “ of a committee ” there shall be substituted the words “ reference to a receiver ”.</p>
<p>The Polish Resettlement Act, 1947, 10 & 11 Geo. 6. c. 19.</p>	<p>In section four, in subsection (1), for the words “ the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Mental Deficiency Acts, 1913 to 1938 ” there shall be substituted the words “ the Mental Health Act, 1959 ”.</p> <p>In section eleven, in subsection (3), in paragraph (b), for the words “ the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1938 ” there shall be substituted the words “ the Mental Health Act, 1959 ”.</p>

*Enactment**Amendment*7TH SCH.
—cont.

- The National Assistance Act, 1948, 11 & 12 Geo. 6. c. 29.** In section thirty-seven, in subsection (9), at the end of paragraph (d) of the proviso there shall be added the words “including any mental nursing home within the meaning of Part III of the Mental Health Act, 1959”, and after paragraph (g) there shall be inserted the words “or
(h) except as provided by Part III of the Mental Health Act, 1959, any residential home for mentally disordered persons within the meaning of the said Part III”.
- The Children Act, 1948, 11 & 12 Geo. 6. c. 43.** In section thirty-nine, in subsection (1), after paragraph (e) there shall be inserted the following paragraph:—
“(f) section nine of the Mental Health Act, 1959, and the provisions of section ten of that Act relating to children and young persons in respect of whom the rights and powers of a parent are vested in a local authority as mentioned in paragraph (a) of subsection (1) of that section.”
- The U.S.A. Veterans' Pensions (Administration) Act, 1949, 12, 13 & 14 Geo. 6. c. 45.** Subsection (4) of section one shall apply as respects a person for whom a receiver has been appointed under section one hundred and five of this Act as it applies as respects such a person as is mentioned in that subsection.
- The Representation of the People Act, 1949, 12, 13 & 14 Geo. 6. c. 68.** Section four shall have effect, in its application to England and Wales, as if for the words “or mental defectiveness” there were substituted the words “or other form of mental disorder” and, in its application to Northern Ireland, as if for the words “or mental defectiveness” there were substituted the words “or arrested or incomplete development of mind”.

7TH SCH.
—cont.

Enactment

Amendment

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| <p>The Administration of Justice (Pensions) Act, 1950, 14 & 15 Geo. 6. c. 11.</p> | <p>In the First Schedule, for the words "Master in Lunacy" and "Legal Visitor in Lunacy" there shall be substituted respectively the words "Master of the Court of Protection" and "Lord Chancellor's Legal Visitor".</p> |
| <p>The Army Act, 1955, 3 & 4 Eliz. 2. c. 18.</p> | <p>No order shall be made under section sixteen directing that a soldier be received into a hospital in England and Wales; and accordingly, in subsection (2), for the words "Great Britain" there shall be substituted the word "Scotland".</p> |
| <p>The Air Force Act, 1955, 3 & 4 Eliz. 2. c. 19.</p> | <p>No order shall be made under section sixteen directing that an airman be received into a hospital in England and Wales; and accordingly, in subsection (2), for the words "Great Britain" there shall be substituted the word "Scotland".</p> |
| <p>The Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, 3 & 4 Eliz. 2. c. 20.</p> | <p>In the Second Schedule, in paragraph 2, after the word "1955" there shall be inserted the words "as amended by the Mental Health Act, 1959".</p> |
| <p>The Children Act, 1958, 6 & 7 Eliz. 2. c. 65.</p> | <p>In section two, at the end of subsection (4), there shall be added the words "or while he is liable to be detained or subject to guardianship under the Mental Health Act, 1959, or is resident in a residential home for mentally disordered persons within the meaning of Part III of that Act".</p> |
| <p>The Adoption Act, 1958, 7 & 8 Eliz. 2. c. 5.</p> | <p>In section thirty-seven, in subsection (3), at the end there shall be added the words "nor while he is liable to be detained, subject to guardianship or resident as mentioned in subsection (4) of that section".</p> |

EIGHTH SCHEDULE

Sections 149,
150, 152.

ENACTMENTS REPEALED

PART I

REPEALS EXTENDING TO ENGLAND AND WALES ONLY

Session and Chapter	Short Title	Extent of Repeal
—	The Statute Prerogativa Regis.	Chapters xi and xii.
51 Geo. 3. c. 37	The Marriage of Lunatics Act, 1811.	The whole Act.
1 & 2 Vict. c. 106.	The Pluralities Act, 1838.	Section seventy-nine.
1 & 2 Vict. c. 110.	The Judgments Act, 1838.	In section eighteen, the words "and all orders of the Lord Chancellor in matters of lunacy" and the words "and by the Lord Chancellor in matters of lunacy".
12 & 13 Vict. c. 45.	The Quarter Sessions Act, 1849.	In section two, the words "or against an order under any statute relating to pauper lunatics".
15 & 16 Vict. c. 87.	The Court of Chancery Act, 1852.	The whole Act.
23 & 24 Vict. c. 75.	The Criminal Lunatic Asylums Act, 1860.	The whole Act.
33 & 34 Vict. c. 77.	The Juries Act, 1870.	In the Schedule, the words "Keepers in public lunatic asylums".
34 & 35 Vict. c. 44.	The Incumbents Resignation Act, 1871.	Section eighteen.
36 & 37 Vict. c. 57.	The Consolidated Fund (Permanent Charges Redemption) Act, 1873.	In section seven, in the definition of "limited owner", the words "a committee of a lunatic or idiot".
46 & 47 Vict. c. 38.	The Trial of Lunatics Act, 1883.	In section two, in subsection (2), the words "as a criminal lunatic".
47 & 48 Vict. c. 64.	The Criminal Lunatics Act, 1884.	The whole Act.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890.	The whole Act.
53 & 54 Vict. c. 39.	The Partnership Act, 1890.	In section thirty-five, paragraph (a).
54 & 55 Vict. c. 65.	The Lunacy Act, 1891.	The whole Act.
61 & 62 Vict. c. 57.	The Elementary School Teachers (Superannuation) Act, 1898.	In section six, paragraph (b) of subsection (1) so far as it applies in relation to persons of unsound mind.
7 Edw. 7. c. 23	The Criminal Appeal Act, 1907.	In section five, in subsection (4), the words "as a criminal lunatic".

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
8 Edw. 7. c. 47	The Lunacy Act, 1908 ...	The whole Act.
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	The whole Act.
6 & 7 Geo. 5. c. 31.	The Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Section eleven.
8 & 9 Geo. 5. c. 55.	The School Teachers (Superannuation) Act, 1918.	Section nine.
12 & 13 Geo. 5. c. 16.	The Law of Property Act, 1922.	In section one hundred and eighty-eight, paragraph (19).
12 & 13 Geo. 5. c. 60.	The Lunacy Act, 1922 ...	The whole Act.
15 & 16 Geo. 5. c. 18.	The Settled Land Act, 1925.	Section twenty-eight. In section one hundred and seventeen, in subsection (1), paragraph (xiii).
15 & 16 Geo. 5. c. 19.	The Trustee Act, 1925 ...	In section sixty-eight, in paragraph (15), the words " 'lunatic' ; ' defective ' " .
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section seventy-six, in paragraph (F) of subsection (1), the words " or as committee of a lunatic or as receiver of a defective," and in subsection (4), the words " or as committee of a lunatic, or as receiver of a defective " . In section seventy-seven, in subsection (4), the words " or as committee of a lunatic, or as receiver of a defective," . Section one hundred and seventy-one. In the Second Schedule, in the cross-heading to Part VI, the words " or as committee of a lunatic or as a receiver of a defective " .
15 & 16 Geo. 5. c. 21.	The Land Registration Act, 1925.	In section three, in paragraph (xxvi), the words " ' committee ' " , " ' lunatic ' " and " ' defective ' " .
15 & 16 Geo. 5. c. 23.	The Administration of Estates Act, 1925.	In section fifty-one, in subsection (2), the words " committee or " . In section fifty-five, in paragraph (viii) of subsection (1), the definition of " committee " .
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	In section twenty-six, in subsection (2), in paragraph (c), the words from " or from any order " to the end of the paragraph. Section one hundred and twenty-four.

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 53.	The Mental Deficiency (Amendment) Act, 1925.	The whole Act.
15 & 16 Geo. 5. c. 59.	The Teachers (Superannuation) Act, 1925.	In the First Schedule, paragraph 9.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	In section thirty-four, the words "or the Board of Control" and the words "or a Commissioner or the Secretary of the Board of Control".
17 & 18 Geo. 5. c. 33.	The Mental Deficiency Act, 1927.	The whole Act.
20 & 21 Geo. 5. c. 23.	The Mental Treatment Act, 1930.	The whole Act.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In the Fourth Schedule, in paragraph 4, the words from "and shall" to the end of the paragraph.
23 & 24 Geo. 5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act, 1933.	Section eight.
1 Edw. 8 & 1 Geo. 6. c. 47.	The Teachers (Superannuation) Act, 1937.	In section one, in subsection (6), the references to section nine of the School Teachers (Superannuation) Act, 1918, and paragraph 9 of the First Schedule to the Teachers (Superannuation) Act, 1925.
1 & 2 Geo. 6. c. 43.	The Mental Deficiency Act, 1938.	The whole Act.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	In section sixty-six, in subsection (2), the word "committee" in each place where it occurs.
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	In section ninety-four, subsection (1).
7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	Section fifty-seven. In the Eighth Schedule, the amendment of section two of the Mental Deficiency Act, 1913.
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In section sixteen, in subsection (1), the words "or mental defectiveness". In section twenty-seven, in subsection (1) the words "or mental defectiveness". In section twenty-eight, in subsection (1) the words "or mental defectiveness". In section twenty-nine, in subsection (1) the words "mentally defective". Sections forty-nine to fifty-one.

2 Y*

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6 c. 81—cont.	The National Health Service Act, 1946—cont.	<p>In section fifty-two, in subsection (1), the words “the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Mental Deficiency Acts, 1913 to 1938”.</p> <p>In section seventy-nine, in subsection (1), in the definition of “hospital”, the words “or mental defectiveness” and in the definition of “local authority”, paragraph (b). The Eighth and Ninth Schedules.</p> <p>In the Tenth Schedule, the amendments of the Children and Young Persons Act, 1933, and the Education Act, 1944.</p>
11 & 12 Geo. 6. c. 29.	The National Assistance Act, 1948.	In the Sixth Schedule, in paragraph 7, sub-paragraphs (2) and (3).
11 & 12 Geo. 6. c. 40.	The Education (Miscellaneous Provisions) Act, 1948.	<p>Section eight.</p> <p>In the First Schedule, in Part I, the amendment of subsection (6) of section fifty-seven of the Education Act, 1944, and, in the amendments of section one hundred and sixteen of that Act, the paragraph beginning with “For the words”; and in Part II, the amendments of the Mental Deficiency Act, 1913.</p>
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act, 1948.	<p>In section four, in subsection (3), the words “or can be” and the words “as a voluntary patient or,” and in subsection (4), the words “as a voluntary patient or”.</p> <p>In section forty-seven, in subsection (1), the words “or voluntary”.</p> <p>Sections sixty-two to sixty-four.</p> <p>In section seventy-seven, in subsection (2), the words from the beginning to “Treasury, and”.</p> <p>In section eighty, in subsection (1), the definition of “mental hospital”.</p> <p>In the Fifth Schedule, in paragraph 3, in paragraph (d) of sub-paragraph (1), the words “voluntary or”.</p>

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 58—cont.	The Criminal Justice Act, 1948—cont.	In the Ninth Schedule, the amendments of the Criminal Lunatic Asylums Act, 1860, the Criminal Lunatics Act, 1884, the Mental Deficiency Act, 1913, and the Mental Deficiency Act, 1927.
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act, 1948.	Section eighty-four.
12, 13 & 14 Geo. 6. c. 93.	The National Health Service (Amendment) Act, 1949.	Section twenty-six.
12, 13 & 14 Geo. 6. c. 100.	The Law Reform (Miscellaneous Provisions) Act, 1949.	Section eight.
14 Geo. 6. c. 25.	The Matrimonial Causes Act, 1950.	In section one, in subsection (2), in paragraph (d) the words "the Mental Treatment Act, 1930, or under".
15 & 16 Geo. 6 and 1 Eliz. 2. c. 52.	The Prison Act, 1952 ...	In the Third Schedule, the amendments of the Mental Deficiency Act, 1913.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 55.	The Magistrates' Courts Act, 1952.	In section twenty-six, subsection (6). Section thirty.
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act, 1956.	In section two, subsection (8).
4 & 5 Eliz. 2. c. 46.	The Administration of Justice Act, 1956.	In section ten, in subsection (1), paragraph (b).
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act, 1956.	Section eight. In the Second Schedule, in paragraph 1, sub-paragraph (vii), and paragraph 12.
6 & 7 Eliz. 2. c. 3.	The Yarmouth Naval Hospital Transfer Act, 1957.	The whole Act.
6 & 7 Eliz. 2. c. 40.	The Matrimonial Proceedings (Children) Act, 1958.	In section five, subsection (6).
6 & 7 Eliz. 2. c. 55.	The Local Government Act, 1958.	In section fifty, in subsection (1), the words "or of that section as applied by section fifty-one of that Act" and the words "(or that subsection as applied by the said section fifty-one)". In the Eighth Schedule, paragraph 19.

PART II
OTHER REPEALS

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Vict. c. 51.	The Pensions Act, 1839.	Section six.
47 & 48 Vict. c. 64.	The Criminal Lunatics Act, 1884.	In section eight, subsections (3) to (5).
49 & 50 Vict. c. 16.	The Lunacy (Vacating of Seats) Act, 1886.	The whole Act.
50 & 51 Vict. c. 67.	The Superannuation Act, 1887.	Section seven, except so far as applied by the Superannuation Act (Northern Ireland), 1921.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890	Section eighty-six. In section eighty-seven, in subsection (1), the words "England or" and in subsection (2), the words "England and", the words "England or" in each place where they occur, and the words "as the case may be". In section eighty-eight, in subsection (1), the words "England or", and in subsection (2), the words "England and", the words "for any justice in England, and", the words "England or" and the words "as the case may be". Section one hundred and seven. In section one hundred and thirty-one, subsections (1) and (4), and in subsections (2) and (3), the words "England or" in each place where they occur.
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	Section one hundred and four.
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In section eighty, in subsection (2), the words from "and the amendment" to "1884". In the Ninth Schedule, in Part I, the amendment of subsection (3) of section eight of the Criminal Lunatics Act, 1884.
11 & 12 Geo. 6. c. 29.	The National Assistance Act, 1948.	In section thirty-seven, in the proviso to subsection (9), the words "any institution for persons of unsound mind within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930 or", the words "the Mental Deficiency Acts, 1913 to 1927 or" and the word "or" at the end of paragraph (f).

8TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 43.	The Children Act, 1948.	Section eight.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act, 1948.	Section sixty-three.
12, 13 & 14 Geo. 6. c. 44.	The Superannuation Act, 1949.	In section forty-eight, in subsection (5), the words from "and section three hundred and thirty-five" to "unsound mind)".
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act, 1949.	In section sixty-four, in subsection (2), the words from "and any patient" to the end of the subsection, and subsection (3).
3 & 4 Eliz. 2. c. 18.	The Army Act, 1955 ...	In section sixteen, in subsection (4), the words "an order under section sixteen of the Lunacy Act, 1890, or in Scotland".
3 & 4 Eliz. 2. c. 19.	The Air Force Act, 1955.	In section sixteen, in subsection (4), the words "an order made under section sixteen of the Lunacy Act, 1890, or in Scotland".
6 & 7 Eliz. 2. c. 65.	The Children Act, 1958...	In section two, in subsection (5), the words "the Mental Deficiency Acts, 1913 to 1938, or", the words "the Board of Control or of", and the words "the Board of Control in accordance with subsection (2) of section fifty-one of the Mental Deficiency Act, 1913, or to".

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Criminal Lunatics Act, 1800	39 & 40 Geo. 3. c. 94.
Lunacy (Ireland) Act, 1821	1 & 2 Geo. 4. c. 33.
Vagrancy Act, 1824	5 Geo. 4. c. 83.
Fines and Recoveries Act, 1833	3 & 4 Will. 4. c. 74.
Court of Chancery of Lancaster Act, 1850	13 & 14 Vict. c. 43.
Lunacy (Scotland) Act, 1857	20 & 21 Vict. c. 71.
Lunacy (Scotland) Act, 1862	25 & 26 Vict. c. 54.
Improvement of Land Act, 1864	27 & 28 Vict. c. 114.
Lunacy (Scotland) Act, 1866	29 & 30 Vict. c. 51.
Promissory Oaths Act, 1868	31 & 32 Vict. c. 72.
Lunacy Regulation (Ireland) Act, 1871	34 & 35 Vict. c. 22.
Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871	34 & 35 Vict. c. 55.
Trial of Lunatics Act, 1883	46 & 47 Vict. c. 38.
Colonial Prisoners Removal Act, 1884	47 & 48 Vict. c. 31.
Naval Enlistment Act, 1884	47 & 48 Vict. c. 46.
Criminal Lunatics Act, 1884	47 & 48 Vict. c. 64.
Lunacy (Vacating of Seats) Act, 1886	49 & 50 Vict. c. 16.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Lunacy Act, 1890	53 & 54 Vict. c. 5.
Lunacy (Ireland) Act, 1901	1 Edw. 7. c. 17.
Criminal Appeal Act, 1907	7 Edw. 7. c. 23.
Forgery Act, 1913	3 & 4 Geo. 5. c. 27.
Mental Deficiency Act, 1913	3 & 4 Geo. 5. c. 28.
Mental Deficiency and Lunacy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 38.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Registration Act, 1925	15 & 16 Geo. 5. c. 21.
Administration of Estates Act, 1925	15 & 16 Geo. 5. c. 23.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Mental Treatment Act, 1930	20 & 21 Geo. 5. c. 23.
Poor Prisoners Defence Act, 1930	20 & 21 Geo. 5. c. 32.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Pharmacy and Poisons Act, 1933	23 & 24 Geo. 5. c. 25.
Administration of Justice (Miscellaneous Provisions) Act, 1933	23 & 24 Geo. 5. c. 36.
Summary Jurisdiction (Appeals) Act, 1933	23 & 24 Geo. 5. c. 38.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Criminal Lunatics (Scotland) Act, 1935	25 & 26 Geo. 5. c. 32.
Public Health Act, 1936... ..	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Limitation Act, 1939	2 & 3 Geo. 6. c. 21.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Teachers Superannuation Act, 1945	8 & 9 Geo. 6. c. 14.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Polish Re-settlement Act, 1947... ..	10 & 11 Geo. 6. c. 19.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Education (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 40.
Children Act, 1948	11 & 12 Geo. 6. c. 43.

Short Title	Session and Chapter
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Recall of Army and Air Force Pensioners Act, 1948	12, 13 & 14 Geo. 6. c. 8.
Legal Aid and Advice Act, 1949	12, 13 & 14 Geo. 6. c. 51.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
National Health Service (Amendment) Act, 1949	12, 13 & 14 Geo. 6. c. 93.
Criminal Justice (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 94.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
Arbitration Act, 1950	14 Geo. 6. c. 27.
Administration of Justice (Pensions) Act, 1950	14 & 15 Geo. 6. c. 11.
Courts-Martial (Appeals) Act, 1951	14 & 15 Geo. 6. c. 46.
Costs in Criminal Cases Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.
Prison Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.
Magistrates Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Births and Deaths Registration Act, 1953	1 & 2 Eliz. 2. c. 20.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2. c. 25.
Post Office Act, 1953	1 & 2 Eliz. 2. c. 36.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955	3 & 4 Eliz. 2. c. 20.
Sexual Offences Act, 1956	4 & 5 Eliz. 2. c. 69.
Medical Act, 1956	4 & 5 Eliz. 2. c. 76.
Nurses Act, 1957... ..	5 & 6 Eliz. 2. c. 15.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.
Solicitors Act, 1957	5 & 6 Eliz. 2. c. 27.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Matrimonial Proceedings (Children) Act, 1958	6 & 7 Eliz. 2. c. 40.
Variation of Trusts Act, 1958	6 & 7 Eliz. 2. c. 53.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.
Children Act, 1958	6 & 7 Eliz. 2. c. 65.
Adoption Act, 1958	7 Eliz. 2. c. 5.

CHAPTER 73

An Act to amend the Legitimacy Act, 1926, to legitimate the children of certain void marriages, and otherwise to amend the law relating to children born out of wedlock. [29th July, 1959]

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:—

Amend-
ment of
Legitimacy
Act, 1926.

1.—(1) Subsection (2) of section one of the Legitimacy Act, 1926 (which excludes the operation of that Act in the case of an illegitimate person whose father or mother was married to a third person at the time of the birth) is hereby repealed.

(2) In relation to an illegitimate person to whom it applies by virtue of this section, the Legitimacy Act, 1926, shall have effect as if for references to the commencement of that Act there were substituted references to the commencement of this Act.

Legitimacy
of children of
certain void
marriages.

2.—(1) Subject to the provisions of this section, the child of a void marriage, whether born before or after the commencement of this Act, shall be treated as the legitimate child of his parents if at the time of the act of intercourse resulting in the birth (or at the time of the celebration of the marriage if later) both or either of the parties reasonably believed that the marriage was valid.

(2) This section applies, and applies only, where the father of the child was domiciled in England at the time of the birth or, if he died before the birth, was so domiciled immediately before his death.

(3) This section, so far as it affects the succession to a dignity or title of honour, or the devolution of property settled therewith, applies only to children born after the commencement of this Act.

(4) This section does not affect any rights under the intestacy of a person who died before the commencement of this Act, and does not (except so far as may be necessary to avoid the severance from a dignity or title of honour of property settled therewith) affect the operation or construction of any disposition coming into operation before the commencement of this Act.

(5) In this section the following expressions have the meanings hereby assigned to them, that is to say—

“ void marriage ” means a marriage, not being voidable only, in respect of which the High Court has or had jurisdiction to grant a decree of nullity, or would have or would have had such jurisdiction if the parties were domiciled in England;

“disposition” has the same meaning as in the Legitimacy Act, 1926;

and any reference in this section to property settled with a dignity or title of honour is a reference to any real or personal property, or any interest in such property, which is limited by any disposition (whether subject to a preceding limitation or charge or not) in such a way as to devolve with the dignity or title as nearly as the law permits, whether or not the disposition contains an express reference to the dignity or title and whether or not the property or some interest in the property may in some event become severed from it.

(6) In subsection (1) of section seventeen of the Matrimonial Causes Act, 1950 (which enables an application to be made to the High Court for a decree declaring that the applicant is the legitimate child of his parents, and that the marriage of his father and mother or of his grandfather and grandmother was a valid marriage or that his own marriage was a valid marriage) for the words “and that” there shall be substituted the words “or that”.

3.—(1) Subject to the provisions of this section, the following enactments relating to the custody of infants, that is to say—

(a) section five of the Guardianship of Infants Act, 1886 (which enables the court to make, on the application of the mother of an infant, orders regarding the custody of the infant and the right of access thereto of either parent); and

(b) section sixteen of the Administration of Justice Act, 1928 (which enables the court to make orders under the said section five on the application of the father of an infant),

Custody and guardianship of illegitimate infants.

shall apply in relation to an infant who is illegitimate as they apply in relation to an infant who is legitimate, and references in those enactments, and in any other enactment so far as it relates to proceedings under the said section five, to the father or mother or parent of an infant shall be construed accordingly.

(2) No order shall be made by virtue of this section under subsection (2) of section three of the Guardianship of Infants Act, 1925 (which enables the court, upon making an order in respect of an infant under section five of the Guardianship of Infants Act, 1886, to order the payment of money towards the maintenance or education of the infant).

(3) For the purposes of sections four and five of the Guardianship of Infants Act, 1925 (which relate to the guardianship of infants after the death of their father or mother), a person being the natural father of an illegitimate infant and being entitled to his custody by virtue of an order in force under section five of the Guardianship of Infants Act, 1886, as applied by this

section, shall be treated as if he were the lawful father of the infant ; but any appointment of a guardian made by virtue of this subsection under subsection (1) of section five of the said Act of 1925 shall be of no effect unless the appointor is entitled to the custody of the infant as aforesaid immediately before his death.

Applications, &c., under s. 1 of Affiliation Proceedings Act, 1957.

4. An application under section one of the Affiliation Proceedings Act, 1957, may be made by a woman who was a single woman at the date of the birth of the child whether or not she is a single woman at the time of the application and the reference to a single woman in section two of that Act (which relates to the time within which such application may be made) shall be construed accordingly.

Procedure on applications for affiliation orders.

5.—(1) The proceedings which are domestic proceedings within the meaning of the Magistrates' Courts Act, 1952, shall include proceedings on an application for an affiliation order made under the Affiliation Proceedings Act, 1957, section forty-four of the National Assistance Act, 1948, or section twenty-six of the Children Act, 1948 (other than proceedings for the enforcement, revocation, revival or variation of an affiliation order), and section fifty-six of the said Act of 1952 (which defines " domestic proceedings ") shall have effect accordingly.

(2) In subsection (1) of section sixty of the Magistrates' Courts Act, 1952, the words " or of proceedings for an affiliation order " are hereby repealed.

Extent, short title, commencement, and saving.

6.—(1) This Act shall not apply to Scotland or Northern Ireland.

(2) This Act may be cited as the Legitimacy Act, 1959.

(3) This Act shall come into force on the expiration of three months beginning with the day on which it is passed.

(4) It is hereby declared that nothing in this Act affects the Succession to the Throne.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Guardianship of Infants Act, 1886	49 & 50 Vict. c. 27.
Guardianship of Infants Act, 1925	15 & 16 Geo. 5. c. 45.
Legitimacy Act, 1926	16 & 17 Geo. 5. c. 60.
Administration of Justice Act, 1928	18 & 19 Geo. 5. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Affiliation Proceedings Act, 1957	5 & 6 Eliz. 2. c. 55.

CHAPTER 1

An Act to settle and secure annuities upon the Right Honourable William Shepherd Morrison, and after his death upon his wife, Catherine Allison Morrison, in consideration of his eminent services.

[17th December, 1959]

Most Gracious Sovereign,

WHEREAS the Commons of the United Kingdom of Great Britain and Northern Ireland did, by an humble Address to Your Majesty, pray Your Majesty that You would be graciously pleased to confer some signal mark of Your Royal Favour upon the Right Honourable William Shepherd Morrison, lately Speaker of the House of Commons, for his eminent services during the important period in which he had with such distinguished ability and dignity presided in the Chair of the House, and did assure Your Majesty that whatever expense Your Majesty should think fit to be incurred upon that account the said House would make good the same:

And whereas Your Majesty, in answer to the said Address, was graciously pleased to declare that Your Majesty was desirous, in compliance with the wishes of your faithful Commons, to confer upon the said Right Honourable William Shepherd Morrison some signal mark of Your Royal Favour, but as the same could not be effectually granted and secured without the concurrence of Parliament, Your Majesty recommended to the House of Commons the adoption of such measures as might be necessary for the accomplishment of that purpose:

Now we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Northern Ireland, in Parliament assembled, have resolved that the annual sum of four thousand pounds be granted to Your Majesty out of the Consolidated Fund of the United Kingdom, the said annuity to be settled in the most beneficial manner upon the Right Honourable William Shepherd Morrison, lately Speaker of the House of Commons, to commence and take effect upon the twentieth day of October, nineteen hundred and fifty-nine, and to continue during his life, and that if Catherine Allison Morrison, his wife, survives him, the annual sum of one thousand three hundred and thirty-three pounds be granted as aforesaid, the said annuity to be settled upon her in the most beneficial manner, to commence and take effect on the day after his death and to continue during her life, and do 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:—

Annuities to be paid to the Right Honourable William Shepherd Morrison and after his death to his widow.

1.—(1) One annuity of four thousand pounds shall be charged upon and payable quarterly out of the Consolidated Fund of the United Kingdom to the Right Honourable William Shepherd Morrison, during his life, beginning on the twentieth day of October, nineteen hundred and fifty-nine:

Provided that one half of the annuity shall abate and be suspended during any period that the said Right Honourable William Shepherd Morrison hereafter holds any place, office or employment under Her Majesty of equal or greater amount in salary, profits or emolument than the amount of the annuity.

(2) If Catherine Allison Morrison, the wife of the said Right Honourable William Shepherd Morrison, survives him, one annuity of one thousand three hundred and thirty-three pounds shall be charged upon and payable quarterly out of the Consolidated Fund of the United Kingdom to her, during her life, beginning on the day after his death.

Short title.

2. This Act may be cited as Mr. Speaker Morrison's Retirement Act, 1959.

CHAPTER 2

An Act to provide further money for expenses of the Post Office properly chargeable to capital account; and for purposes connected therewith.

[17th December, 1959]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising supplies to meet expenses of the Post Office properly chargeable to capital account, 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:—

1.—(1) Without prejudice to the exercise of any powers previously given for the like purpose, the Treasury may from time to time issue out of the Consolidated Fund, for application

Provision of money for capital expenses of Post Office.

as appropriations in aid of moneys provided by Parliament for the service of the Post Office, such sums (not exceeding in the whole the sum of one hundred and twenty million pounds) as the Treasury may determine to be appropriate on account of expenses properly chargeable to capital account.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums to be issued out of the Consolidated Fund under this section, or for repaying to that Fund all or any part of the sums so issued, borrow—

(a) by means of terminable annuities for a term not exceeding twenty years; or

(b) in any other manner in which they are authorised to raise money under the National Loans Act, 1939,

2 & 3 Geo. 6.
c. 117.

and all sums so borrowed shall be the paid into Exchequer.

(3) Any annuities created and issued under paragraph (a) of subsection (2) of this section shall be paid out of moneys provided by Parliament for the service of the Post Office, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund; and any other securities created and issued to raise money under that subsection shall be deemed for all purposes to be created and issued under the National Loans Act, 1939.

(4) So much of the sums issued under subsection (1) of this section as exceeds the amount borrowed in the manner mentioned in paragraph (a) of subsection (2) of this section shall be repaid to the Exchequer out of moneys provided by Parliament for the service of the Post Office at such times and by such methods as the Treasury may direct, and interest thereon at such rates and at such times as the Treasury may direct shall be paid into the Exchequer out of such moneys.

(5) Sums paid into the Exchequer under subsection (4) of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied by the Treasury as follows, that is to say,—

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

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

2. This Act may be cited as the Post Office and Telegraph (Money) Act, 1959.

Short title.



CHAPTER 3

An Act to increase the number of Marshall scholarships which may be provided in each year.

[17th December, 1959]

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

Increase in maximum number of Marshall scholarships.
1 & 2 Eliz. 2.
c. 39.

1.—(1) Section one of the Marshall Aid Commemoration Act, 1953, shall have effect with the substitution for the reference to twelve scholarships of a reference to twenty-four or such greater number as Her Majesty may by Order in Council from time to time determine.

(2) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title and construction.

2. This Act may be cited as the Marshall Scholarships Act, 1959, and this Act and the Marshall Aid Commemoration Act, 1953, may be cited together as the Marshall Aid Commemoration Acts, 1953 and 1959.

CHAPTER 4

An Act to continue certain expiring laws.

[17th December, 1959]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

(a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and fifty-nine; and

(b) as respects those mentioned in Part II of the said Schedule, on the thirty-first day of March, nineteen hundred and sixty:

and whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

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

1.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Part, be continued until the thirty-first day of December, nineteen hundred and sixty. Continuance of Acts in Schedule.

(2) The Acts mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Part, be continued until the thirty-first day of March, nineteen hundred and sixty-one.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1959. Short title and application to Northern Ireland.

(2) Except in so far as it continues section one of the Aliens Restriction (Amendment) Act, 1919, this Act shall not extend to Northern Ireland. 9 & 10 Geo. 5. c. 92.

SCHEDULE

PART I

Section 1.

1	2	3	4
Session and Chapter	Short Title	How far continued	Amending Acts
(1) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one	—
(2) 1 & 2 Geo. 6. c. 12.	The Population (Statistics) Act, 1938.	The whole Act	1 & 2 Geo. 6. c. 55. 1 & 2 Eliz. 2. c. 37.
(3) 10 & 11 Geo. 6. c. 36.	The Education (Exemptions) (Scotland) Act, 1947.	The whole Act	—
(4) 12, 13 & 14 Geo. 6. c. 25.	The Tenancy of Shops (Scotland) Act, 1949.	The whole Act	—
(5) 1 & 2 Eliz. 2. c. 23.	The Accommodation Agencies Act, 1953.	The whole Act	—

PART II

1	2	3	4
Session and Chapter	Short Title	How far continued	Amending Acts
(6) 6 & 7 Geo. 6. c. 44.	The Rent of Furnished Houses Control (Scotland) Act, 1943.	The whole Act	10 & 11 Geo. 6. c. 43. 12, 13 & 14 Geo. 6. c. 40. 15 & 16 Geo. 6. & 1 Eliz. 2. c. 40. 2 & 3 Eliz. 2. c. 50. 5 & 6 Eliz. 2. c. 25.
(7) 9 & 10 Geo. 6. c. 34.	The Furnished Houses (Rent Control) Act, 1946.	The whole Act	12, 13 & 14 Geo. 6. c. 40. 15 & 16 Geo. 6. & 1 Eliz. 2. c. 40. 2 & 3 Eliz. 2. c. 53. 5 & 6 Eliz. 2. c. 25.
(8) 1 & 2 Eliz. 2. c. 46.	The Licensing Act, 1953 ...	Part II ...	—

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## CHAPTER 5

An Act to increase the maximum number of members of the United Kingdom Atomic Energy Authority, and to enable the Authority to include in their pension schemes staff of the National Institute for Research in Nuclear Science. [17th December, 1959]

**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:—

Increase of maximum number of members of Authority.  
2 & 3 Eliz. 2.  
c. 32.

1. In subsection (2) of section one of the Atomic Energy Authority Act, 1954 (which provides that the United Kingdom Atomic Energy Authority shall consist of a chairman and not less than seven nor more than ten other members) for the word "ten" there shall be substituted the word "fifteen".

2. Any scheme maintained by the United Kingdom Atomic Energy Authority under sub-paragraph (2) of paragraph 7 of the First Schedule to the Atomic Energy Authority Act, 1954 (which enables the Authority to pay pensions, or to provide and maintain pension schemes, for their officers and other persons employed by them) may apply to officers and other persons employed by the National Institute for Research in Nuclear Science as well as to officers and other persons employed by the Authority. Provision of pensions for staff of the National Institute for Research in Nuclear Science.

3. There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under section four of the Atomic Energy Authority Act, 1954. Expenses.

4. This Act may be cited as the Atomic Energy Authority Act, 1959, and the Atomic Energy and Radioactive Substances Acts, 1946 to 1954, and this Act may be cited together as the Atomic Energy and Radioactive Substances Acts, 1946 to 1959. Short title and citation.

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## CHAPTER 6

An Act to make provision for matters arising out of the recommendations of the Commonwealth Education Conference.  
[17th December, 1959]

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

1.—(1) There shall be a Commission, to be known as the Commonwealth Scholarship Commission in the United Kingdom (hereinafter referred to as "the Commission"), which shall be charged with the duty of— The Commonwealth Scholarship Commission.

- (a) selecting the recipients of awards arising out of the Commonwealth Scholarship and Fellowship Plan to persons coming to the United Kingdom,
- (b) making arrangements for the placing of the recipients at universities, university colleges, colleges of technology or other appropriate establishments in the United Kingdom, and for the supervision of their work during the currency of their awards,
- (c) selecting persons to be put forward as candidates from the United Kingdom for awards arising out of the said Plan and to be granted in countries outside the United Kingdom, and

- (d) discharging any other functions arising out of the said Plan which the Secretary of State may assign to the Commission.

In this subsection "the Commonwealth Scholarship and Fellowship Plan" means the Plan so named which was put forward by the Commonwealth Education Conference held at Oxford in July, nineteen hundred and fifty-nine.

11 & 12 Geo.  
6. c. 56.

(2) The persons to be selected in pursuance of paragraph (a) of the foregoing subsection shall be Commonwealth citizens or British protected persons (within the meaning of the British Nationality Act, 1948) except where the Commission for special reasons, approved by the Secretary of State, otherwise determine.

(3) The Commission shall consist of a chairman and not less than nine nor more than fourteen other members appointed by the Secretary of State, and not less than four of the members shall be persons appointed as the holders of high academic office.

(4) A member of the Commission shall hold and vacate office in accordance with the terms of his appointment, and shall be eligible for reappointment, but may at any time resign his office by notice in writing to the Secretary of State.

(5) The quorum at any meeting of the Commission shall be six, but subject as aforesaid the Commission shall have power to act notwithstanding any vacancy in their number or any defect in the appointment of a member.

(6) The Commission may appoint committees to assist them in the discharge of their functions, and may delegate the discharge of any of their functions to a committee so appointed, with or without restrictions or conditions.

Any such committee may include persons who are not members of the Commission.

(7) In the discharge of their functions the Commission shall comply with any directions given to them by the Secretary of State:

Provided that no direction shall be given for the selection or rejection of any particular person for an award or as a candidate for an award.

(8) The expenses of the Commission (including the payment of travelling and other allowances to members of the Commission or of any committee thereof and to persons chosen by the Commission to act as advisers, being allowances of such amounts and payable in such circumstances as the Secretary of State may with the approval of the Treasury determine) shall be defrayed by the Secretary of State.

(9) As soon as may be after the thirtieth day of September in each year the Commission shall make to the Secretary of State a report on the discharge of their functions for the period of twelve months ending with that day, and the Secretary of State shall lay a copy of every such report before Parliament.

2. The expenses of the Secretary of State—

Expenses  
under  
Scholarship  
Plan.

(a) in making such awards as are mentioned in paragraph (a) of subsection (1) of the foregoing section up to the number of five hundred tenable at any one time,

(b) in supplementing any such awards as are mentioned in paragraph (c) of the said subsection (1), and

(c) in defraying the expenses of the Commission (including the allowances mentioned in subsection (8) of the foregoing section),

shall be defrayed out of moneys provided by Parliament.

3. This Act may be cited as the Commonwealth Scholarships Act, 1959.

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## CHAPTER 7

### *Sea Fish Industry Act, 1959*

#### ARRANGEMENT OF SECTIONS

Section

1. Increase of aggregate amount of white fish and herring subsidies.
  2. Increase of aggregate amount of grants by White Fish Authority towards new vessels and engines.
  3. Amendment of s. 5 (2) of White Fish and Herring Industries Act, 1957.
  4. Measures for increase or improvement of marine resources.
  5. Regulation of nets and other fishing gear.
  6. Size limits.
  7. Power to restrict fishing for sea-fish.
  8. Extension of power to license fishing-boats.
  9. Amendments as to certain penalties.
  10. Consequential amendment of s. 22 of Sea Fish Industry Act, 1951.
  11. Application of certain provisions to Isle of Man and Channel Islands and fishing-boats registered therein.
  12. Orders.
  13. Interpretation.
  14. Provisions as to Northern Ireland.
  15. Short title.
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An Act to increase the aggregate amounts of grants made in pursuance of schemes under sections one and five of the White Fish and Herring Industries Act, 1953, and section three of the White Fish and Herring Industries Act, 1957, and otherwise to amend the provisions as to schemes under those Acts; to authorise measures for the increase or improvement of marine resources; to make further provision for regulating the catching of sea-fish and for licensing fishing-boats; and for purposes connected with those matters.

[17th December, 1959]

**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:—

Increase of aggregate amount of white fish and herring subsidies.

1. In section four of the White Fish and Herring Industries Act, 1957 (which limits the aggregate amount of the grants made in pursuance of schemes under section five of the White Fish and Herring Industries Act, 1953, and under section three of the said Act of 1957 to seventeen million pounds or such greater sum, not exceeding nineteen million pounds, as may be prescribed by an order made by the Ministers with the approval of the Treasury) there shall be substituted, for the words "seventeen million pounds" the words "twenty-two million pounds", and for the words "nineteen million pounds" the words "twenty-four million pounds".

Increase of aggregate amount of grants by White Fish Authority towards new vessels and engines.

2.—(1) The aggregate amount of the grants which may be made in pursuance of a scheme or schemes under section one of the White Fish and Herring Industries Act, 1953 (which enables the White Fish Authority to make grants towards new vessels and engines) shall not exceed twelve million pounds or such greater sum, not exceeding fourteen million pounds, as may be prescribed by an order made by the Ministers with the approval of the Treasury.

(2) Subsection (2) of the said section one (which limits the said aggregate amount to nine million pounds) is hereby repealed.

Amendment of s. 5 (2) of White Fish and Herring Industries Act, 1957.

3. In subsection (2) of section five of the White Fish and Herring Industries Act, 1957 (which provides that a scheme under that Act or under the White Fish and Herring Industries Act, 1953, shall not be so varied or revoked as to affect the payment of grant in pursuance of an application approved before the variation or revocation) for the word "affect" there shall be substituted the words "reduce or prevent".



4.—(1) The Ministers may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the Government of any other country. Measures for increase or improvement of marine resources.

(2) Any expenses incurred by the Ministers under this section shall be defrayed out of moneys provided by Parliament.

5.—(1) In subsection (1) of section three of the Sea-Fishing Industry Act, 1933 (which provides for the regulation of the construction and size of mesh of fishing nets) for the words from "fishing nets" to "at least such size" there shall be substituted the words "nets and other fishing gear carried in any British fishing-boat registered in the United Kingdom comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh". Regulation of nets and other fishing gear.

(2) In subsection (2) of that section (which enables orders under that section prescribing minimum sizes of mesh to make also certain incidental provisions and, in paragraph (c), provides for exempting nets from any restrictions imposed by such an order so long as any conditions imposed by or under the order are complied with) the words "for securing that the nets will be used only for taking sea-fish of the descriptions specified in the order" shall be omitted.

(3) Without prejudice to the said subsection (2), an order under the said section three may, in relation to any fishing gear,—

- (a) restrict the manner in which it may be used;
- (b) prescribe the manner in which its size is to be measured;
- (c) make provision for securing that the restrictions imposed by the order are not evaded;
- (d) make the like provision for exemption as is mentioned in relation to nets in paragraph (c) of that subsection (as amended by subsection (2) of this section).

(4) Subsections (4) and (6) of that section and subsection (2) of section one of the White Fish and Herring Industries Act, 1948 (which provide for the seizure and forfeiture of nets in respect of which an order under that section is contravened) shall apply to any other fishing gear as they apply to nets.

(5) An order under the said section three may be so made as to extend to nets or other fishing gear carried within the limits of the territorial waters adjacent to the United Kingdom,—

- (a) by fishing boats registered neither in the United Kingdom nor elsewhere, and
- (b) if provision to that effect is made by any convention or agreement for the time being in force between Her

Majesty's Government in the United Kingdom and the Government of any other country, by fishing boats registered in that other country.

(6) References in any enactment to the said section three shall be construed as including references to this section.

**Size limits.**

6.—(1) An order under subsection (1) of section four of the Sea-Fishing Industry Act, 1933 (which section prohibits the landing and disposal of sea-fish of less than the prescribed size and requires such fish, if taken on board, to be returned to the sea) may provide for exempting any fishing-boat or class of fishing-boat from the obligation to return fish of any description specified in the order, if and so long as such conditions as may be imposed by or under the order are complied with; and if and so long as such further conditions (if any) as may be so imposed are complied with, any fish retained on board under such an exemption shall be excepted from the prohibitions of the said subsection (1).

(2) The reference to the said section four in section four B of the said Act of 1933 (which provides for the extension of the said section four to the Channel Islands and the Isle of Man) shall be construed as including a reference to this section.

**Power to restrict fishing for sea-fish.**

7.—(1) Where it appears to the Ministers necessary or expedient to do so for the purpose of giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the Government of any other country they may by order prohibit, for any period and in any area specified in the order,—

- (a) all fishing for sea-fish; or
- (b) the fishing for any description of sea-fish specified in the order; or
- (c) the fishing for sea-fish by any method specified in the order;

by any fishing-boat to which the prohibition applies.

(2) Where, in the course of any fishing operations conducted during a period and in an area specified in an order under paragraph (b) of subsection (1) of this section, any sea-fish of a description specified in the order are taken on board a fishing-boat to which the obligation imposed by this subsection applies, they shall be returned to the sea forthwith.

(3) Any prohibition imposed by an order under this section and the obligation imposed by subsection (2) of this section shall apply to all British fishing-boats registered in the United Kingdom and, within the limits of the territorial waters adjacent to the United Kingdom, also to all other fishing-boats; but neither such a prohibition nor that obligation shall apply in relation to

fishing operations conducted under the authority of one of the Ministers for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(4) Where any fishing-boat is used in contravention of any prohibition imposed by an order under this section, or subsection (2) of this section is not complied with in the case of any fishing-boat, the master, the owner and the charterer (if any) shall each be liable on summary conviction to a fine not exceeding one hundred pounds or, on a second or subsequent conviction,—

- (a) in the case of a contravention of such a prohibition, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds or both;
- (b) in the case of a failure to comply with subsection (2), to a fine not exceeding two hundred pounds;

and the court by which the offender is convicted may order the forfeiture of any net or other fishing gear used in committing the offence and of any fish in respect of which it was committed.

(5) Section six hundred and eighty-four of the Merchant Shipping Act, 1894 (which relates to the jurisdiction of courts) shall apply for the purposes of this section as it applies for the purposes of that Act.

(6) Any person who, by virtue of section eleven of the Sea Fisheries Act, 1883, or of section twenty-five of the Sea Fish Industry Act, 1951, is a British sea-fishery officer may seize any net or other fishing gear used in contravention of a prohibition imposed by an order under subsection (1) of this section and may exercise, with respect to any fishing-boat within the limits of the territorial waters adjacent to the United Kingdom, and with respect to any British fishing-boat registered in the United Kingdom, wherever it may be, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section twelve of the Sea Fisheries Act, 1883, as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of orders under subsection (1) or of subsection (2) of this section; and for the purposes of an order under this subsection—

- (a) section twelve of the Sea Fisheries Act, 1883, shall apply as if any reference in paragraph (7) of that section to that Act or to an Order in Council thereunder included a reference to this section or to an order under subsection (1) thereof; and
- (b) section fourteen of that Act (which provides for the protection of sea-fishery officers and for the punishment of persons obstructing them) shall apply as if any references in that section to that Act included a reference to this section.

Extension of power to license fishing-boats.

8.—(1) Section two of the White Fish and Herring Industries Act, 1948 (which provides for the licensing of fishing-boats used by way of trade or business for fishing for white fish in the North Sea) shall be amended as follows:—

- (a) in subsection (1) for the words “for white fish in the North Sea” there shall be substituted the words “in any area specified in the order” and at the end of the subsection there shall be added the words “and any such licence may authorise either fishing generally or fishing for, or except for, any description of fish specified in the licence, and may do so either unconditionally or subject to such conditions as appear to the Minister expedient for the purpose of preventing overfishing”;
- (b) in subsection (2) for the words “engaged in fishing for white fish in the North Sea” there shall be substituted the words “engaged in fishing in any area or in fishing in any area for any description of fish”;
- (c) in subsection (5) for the words “adjacent to Great Britain” there shall be substituted the words “adjacent to the United Kingdom”, the words “in the North Sea” shall be omitted, and for the words “in any part of the North Sea” there shall be substituted the words “wherever it may be”;
- (d) in subsection (6) after the word “made” and after the word “exercising” there shall be inserted the words “in relation to any area” and for the words “the North Sea”, in both places where they occur, there shall be substituted the words “that area”; and
- (e) subsection (7) (which defines the limits of the North Sea), and in subsection (8) the definition of “white fish” shall be omitted.

(2) Any order under the said section two—

- (a) may be varied or revoked by a subsequent order under that section;
- (b) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Amendments as to certain penalties.

9.—(1) As respects offences committed after the commencement of this Act the following amendments shall be made in the enactments mentioned in this section (which impose penalties for certain offences against the enactments relating to the regulation of sea-fishing), that is to say:—

- (a) the words “to a fine not exceeding one hundred pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds” shall be substituted for the words from “to imprisonment” to

“ fifty pounds ” in subsection (5) of section two and subsection (4) of section three of the Sea-Fishing Industry Act, 1933, and for the words from “ to imprisonment ” (in the first place where they occur) to “ two hundred pounds ” in subsection (3) of section two of the White Fish and Herring Industries Act, 1948; and

- (b) the words “ one hundred pounds or, in the case of a second or subsequent conviction, to a fine not exceeding two hundred pounds ” shall be substituted for the words “ fifty pounds ” in subsection (3) and in subsection (5) of section four of the said Act of 1933; and
- (c) the words “ or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds or both; and the court by which the offender is convicted may order the forfeiture of any net or other fishing gear used in committing the offence ” shall be substituted, in section four of the Sea Fisheries (Scotland) Amendment Act, 1885, for the words from “ and failing ” to the end of the section; and
- (d) the words “ one hundred pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds or both ” shall be substituted for all the words following “ not exceeding ” in subsection (3) of section seven of the Sea Fisheries Act, 1883, and the amendment made by this paragraph shall extend to the Channel Islands and the Isle of Man.

(2) Subsection (4) of section fifty-four of the Sea Fish Industry Act, 1938 (which increased the penalty imposed by the enactment mentioned in paragraph (d) of subsection (1) of this section) and, in subsection (5) of the said section fifty-four, the words “ of the last proceeding subsection and ” are hereby repealed.

10. In subsection (1) of section twenty-two of the Sea Fish Industry Act, 1951 (which provides that the restriction imposed by subsection (3) of section one of the Sea-Fishing Industry Act, 1933, on the powers of the Board of Trade to regulate the landing of foreign caught sea-fish shall cease on the day appointed under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, for the commencement of the licensing powers conferred by that subsection) for the words from “ the day appointed ” to the end of the subsection there shall be substituted the words “ the day on which the first restriction imposed by an order under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, comes into force ”; and in subsection (2) of that section the words “ appointed as ” shall be omitted.

Application of certain provisions to Isle of Man and Channel Islands and fishing-boats registered therein.

**11.** Her Majesty may by Order in Council direct—

- (a) that, subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order, the provisions of section seven of this Act, section four A of the Sea-Fishing Industry Act, 1933, and section two of the White Fish and Herring Industries Act, 1948, shall apply in relation to British fishing-boats registered in the Isle of Man or any of the Channel Islands as they apply in relation to British fishing-boats registered in the United Kingdom;
- (b) that, subject as aforesaid, those provisions shall extend to the Isle of Man or any of the Channel Islands.

Orders.

**12.—(1)** Any power conferred by this Act to make an order includes power to vary or revoke such an order by a subsequent order.

(2) Any order made under section two or subsection (1) of section seven of this Act shall be made by statutory instrument.

(3) An order under section two of this Act shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

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

Interpretation.

**13.—(1)** In this Act,—

- “ fishing-boat ” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea-fishing;
- “ master ” includes the person for the time being in command or charge of a vessel;
- “ sea-fish ” means fish of any kind found in the sea and includes shell-fish;
- “ shell-fish ” includes crustaceans and molluscs of any kind;
- “ the Ministers ” means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea-fishing industry in Scotland and, except in sections one and two, the Secretary of State concerned with the sea-fishing industry in Northern Ireland.

(2) Any reference in this Act to any other enactment is a reference thereto as amended by any subsequent enactment, including, except where the context otherwise requires, this Act.

Provisions as to Northern Ireland.

**14.—(1)** This Act, except section two, extends to Northern Ireland.

(2) So much of this Act and of the Sea-Fishing Industry Act, 1933, as relates to matters in respect of which the Parliament of Northern Ireland has power to make laws shall be deemed for the purposes of section six of the Government of Ireland Act, 1920, to be contained in an Act passed before the day appointed for the purposes of that section.

15. This Act may be cited as the Sea Fish Industry Act, 1959. Short title.

*Table of Statutes referred to in this Act*

| Short Title                                         | Session and Chapter    |
|-----------------------------------------------------|------------------------|
| Sea Fisheries Act, 1883 ... ..                      | 46 & 47 Vict. c. 22.   |
| Sea Fisheries (Scotland) Amendment Act, 1885 ... .. | 48 & 49 Vict. c. 70.   |
| Merchant Shipping Act, 1894 ... ..                  | 57 & 58 Vict. c. 60.   |
| Government of Ireland Act, 1920 ... ..              | 10 & 11 Geo. 5. c. 67. |
| Sea-Fishing Industry Act, 1933 ... ..               | 23 & 24 Geo. 5. c. 45. |
| Sea Fish Industry Act, 1938 ... ..                  | 1 & 2 Geo. 6. c. 30.   |
| White Fish and Herring Industries Act, 1948 ... ..  | 11 & 12 Geo. 6. c. 51. |
| Sea Fish Industry Act, 1951 ... ..                  | 14 & 15 Geo. 6. c. 30. |
| White Fish and Herring Industries Act, 1953 ... ..  | 1 & 2 Eliz. 2. c. 17.  |
| White Fish and Herring Industries Act, 1957 ... ..  | 5 & 6 Eliz. 2. c. 22.  |

## CHAPTER 8

An Act to increase the allowance payable to Her Majesty's High Commissioner to the General Assembly of the Church of Scotland. [17th December, 1959]

**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. Section one of the Lord High Commissioner (Church of Increase of Scotland) Act, 1948 (which provides that the allowance payable allowance to Her Majesty's High Commissioner to the General Assembly of Lord High the Church of Scotland shall be of such amount not exceeding in to Church of any year four thousand pounds as the Secretary of State may, Scotland, with the concurrence of the Treasury, from time to time determine) 11 & 12 Geo. shall have effect in relation to the year nineteen hundred and sixty 6. c. 30. and any ensuing year with the substitution for the words " four thousand pounds " of the words " seven thousand five hundred pounds ".

Citation.

2. This Act may be cited as the Lord High Commissioner (Church of Scotland) Act, 1959; and the Lord High Commissioner (Church of Scotland) Act, 1948, and this Act may be cited together as the Lord High Commissioner (Church of Scotland) Acts, 1948 and 1959.

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## CHAPTER 9

### *Judicial Pensions Act, 1959*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Rate of pension of holders of certain high judicial offices.
2. Retiring age.
3. Option for existing judges.
4. Special provisions as to former holders of other judicial offices.
5. Rate of Lord Chancellor's pension.
6. Provision against double pensions.
7. Pensions granted before commencement of this Act.
8. Last annual salary for purposes of lump sum and pension.
9. Consequential amendments, etc.
10. Interpretation.
11. Financial provision.
12. Short title.

##### SCHEDULES:

First Schedule—Judicial offices to which s. 1 applies.

Second Schedule—Consequential amendments.

Third Schedule—Enactments repealed.

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An Act to amend the law with respect to the pensions and other benefits attaching to certain high judicial offices, to regulate the age of retirement from such offices, and to increase certain pensions and other benefits granted to or in respect of persons who have held such offices.

[17th December, 1959]

**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:—

Rate of pension of holders of certain high judicial offices.

1.—(1) The amount of the pension which may be granted under the relevant pension enactment to a person retiring from any judicial office listed in the First Schedule to this Act when qualified for such a pension shall be the amount prescribed by this section.



(2) Where the period of the relevant service of any such person is fifteen years or more, the annual amount of the pension shall be one half of his last annual salary.

(3) Where the period of the relevant service of any such person is less than fifteen years, the annual amount of the pension shall be as follows, that is to say—

(a) if that period does not exceed five years, one quarter of his last annual salary ;

(b) if that period exceeds five years, one quarter of that salary plus one fortieth of that salary for each completed year of relevant service exceeding five.

2.—(1) A person who holds an office listed in the First Schedule to this Act shall vacate that office on the day on which he attains the age of seventy-five years. Retiring age.

(2) A pension under the relevant pension enactment may be granted to a person who retires from any such office, notwithstanding that he is not otherwise qualified, if at the time of his retirement he has attained the age of seventy years.

3.—(1) The foregoing provisions of this Act shall not apply to any person who holds an office listed in the First Schedule to this Act at the commencement of this Act, unless he elects that those provisions shall apply to him ; and in default of such an election the annual amount of the pension which may be granted under the relevant pension enactment to any such person who retires when qualified for such a pension shall be one half of his last annual salary. Option for existing judges.

(2) Where such an election is made by a person who has attained the age of seventy-five years, subsection (1) of section two of this Act shall apply to him as if he had not attained that age until the end of the calendar year in which the election is made.

(3) An election under this section shall be made within the period of three months beginning with the commencement of this Act and shall be made in writing addressed to the Treasury.

4.—(1) The following provisions of this section shall apply to any holder of a judicial office listed in the First Schedule to this Act who, immediately before his appointment to an office so listed, was the holder of any other of the judicial offices described in Part I of the First Schedule to the House of Commons Disqualification Act, 1957, being an office in respect of which pensions are payable in pursuance of any public general Act or under any other enactment, scheme or arrangements approved for the purposes of this section by the Lord Chancellor. Special provisions as to former holders of other judicial offices. 5 & 6 Eliz. 2. c. 20.

(2) Where a person to whom this section applies retires from his office having qualified otherwise than by virtue of subsection

(2) of section two of this Act for a pension under the relevant pension enactment, then, if he so elects—

(a) the amount of the pension which may be paid to him under the relevant pension enactment shall be an amount equal to the pension for which he would have been eligible if he had continued to serve in his former office until his retirement at the salary then payable to a holder of that office ; and

(b) any lump sum payable in his case under Part I of the Administration of Justice (Pensions) Act, 1950, shall be calculated as if his last annual salary were the salary payable at the date of his retirement to a holder of his former office.

(3) Where a person to whom this section applies dies while holding his office, and his legal personal representatives so elect, any derivative benefit payable in respect of him under the said Act of 1950 shall be calculated as if the pension for which he would have been eligible if he had retired at the time of his death were a pension of the amount described in paragraph (a) of subsection (2) of this section, and as if his last annual salary were the salary payable at the time of his death to a holder of his former office.

(4) An election under this section shall be made within the period of three months beginning with the retirement or death of the person by or in respect of whom it is made, and shall be made in writing addressed to the Treasury.

5. The annual amount of any pension granted under the Lord Chancellor's Pension Act, 1832, for service as Lord Chancellor shall, in the case of a person who resigns that office after the commencement of this Act, be five thousand pounds, and any Letters Patent issued under that Act before the commencement of this Act shall have effect accordingly.

Rate of Lord Chancellor's pension.  
2 & 3 Will. 4.  
c. 111.

6.—(1) Not more than one pension shall be paid to the same person under the relevant pension enactments, or under those enactments and the Lord Chancellor's Pension Act, 1832.

Provision against double pensions.

(2) This section applies to any derivative benefit within the meaning of the Administration of Justice (Pensions) Act, 1950, which depends upon eligibility for any such pension as aforesaid as it applies to the pension.

7.—(1) The annual amount of any pension payable under the relevant pension enactment to a person who retired before the ninth day of July, nineteen hundred and fifty-nine (being the date of the passing of the Pensions (Increase) Act, 1959) shall be increased by twelve per cent.

Pensions granted before commencement of this Act.  
7 & 8 Eliz. 2.  
c. 50.

(2) In ascertaining the rate of a widow's or children's pension payable under Part I of the Administration of Justice (Pensions) Act, 1950, by reference to a pension which is increased under subsection (1) of this section, no account shall be taken of the increase.

(3) The annual amount of any pension payable under the relevant pension enactment, the amount of any lump sum payable under the said Part I and the annual amount of any widow's or children's pension payable under the said Part I to or in respect of a person who, at any time after the tenth day of November, nineteen hundred and fifty-nine and before the commencement of this Act, retired from an office listed in the First Schedule to this Act, or died while holding such an office, shall be the amount which would have been payable if this Act had been in force at the time of his retirement or death; and if before the commencement of this Act there was made to any such person or his legal personal representatives any payment by way of lump sum of an amount less than that payable under this subsection, there may be paid to him or them an amount equal to the deficiency.

8.—(1) The proviso to subsection (1) of section one of the Judges' Remuneration Act, 1954 (which provided that the increase in salary effected by that subsection should not affect the amount of any pension or other benefit payable under certain of the relevant pension enactments or under the Administration of Justice (Pensions) Act, 1950) shall cease to have effect.

Last annual salary for purposes of lump sum and pension. 2 & 3 Eliz. 2. c. 27.

(2) In relation to any person in whose case an election is in force under subsection (1) of section eleven of the said Act of 1950 (which subsection enabled persons serving at the commencement of that Act to opt out of the provisions of that Act for the grant of lump sums and widow's and children's pensions) this Act shall have effect as if for any reference to his last annual salary there were substituted a reference to the amount of that salary increased by one third.

9.—(1) The enactments described in the first column of the Second Schedule to this Act shall have effect subject to the amendments set out in the second column of that Schedule, being amendments consequential on the foregoing provisions of this Act:

Consequential amendments, etc.

Provided that the amendments relating to the qualification for pension of persons retiring after the age of seventy years shall apply only to persons to whom sections one and two of this Act apply.

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

(3) In relation to the person who holds the office of Chairman of the Scottish Land Court at the commencement of this Act, subsection (1) of section three of this Act shall have effect as if for the words "one half" there were substituted the words "nine sixteenths".

(4) This Act (except section seven) does not affect any pension or other benefit payable to or in respect of a person who retired or died before the commencement of this Act.

**Interpretation.** 10. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"public general Act" includes a public general Act of the Parliament of Northern Ireland;

"relevant pension enactment", in relation to any office listed in the First Schedule to this Act, means the enactment set out in relation to that office in the second column of that Schedule, as amended by any subsequent enactment;

"relevant service", in relation to any person, means service which qualifies for a pension under the relevant pension enactment.

**Financial provision.** 11. There shall be charged on and paid out of the Consolidated Fund of the United Kingdom any increase attributable to the provisions of this Act in the sums payable out of that Fund under any other enactment.

**Short title.** 12. This Act may be cited as the Judicial Pensions Act, 1959.

## SCHEDULES

## FIRST SCHEDULE

## JUDICIAL OFFICES TO WHICH S. 1 APPLIES

Sections 1, 2,  
3, 4.

| Description of office                                                                                                                                                 | Relevant pension enactment                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Lord of Appeal in Ordinary ...                                                                                                                                        | The Appellate Jurisdiction Act, 1876.                                        |
| Lord Chief Justice, Master of the Rolls, President of the Probate, Divorce and Admiralty Division, Lord Justice of Appeal, Puisne Judge of the High Court of Justice. | The Supreme Court of Judicature (Consolidation) Act, 1925, section fourteen. |
| Lord Justice General, Lord Justice Clerk, Senator of the College of Justice in Scotland.                                                                              | The Judges' Pensions (Scotland) Act, 1808.                                   |
| Lord Chief Justice of Northern Ireland, Lord Justice of Appeal in Northern Ireland, Judge of the High Court of Justice in Northern Ireland.                           | The Supreme Court of Judicature (Ireland) Act, 1877, section nineteen.       |

## SECOND SCHEDULE

Section 9.

## CONSEQUENTIAL AMENDMENTS

| Enactment                                                        | Amendment                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Judges' Pensions (Scotland) Act, 1808.<br>48 Geo. 3. c. 145. | In section one, the words from "not exceeding" to "resignation thereof" shall be omitted, and at the end of the proviso there shall be added the words "or has resigned after attaining the age of seventy years".                                                                                                           |
| The Appellate Jurisdiction Act, 1876.<br>39 & 40 Vict. c. 59.    | In section seven, after the words "his office" there shall be inserted the words "or retires after attaining the age of seventy years", and the words from "not exceeding" to "three thousand seven hundred and fifty pounds" (being words inserted by the Administration of Justice (Pensions) Act, 1950) shall be omitted. |

## 2ND SCH.

| Enactment                                                                            | Amendment                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Supreme Court of Judicature (Ireland) Act, 1877.<br>40 & 41 Vict. c. 57.         | In section nineteen, after the words "his office" there shall be inserted the words "or retires after attaining the age of seventy years", and the words from "of the amount following" to the end of the section shall be omitted.                                                                                                                                                                                    |
| The Supreme Court of Judicature (Consolidation) Act, 1925.<br>15 & 16 Geo. 5. c. 49. | In section fourteen, for the words "any of the judges hereinafter mentioned" there shall be substituted the words "any judge (other than the Lord Chancellor)", after the words "his office" there shall be inserted the words "or who retires after attaining the age of seventy years", and the words from "In the case of", in the first place where those words occur, to the end of the section shall be omitted. |

## Section 9.

## THIRD SCHEDULE

## ENACTMENTS REPEALED

| Session and Chapter    | Short Title                                                    | Extent of Repeal                                                                                                             |
|------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 48 Geo. 3. c. 145.     | The Judges' Pensions (Scotland) Act, 1808.                     | In section one, the words from "not exceeding" to "resignation thereof".                                                     |
| 39 & 40 Vict. c. 59.   | The Appellate Jurisdiction Act, 1876.                          | In section seven, the words from "not exceeding" to "three thousand seven hundred and fifty pounds".                         |
| 40 & 41 Vict. c. 57.   | The Supreme Court of Judicature (Ireland) Act, 1877.           | In section nineteen, the words from "of the amount following" to the end of the section.                                     |
| 15 & 16 Geo. 5. c. 49. | The Supreme Court of Judicature (Consolidation) Act, 1925.     | In section fourteen, the words from "In the case of", in the first place where those words occur, to the end of the section. |
| 16 & 17 Geo. 5. c. 44. | The Supreme Court of Judicature of Northern Ireland Act, 1926. | In section one, subsection (2).                                                                                              |

3RD SCH.

| Session and Chapter       | Short Title                                         | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 & 15 Geo. 6.<br>c. 11. | The Administration of Justice (Pensions) Act, 1950. | <p>Section one, so far as it relates to pensions for service in any of the offices listed in the First Schedule to this Act, or for service as Lord Chancellor in the case of a person who resigns that office after the commencement of this Act.</p> <p>In section nineteen, the words "other than that of the Appellate Jurisdiction Act, 1876."</p> <p>In the Second Schedule the amendments of the Judges' Pensions (Scotland) Act, 1808, the Appellate Jurisdiction Act, 1876, the Supreme Court of Judicature (Ireland) Act, 1877, and the Supreme Court of Judicature of Northern Ireland Act, 1926, the amendments of section fourteen of the Supreme Court of Judicature (Consolidation) Act, 1925, and, so far as it relates to a person who resigns after the commencement of this Act, the amendment of the Lord Chancellor's Pension Act, 1832.</p> |
| 2 & 3 Eliz. 2.<br>c. 27.  | The Judges' Remuneration Act, 1954.                 | <p>In section one, in subsection (1), the words from "Provided that" to the end of the subsection.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |







**TABLE III**  
**Chronological List of**  
**the Church Assembly Measures, 1959**

**MEASURES PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND  
WHICH RECEIVED THE ROYAL ASSENT DURING THE YEAR 1959**

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**7 & 8 ELIZ. 2**

- No. 1. Truro Cathedral Measure, 1959.**
- No. 2. Vacancies in Sees Measure, 1959.**
- No. 3. Guildford Cathedral Measure, 1959.**

## 7 &amp; 8 ELIZ. 2

## No. 1

**A MEASURE passed by the National Assembly of the Church of England**

**To make further provision for the government of the Cathedral Church of Truro, to repeal the Truro Chapter Act, 1878, and to repeal the Truro Bishopric and Chapter Acts Amendment Act, 1887, and to re-enact with amendments certain of its provisions.**

**[25th March, 1959]**

Saint Mary's aisle is the parish church.

**1.—(1) Saint Mary's aisle is substituted for the old parish church of Saint Mary in Truro and is the parish church, and has all the rights and privileges of the old parish church.**

**(2) No portion of the cathedral church other than Saint Mary's aisle, or of the site thereof or of the surrounding yard or enclosure thereto, is subject to any rights of the rector or patron of the parish church, and the whole of the cathedral church with the exception of Saint Mary's aisle is deemed the cathedral church in the same manner and as fully as if no part thereof had ever been used as a parish church:**

**Provided that nothing in this subsection shall be construed as affecting any rights possessed by the holders of the offices of rector or patron of the parish church in any capacity other than that of rector or patron.**

Vesting of cathedral church in dean and chapter.

**2.—(1) The cathedral church together with the land adjoining the same which immediately before the passing of this Measure was vested in the bishop as trustee for the purposes of the cathedral church is hereby transferred to and vested in the dean and chapter. The dean and chapter shall hold such land as trustee for the same purposes.**

**(2) The rector and any minister officiating in the parish church and all other persons reasonably authorised by the rector may use the vestries and lavatories belonging to the cathedral church and shall have access thereto through the cathedral church.**

Dean to be rector of parish church.

**3.—(1) The dean shall be rector of the parish church and shall possess all the rights and perform all the duties belonging to the office of rector before the commencement of this Measure.**

**(2) The right of patronage in the parish church, which before the commencement of this Measure belonged to the bishop, is hereby transferred to and vested in Her Majesty.**

4.—(1) The bishop at the request of the dean and chapter or the rector may make in writing under his hand regulations as to the hours of celebrating the services in the cathedral church and the parish church respectively, and the use of the bells, to which all persons affected by them shall conform.

Regulation of services in cathedral church and parish church.

(2) Any question as to the interpretation of such regulations shall be referred to the bishop, whose decision thereon shall be final.

5. The dean and chapter may, subject to any direction of the bishop, permit the rector or any minister officiating on his behalf or as his curate to perform and solemnise any of the services or offices of the Church and to give notices and to publish banns of marriage in any part of the cathedral church which is not within the limits of the parish church, and all services and offices so performed and solemnised and all notices so given, and all banns of marriage so published shall be deemed to have been performed, solemnised, given or published in the parish church, and in the case of marriages, baptisms and burials shall be registered in the registers of the parish church:

Performances of services and giving of notices and publications of banns in cathedral church in place of parish church.

Provided always that all fees, dues, and emoluments payable in respect of any such services, notices and publication of banns of marriage shall belong and be paid to the respective persons who would have been entitled thereto if the services and offices had been performed and solemnised or the notices had been given, or the banns of marriage had been published in the parish church.

6. The like authority shall be required for making any alterations or additions to the fabric of Saint Mary's aisle or to the monuments or ornaments therein as is required for making such alterations or additions to or in the other parts of the cathedral church:

Alterations or additions to the fabric of Saint Mary's aisle or monuments or ornaments therein.

Provided that the dean and chapter shall not give authority for any alteration or addition to or in Saint Mary's aisle until one month after notice in writing of the intended alteration or addition has been sent to the secretary of the parochial church council of the parish church and in deciding whether or not to give such authority the dean and chapter shall take into account any representation made by the parochial church council.

7. The consenting body for the purposes of the Cathedral Measures, 1931 and 1934, shall be the dean and chapter and paragraph (ii) of subsection (1) of section three of the Cathedrals Measure, 1931, is hereby repealed.

Consenting body. 21 & 22 Geo. 5. No. 7.

Scheme  
under the  
Cathedral  
Measures,  
1931 and  
1934.

**8.**—(1) As soon as may be after the passing of this Measure the Commission appointed by the Church Assembly at its Summer Session, 1957, in pursuance of section seventeen of the Cathedrals Measure, 1931, shall submit to Her Majesty in Council a scheme under the Cathedral Measures, 1931 and 1934, to bring the Constitution and Statutes of the cathedral church into conformity with the provisions of this Measure.

(2) This section shall come into operation immediately on the passing of this Measure, and the Scheme referred to in the preceding subsection shall come into operation immediately upon the execution of the instrument referred to in section nine of this Measure, and thereupon the Scheme made under the Cathedral Measures, 1931 and 1934, and confirmed by an Order in Council dated the 18th day of December, 1936, containing the Constitution and Statutes for the government of the cathedral church shall cease to have effect.

Commence-  
ment.

**9.**—(1) As soon as both the following conditions are fulfilled, that is to say:—

- (i) there is a vacancy in the office of rector ; and
- (ii) notice of the confirmation by Order in Council of the scheme referred to in section eight of this Measure has appeared in the London Gazette in pursuance of paragraph (v) of subsection (1) of section six of the Cathedrals Measure, 1931 ;

the bishop shall certify the same by an instrument under his hand and seal, and this Measure, except section eight hereof, shall come into operation immediately upon the execution of the said instrument.

(2) The said instrument when executed shall be deposited in the registry of the diocese of Truro and shall there remain unless and until the bishop with the consent of the dean and chapter shall make other provision for its safe custody.

Interpretation.

**10.** In this Measure the following expressions have the meanings respectively assigned to them :—

“ Saint Mary’s aisle ” means that part of the cathedral church which lies to the south of the south choir aisle and to the east of the south transept and which in the Truro Bishopric and Chapter Acts Amendment Act, 1887, was referred to as the south aisle ;

“ the bishop ” means the Bishop of Truro and includes during a vacancy in the see of Truro the Guardian of the spiritualities thereof ;

“ the cathedral church ” means the cathedral church of Saint Mary in Truro ;

50 & 51  
Vict. c. 12.

- “ the dean ” means the dean of the cathedral church ;  
 “ the dean and chapter ” means the dean and chapter of the cathedral church ;  
 “ the parish church ” means the parish church of Saint Mary in Truro ;  
 “ the rector ” means the rector of the parish church.

11. The Truro Chapter Act, 1878, and the Truro Bishopric Repeal and Chapter Acts Amendment Act, 1887, are hereby repealed. 41 & 42 Vict. c. 44.

12. This Measure may be cited as the Truro Cathedral Short title Measure, 1959.

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7 & 8 ELIZ. 2

No. 2

A MEASURE passed by the National Assembly of the Church of England

To enable the guardian of the spiritualities of a see to act during a vacancy thereof in place of the bishop for the purposes of certain enactments and for purposes connected therewith. [25th March, 1959]

1. In the case of the transfer of the right of patronage by scheme under the provisions of the Acts mentioned in the Schedule to this Measure any consent of a bishop or an archbishop required to be given under the provisions of the relevant section of the first of those Acts may during a vacancy of the see of the bishop or archbishop be given by the guardian of the spiritualities of the see. Transfer of rights of patronage by scheme.

2.—(1) Any references to a bishop in the Private Chapels Act, 1871, shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see. Private chapels.

(2) Any reference to the ordinary in the last mentioned Act shall in the case of a chapel whereof a bishop is the ordinary be deemed during a vacancy of the see of the bishop to be a reference to the guardian of the spiritualities of the see.

Loans to incumbents.

3. In the case of a loan to the incumbent of a benefice whereof a bishop is the ordinary any notification or consent required to be given to or by the ordinary under the regulations contained in the Second Schedule to the Loans (Incumbents of Benefices) Amendment Act, 1918, or under any regulations replacing varying or amending the same may during a vacancy of the see of the bishop be given to or by the guardian of the spiritualities of the see.

Stipends of curates.

4. Any references to a bishop in the provisions of Part II of the Benefices (Ecclesiastical Duties) Measure, 1926 (which Part makes provision for the stipends of curates) shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

Sequestrations.

5.—(1) Any references to a bishop in the Benefices (Sequestrations) Measure, 1933, shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

(2) During a vacancy of a see an archdeacon shall be capable of exercising all powers delegated to him under the provisions of subsection (3) of section two of the last mentioned Measure which were capable of being exercised by him immediately before the vacancy occurred, provided that the guardian of the spiritualities of the see may revoke any such delegation.

Houses of residence of cathedrals.

6. Any references to a bishop in the Cathedrals (Houses of Residence) Measure, 1936, shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

Provisions in relation to the Ecclesiastical Leasing Acts.

7.—(1) Any references to a bishop in subsection (1) or subsection (3) of section eight of the Ecclesiastical Commissioners (Powers) Measure, 1936 (which contains provisions in relation to the Ecclesiastical Leasing Acts in the case of the vacancy of a benefice or see) shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

(2) The following subsection shall be substituted for subsection (2) of section eight of the Ecclesiastical Commissioners (Powers) Measure, 1936:—

“(2) Any notice required to be given to a bishop under the provisions of the Ecclesiastical Leasing Acts may during a vacancy of the see of the bishop be given to the guardian of the spiritualities of the see.”

8. In sub-section (10) of section one of the Ecclesiastical Tables of Commissioners (Powers) Measure, 1938 (which provides for the establishment of tables of parochial fees) the following definition shall be substituted for the definition of the expression "the bishop":—

"In relation to any parish as aforesaid 'the bishop' shall mean the bishop of the diocese in which such parish is situated and during a vacancy of the see shall include the guardian of the spiritualities of the see."

9. This Measure may be cited as the Vacancies in Sees Measure, Short title, 1959.

### SCHEDULE

#### ACTS RELATING TO THE TRANSFER OF RIGHTS OF PATRONAGE BY SCHEME

Section 1.

| Short Title                                   | Relevant Section |
|-----------------------------------------------|------------------|
| Ecclesiastical Commissioners Act, 1840 ... .. | 73               |
| Ecclesiastical Commissioners Act, 1841 ... .. | 22               |
| Ecclesiastical Commission Act, 1868 ... ..    | 12               |
| Church Patronage Act, 1870 ... ..             | 1                |

#### *Table of Enactments referred to in this Measure*

| Short Title                                                | Session and Chapter             |
|------------------------------------------------------------|---------------------------------|
| Ecclesiastical Commissioners Act, 1840 ... ..              | 3 & 4 Vict. c. 113.             |
| Ecclesiastical Commissioners Act, 1841 ... ..              | 4 & 5 Vict. c. 39.              |
| Ecclesiastical Commission Act, 1868 ... ..                 | 31 & 32 Vict. c. 114.           |
| Church Patronage Act, 1870 ... ..                          | 33 & 34 Vict. c. 39.            |
| Private Chapels Act, 1871 ... ..                           | 34 & 35 Vict. c. 66.            |
| Loans (Incumbents of Benefices) Act, 1918 ... ..           | 8 & 9 Geo. 5. c. 42.            |
| Benefices (Ecclesiastical Duties) Measure, 1926... ..      | 16 & 17 Geo. 5. No. 8.          |
| Benefices (Sequestrations) Measure, 1933 ... ..            | 23 & 24 Geo. 5. No. 1.          |
| Cathedrals (Houses of Residence) Measure, 1936 ... ..      | 26 Geo. 5 & 1 Edw. 8.<br>No. 4. |
| Ecclesiastical Commissioners (Powers) Measure, 1936 ... .. | 26 Geo. 5 & 1 Edw. 8.<br>No. 5. |
| Ecclesiastical Commissioners (Powers) Measure, 1938 ... .. | 1 & 2 Geo. 6. No. 4.            |

## 7 &amp; 8 ELIZ. 2

## No. 3

A MEASURE passed by the National Assembly of the Church of England

To transfer the dignity and status of the Cathedral of the Diocese of Guildford from the Church of the Holy Trinity in Guildford to the Church of the Holy Spirit in Guildford, to constitute a Dean and Chapter of the Cathedral Church, to make provision for the government of the Cathedral Church and for purposes connected therewith. [25th March, 1959]

Transfer of cathedral status and dignity.

1.—(1) The cathedral church of the Holy Trinity in the borough and diocese of Guildford shall cease to be the cathedral church of the said diocese, and the church of the Holy Spirit in the said borough and diocese shall become and be the cathedral church of the said diocese.

(2) Sections three and four of the Archdeaconry of Surrey Measure, 1930, and any schemes relating to the cathedral church of Guildford made under the said section four shall have effect as if for references therein to the cathedral church of Guildford there were substituted references to the cathedral church of the Holy Spirit, Guildford.

(3) Section seven of the Diocese of Winchester (Division) Measure, 1923, and the Order of His late Majesty King George the Fifth in Council made thereunder and dated the twenty-second day of April, 1927, shall cease to have effect so far as that section and that Order relate to the cathedral church of Guildford.

(4) The Scheme made under the Cathedral Measures, 1931 and 1934, and confirmed by an Order of His former Majesty King Edward the Eighth in Council dated the twenty-eighth day of May, 1936, containing the Constitution and Statutes for the government of the cathedral church of the Holy Trinity shall cease to have effect.

Constitution of dean and chapter and appointment of dean.

2.—(1) There shall be a dean and chapter of the cathedral church which shall be known as “the dean and chapter of the cathedral church of the Holy Spirit, Guildford”.

(2) Such person as Her Majesty appoints shall be dean of the cathedral church.



(3) Any reference to the cathedral chapter of the cathedral church of the Holy Spirit, Guildford, or to the cathedral council of the cathedral church of the Holy Spirit, Guildford, in any legal instrument shall be deemed to be a reference to the dean and chapter of the cathedral church.

3.—(1) That area which is designated in an instrument in writing executed by the bishop on the fifth day of December, 1958, and deposited in the registry of the diocese of Guildford and which was before the coming into operation of this section vested as to part in the diocesan board of finance of the diocese of Guildford and as to part in the Guildford New Cathedral Fund shall without further assurance be transferred to and vested in the dean and chapter.

Designation and vesting of precincts of cathedral church.

(2) The area specified in the preceding subsection shall cease to be part of any parish or ecclesiastical district in which it was included before the coming into operation of this section and shall be the area of the cathedral church and its precincts and subject to the provisions of any Scheme made in pursuance of the Cathedral Measures, 1931 and 1934, shall be subject to such ecclesiastical jurisdiction as that to which the area of cathedral churches and their precincts are commonly subject.

4. Subject to any express condition to the contrary under which the property is held any property which before the coming into operation of this section was vested in the cathedral chapter of the cathedral church of the Holy Trinity is hereby without further assurance transferred and vested in the following manner, that is to say:—

Vesting of property previously held by the cathedral chapter of the cathedral church of the Holy Trinity.

- (a) Such property, if any, as is commonly vested in the incumbent of a benefice shall be transferred to and vested in the incumbent of the benefice of Holy Trinity with St. Mary and St. Luke, Guildford;
- (b) Such property if any as is commonly vested in the churchwardens of a parish shall be transferred to and vested in the churchwardens of the parish of Holy Trinity with St. Mary and St. Luke, Guildford;
- (c) All other such property shall be transferred to the parochial church council of the parish of Holy Trinity with St. Mary and St. Luke, Guildford, and shall vest either in such parochial church council or in the diocesan board of finance of the diocese of Guildford in accordance with the provisions of section six of the Parochial Church Councils (Powers) Measure, 1956.

5. The person who is the incumbent of the benefice of Holy Trinity with St. Mary and St. Luke, Guildford may by an instrument in writing given or sent to the bishop resign the dignity of provost, without prejudice to his status or rights as incumbent

Resignation of provost.

of the said benefice, but a resignation under the provisions of this section shall not have effect until the execution of the instrument referred to in section eight of this Measure.

Consenting  
body.

6.—(1) The Second Schedule to the Cathedrals Measure, 1931, as modified by section two of the Guildford Cathedral Measure, 1938, shall have effect with the omission of Guildford and the cathedral church of the Holy Spirit, Guildford, from the cathedral churches referred to therein.

(2) The dean and chapter shall be the consenting body for the purposes of the Cathedral Measures, 1931 and 1934.

Scheme  
under the  
Cathedral  
Measures,  
1931 and  
1934.

7.—(1) As soon as may be after the passing of this Measure the Commission appointed by the Church Assembly at the Spring Session, 1958, in pursuance of section seventeen of the Cathedrals Measure, 1931, and section two of the Guildford Cathedral Measure, 1938, shall submit to Her Majesty in Council a scheme under the Cathedral Measures, 1931 and 1934, containing a Constitution and Statutes for the cathedral church in conformity with the provisions of this Measure.

(2) A scheme under the said Measures as extended by this section shall provide that those persons who, immediately before the coming into operation of such scheme were residentiary or honorary canons in the cathedral church of the Holy Trinity shall be the first residentiary or honorary canons as the case may be in the cathedral church.

(3) A Scheme under the said Measures as extended by this section may provide for the constitution of a college of lay canons, the rights and duties of lay canons, joint meetings of the dean and chapter and the college of lay canons and matters incidental thereto.

(4) For the removal of doubt it is hereby declared that section two of the Guildford Cathedral Measure, 1938, was effective to apply the Cathedral Measures, 1931 and 1934, to the cathedral church as if it were a cathedral church to which the Cathedrals Measure, 1931, was applied by section twenty-nine of that Measure.

Commence-  
ment.

8.—(1) As soon as the following conditions have been fulfilled, that is to say:—

- (i) the church of the Holy Spirit or a part thereof has been consecrated;
- (ii) notice of the confirmation by Order in Council of the scheme referred to in section seven of this Measure has appeared in the London Gazette in pursuance of paragraph (v) of subsection (1) of section six of the Cathedrals Measure, 1931;

- (iii) the office of provost is vacant or an instrument in writing in accordance with the provisions of section five of this Measure has been given or sent to the bishop;

the bishop shall certify the same by an instrument under his hand and seal.

(2) The said instrument when executed shall be deposited in the registry of the diocese of Guildford and shall there remain unless and until the bishop with the consent of the dean and chapter shall make other provision for its safe custody.

(3) Sections five, seven, eight, nine and eleven of this Measure shall come into operation immediately on the passing of this Measure, and save as aforesaid this Measure and the Scheme referred to in section seven of this Measure shall come into operation immediately upon the execution of the instrument referred to in the preceding subsections of this section.

9. In this Measure the following expressions have the meanings respectively assigned to them:— Interpretation.

“ the bishop ” means the Bishop of Guildford;

“ the cathedral church ” means the cathedral church of the Holy Spirit, Guildford, save when the context otherwise requires;

“ the cathedral church of the Holy Trinity ” means the cathedral church of the Holy and Undivided Trinity, Guildford, designated the cathedral church of Guildford by an Order of His late Majesty King George the Fifth in Council made under section seven of the Diocese of Winchester (Division) Measure, 1923, and dated the twenty-second day of April, 1927;

“ the provost ” means the provost of the Cathedral Church of the Holy Trinity.

10. The Guildford Cathedral Measure, 1938, is hereby repealed. Repeal.

11. This Measure may be cited as the Guildford Cathedral Short title. Short title.  
Measure, 1959.



*Table of Enactments referred to in this Measure*

| Short Title                                                | Session and Chapter    |
|------------------------------------------------------------|------------------------|
| Diocese of Winchester (Division) Measure, 1923             | 14 & 15 Geo. 5. No. 6. |
| Archdeaconry of Surrey Measure, 1930 ...                   | 20 & 21 Geo. 5. No. 2. |
| Cathedrals Measure, 1931 ... ..                            | 21 & 22 Geo. 5. No. 7. |
| Cathedrals (Amendment) Measure, 1934 ...                   | 24 & 25 Geo. 5. No. 3. |
| Guildford Cathedral Measure, 1938 ... ..                   | 1 & 2 Geo. 6. No. 2.   |
| Parochial Church Councils (Powers) Measure,<br>1956 ... .. | 4 & 5 Eliz. 2. No. 3.  |



## TABLE IV

## Effect of Legislation

Acts and Measures (in chronological order)  
repealed, amended or otherwise affected  
by those Acts, Measures and Statutory Instruments  
which received the Royal Assent or were made during 1959

[Note: Statute references in the fourth column are to chapters of 7 & 8 Eliz. 2 unless otherwise stated.]

| Session and Chap. or No. of Measure                 | Short title or Subject                                     | How affected                    | Chapter of 1959 Act or number of Measure or Statutory Instrument |
|-----------------------------------------------------|------------------------------------------------------------|---------------------------------|------------------------------------------------------------------|
| 17 Edw. 2:<br>Prerogativa<br>Regis:<br>c. 11 ... .. | Custody of Lands of<br>Idiots. }<br>Of Lands of Lunatics } | Rep. (E). ( <i>prosp.</i> ) ... | 72, s. 149 (2),<br>sch. 8 Pt. I.                                 |
| c. 12 ... ..                                        |                                                            |                                 |                                                                  |
| 22 Hen. 8:<br>c. 5 ... ..                           | Bridges Act, 1530 ...                                      | Rep. (E. exc. London) ...       | 25, s. 312 (2),<br>sch. 25.                                      |
| 18 Eliz. 1:<br>c. 5 ... ..                          | Common Informers Act,<br>1575.                             | Rep. ... ..                     | 68, S.L.R.                                                       |
| 31 Eliz. 1:<br>c. 5 ... ..                          | Common Informers Act,<br>1588.                             | Rep. ... ..                     | 68, S.L.R.                                                       |
| 21 Jac. 1:<br>c. 4 ... ..                           | Common Informers Act,<br>1623.                             | Rep. ... ..                     | 68, S.L.R.                                                       |
| 1 Anne:<br>c. 12 ... ..                             | Bridges Act, 1702 ...                                      | Rep. (E. exc. London) ...       | 25, s. 312 (2),<br>sch. 25.                                      |
| 8 Ann.:<br>c. 18 ... ..                             | Landlord and Tenant<br>Act, 1709.                          | S. 1 excl. ... ..               | 22, s. 137 (1).                                                  |
| 7 Geo. 2:<br>c. 19 ... ..                           | Adulteration of Hops<br>Act, 1733.                         | Rep. ... ..                     | 68, S.L.R.                                                       |
| 12 Geo. 2:<br>c. 29 ... ..                          | County Rates Act, 1738                                     | Rep. (exc. London) ...          | 25, s. 312 (2),<br>sch. 25.<br>...                               |
| 14 Geo. 2:<br>c. 33 ... ..                          | Bridges Act, 1740 ...                                      | Rep. (exc. London) ...          | 25, s. 312 (2),<br>sch. 25.                                      |
| 17 Geo. 2:<br>c. 30 ... ..                          | Linen (Trade Marks) Act,<br>1743.                          | Rep. ... ..                     | 68, S.L.R.                                                       |

| Session and Chap. or No. of Measure | Short title or Subject                                                                                                                                                                                                       | How affected                                  | Chapter of 1959 Act or number of Measure or Statutory Instrument |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------|
| 18 Geo. 2:<br>c. 24 ... ..          | Linen (Trade Marks) Act, 1744.                                                                                                                                                                                               | Rep. ... ..                                   | 68, S.L.R.                                                       |
| 13 Geo. 3:<br>c. 32 ... ..          | Stealing of Vegetables Act, 1772.                                                                                                                                                                                            | Rep. ... ..                                   | 68, S.L.R.                                                       |
| c. 78 ... ..                        | An Act to explain, amend and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that part of Great Britain called England; and for other purposes. | Rep. ... ..                                   | 25, s. 312 (2), sch. 25.                                         |
| c. 81 ... ..                        | Inclosure Act, 1773 ...                                                                                                                                                                                                      | Ss. 22, 24 excl. ( <i>prosp.</i> )...         | 72, s. 121, sch. 5.                                              |
| 17 Geo. 3:<br>c. 53 ... ..          | Clergy Residences Repair Act, 1776.                                                                                                                                                                                          | S. 14 excl. ( <i>prosp.</i> ) ...             | 72, s. 121, sch. 5.                                              |
| 39 & 40 Geo. 3:<br>c. 94 ... ..     | Criminal Lunatics Act, 1800.                                                                                                                                                                                                 | S. 2 expld. ( <i>prosp.</i> ) ...             | 72, s. 71 (2) (3).                                               |
| 42 Geo. 3:<br>c. 116 ... ..         | Land Tax Redemption Act, 1802.                                                                                                                                                                                               | S. 14 excl. (E.) ( <i>prosp.</i> )...         | 72, s. 121, sch. 5.                                              |
| 43 Geo. 3:<br>c. 59 ... ..          | Bridges Act, 1803 ...                                                                                                                                                                                                        | Rep. ... ..                                   | 25, s. 312 (2), sch. 25.                                         |
| 48 Geo. 3:<br>c. 145 ... ..         | Judges' Pensions (Scotland) Act, 1808.                                                                                                                                                                                       | Am. ... ..                                    | 9 (8 Eliz. 2).                                                   |
| 51 Geo. 3:<br>c. 37 ... ..          | Marriage of Lunatics Act, 1811.                                                                                                                                                                                              | Rep. (E.) ( <i>prosp.</i> ) ...               | 72, s. 149 (2), sch. 8.                                          |
| 52 Geo. 3:<br>c. 110 ... ..         | Bridges Act, 1812 ...                                                                                                                                                                                                        | Rep. (exc. London) ...                        | 25, s. 312 (2), sch. 25.                                         |
| 54 Geo. 3:<br>c. 90 ... ..          | Bridges Act, 1814 ...                                                                                                                                                                                                        | Rep. ... ..                                   | 25, s. 312 (2), sch. 25.                                         |
| 55 Geo. 3:<br>c. 128 ... ..         | Admiralty (Signal Stations) Act, 1815.                                                                                                                                                                                       | S. 3 excl. (E.) ( <i>prosp.</i> ) ...         | 72, s. 121, sch. 5.                                              |
| c. 143 ... ..                       | Bridges Act, 1815 ...                                                                                                                                                                                                        | Rep. (exc. London) ...                        | 25, s. 312 (2), sch. 25.                                         |
| c. 147 ... ..                       | Glebe Exchange Act, 1815                                                                                                                                                                                                     | Ss. 12, 13, 17 excl. ( <i>prosp.</i> )        | 72, s. 121, sch. 5.                                              |
| 3 Geo. 4:<br>c. 126 ... ..          | Turnpike Roads Act, 1822                                                                                                                                                                                                     | Ss. 97-103 rep., 118, 124 rep. (exc. London). | 25, s. 312 (2), sch. 25.                                         |

| Session and Chap. or No. of Measure         | Short title or Subject                                | How affected                                                                                                                            | Chapter of 1959 Act or number of Measure or Statutory Instrument                |
|---------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 5 Geo. 4:<br>c. 83 ... ..                   | Vagrancy Act, 1824 ...                                | S. 5 ext. ( <i>prosp.</i> ) ...                                                                                                         | 72, s. 67 (5).                                                                  |
| 6 Geo. 4:<br>c. 59 ... ..                   | British North America (Seigniorial Rights) Act, 1825. | Rep. ... ..                                                                                                                             | 68, S.L.R.                                                                      |
| 7 Geo. 4:<br>c. 16 ... ..                   | Chelsea and Kilmainham Hospitals Act, 1826.           | Ss. 44-48 excl. ( <i>prosp.</i> )...                                                                                                    | 72, s. 121, sch. 5.                                                             |
| c. 66 ... ..                                | Clergy Residence Act, 1826                            | Ss. 1, 3 excl. ( <i>prosp.</i> ) ...                                                                                                    | 72, s. 121, sch. 5.                                                             |
| c. 67 ... ..                                | Bankers (Scotland) Act, 1826.                         | Rep. ... ..                                                                                                                             | 68, S.L.R.                                                                      |
| 10 Geo. 4:<br>c. 50 ... ..                  | Crown Lands Act, 1829                                 | Ss. 40, 41 excl. (E.) ( <i>prosp.</i> )                                                                                                 | 72, s. 121, sch. 5.                                                             |
| 11 Geo. 4 and<br>1 Will. 4:<br>c. 36 ... .. | Contempt of Court Act, 1830.                          | Ss. 2, 15, rr. 15, 19, 20, and s. 17 rep.                                                                                               | 68, S.L.R.                                                                      |
| 1 & 2 Will. 4:<br>c. 22 ... ..              | London Hackney Carriage Act, 1831.                    | S. 48 rep.                                                                                                                              | 68, S.L.R.                                                                      |
| c. 37 ... ..                                | Truck Act, 1831 ...                                   | Saved ... ..                                                                                                                            | 69, s. 14 (4).                                                                  |
| c. 43 ... ..                                | Turnpike Roads (Scotland) Act, 1831.                  | S. 87 proviso subst. ( <i>prosp.</i> )                                                                                                  | 24, s. 31 (1), sch. 9 para. 1.                                                  |
| 2 & 3 Will. 4:<br>c. 53 ... ..              | Army Prize Money Act, 1832.                           | Rep. ... ..                                                                                                                             | 68, S.L.R.                                                                      |
| c. 68 ... ..                                | Game (Scotland) Act, 1832.                            | Ss. 1, 4 rep. in pt. ...                                                                                                                | 40, s. 36, sch. 3.                                                              |
| c. 71 ... ..                                | Prescription Act, 1832 ...                            | S. 3 am. (temp.) (E.) ...<br>expld. (E.) ... ..<br>S. 4 ext. (E.) ... ..<br>S. 6 expld. (E.) ... ..<br>S. 3 excl. ( <i>prosp.</i> ) ... | 56, s. 1.<br>56, s. 4 (2).<br>56, s. 3 (6).<br>56, s. 1.<br>72, s. 121, sch. 5. |
| c. 80 ... ..                                | Ecclesiastical Corporations Act, 1832.                | S. 3 am. (saving) ...                                                                                                                   | 9 (8 Eliz. 2), ss.5, 9 (4).                                                     |
| c. 111 ... ..                               | Lord Chancellor's Pension Act, 1832.                  | Rep., exc. s. 48 and in pt. s. 103.                                                                                                     | 68, S.L.R.                                                                      |
| c. 120 ... ..                               | Stage Carriages Act, 1832                             |                                                                                                                                         |                                                                                 |
| 3 & 4 Will. 4:<br>c. 48 ... ..              | London Hackney Carriages Act, 1833.                   | Rep. ... ..                                                                                                                             | 68, S.L.R.                                                                      |
| c. 74 ... ..                                | Fines and Recoveries Act, 1833.                       | Ss. 33 am. (E.), 48, 49, 91 am. ( <i>prosp.</i> ).                                                                                      | 72, s. 149 (1) sch. 7 Pt. I.                                                    |
| 4 & 5 Will. 4:<br>c. 76 ... ..              | Poor Law Amendment Act, 1834.                         | Preamble, ss. 85, 86 rep., 109 rep. except for definition of "poor rate".                                                               | 68, S.L.R.                                                                      |

| Session and Chap. or No. of Measure                                           | Short title or Subject                                                                                                                          | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                 |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| 5 & 6 Will. 4:<br>c. 50 ... ..                                                | Highway Act, 1835 ...                                                                                                                           | Ss. 5 rep. in pt. (exc. London), 19-21 rep. (exc. London), 22 rep. in pt. (exc. London), 23-26 rep. (exc. London).<br>S. 33 saved ... ..<br>Ss. 35, 41, 45, 47, 49, 51 rep. (exc. London), 52 rep., 53-61 rep., 62-70 rep. (exc. London), 72 rep. in pt. (exc. London), 73, 75 rep. (exc. London), 78 rep. in pt. (exc. London), 79 rep. (exc. London), 80-93 rep., 94-96, 99 rep. (exc. London), 103 rep. in pt. (exc. London), 111 rep. (exc. London), 113, 116-118, sch. rep. | 25, s. 312 (2), sch. 25.<br><br>25, s. 56 (5).<br>25, s. 312 (2), sch. 25.                                       |
| 1 & 2 Vict.:<br>c. 23 ... ..<br>c. 106 ... ..<br><br>c. 101 ... ..            | Parsonages Act, 1838 ...<br>Pluralities Act, 1838 ...<br><br>Judgments Act, 1838 ...                                                            | S. 12 excl. ( <i>prosp.</i> ) ... ..<br>S. 79 rep. ( <i>prosp.</i> ) ... ..<br><br>S. 127 excl. ( <i>prosp.</i> ) ... ..<br>S. 18 rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                  | 72, s. 121, sch. 5.<br>72, s. 149 (2), sch. 8 Pt. I.<br><br>72, s. 121, sch. 5.<br>72, s. 149 (2), sch. 8 Pt. I. |
| 2 & 3 Vict.:<br>c. 47 ... ..<br>c. 49 ... ..<br>c. 51 ... ..<br>c. 71 ... ..  | Metropolitan Police Act, 1839.<br>Church Building Act, 1839.<br>Pensions Act, 1839 ...<br>Metropolitan Police Courts Act, 1839.                 | S. 54 para. 11 rep. ... ..<br>S. 20 excl. ( <i>prosp.</i> ) ... ..<br>S. 6 rep. ( <i>prosp.</i> ) ... ..<br>S. 2 am. ... ..                                                                                                                                                                                                                                                                                                                                                      | 57, ss. 1 (5), 5 (2), sch.<br>72, s. 121, sch. 5.<br>72, s. 149 (2), sch. 8 Pt. II.<br>45, s. 1.                 |
| 3 & 4 Vict.:<br>c. 84 ... ..<br>c. 85 ... ..<br>c. 97 ... ..                  | Metropolitan Police Courts Act, 1840.<br>Chimney Sweepers Act, 1840.<br>Railway Regulation Act, 1840.                                           | S. 2 am. ... ..<br>S. 6 rep. (S.) ( <i>prosp.</i> ) ... ..<br>S. 3 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                   | 45, s. 1.<br>24, s. 31 (2), sch. 10.<br>68, S.L.R.                                                               |
| 4 & 5 Vict.:<br>c. 38 ... ..<br>c. 51 ... ..                                  | School Sites Act, 1841...<br>Highway Act, 1841 ...                                                                                              | S. 5 excl. ( <i>prosp.</i> ) ... ..<br>Rep. (exc. London) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                 | 72, s. 121, sch. 5.<br>25, s. 312 (2), sch. 25.                                                                  |
| 5 & 6 Vict.:<br>c. 26 ... ..<br>c. 27 ... ..<br>c. 94 ... ..<br>c. 108 ... .. | Ecclesiastical Houses of Residence Act, 1842.<br>Ecclesiastical Leases Act, 1842.<br>Defence Act, 1842 ...<br>Ecclesiastical Leasing Act, 1842. | S. 12 excl. ( <i>prosp.</i> ) ... ..<br>S. 7 excl. ( <i>prosp.</i> ) ... ..<br>Ss. 10, 18 excl. ( <i>prosp.</i> )...<br>S. 24 excl. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                     | 72, s. 121, sch. 5.<br>72, s. 121, sch. 5.<br>72, s. 121, sch. 5.<br>72, s. 121, sch. 5.                         |



| Session and Chap. or No. of Measure       | Short title or Subject                               | How affected                                                                                                                                | Chapter of 1959 Act or number of Measure or Statutory Instrument                                   |
|-------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 5 & 6 Vict.— <i>cont.</i><br>c. 120... .. | Newfoundland Act, 1842                               | Rep. ... ..                                                                                                                                 | 68, S.L.R.                                                                                         |
| 7 & 8 Vict.:<br>c. 68 ... ..              | Ecclesiastical Courts Act, 1844.                     | Rep. ... ..                                                                                                                                 | 68, S.L.R.                                                                                         |
| c. 85 ... ..                              | Railway Regulation Act, 1844.                        | Ss. 1 rep., 2-5 rep. in pt.                                                                                                                 | 68, S.L.R.                                                                                         |
| c. 101... ..                              | Poor Law Amendment Act, 1844.                        | Ss. 22 rep., 60 rep. in pt., 62, 74 rep.                                                                                                    | 68, S.L.R.                                                                                         |
| 8 & 9 Vict.:<br>c. 16 ... ..              | Companies Clauses Consolidation Act, 1845.           | S. 79 excl. (E.) ( <i>prosp.</i> )...                                                                                                       | 72, s. 121, sch. 5.                                                                                |
| c. 18 ... ..                              | Lands Clauses Consolidation Act, 1845.               | Incorp. (E.) ... ..<br>Incorp. as mod. (E.) ... ..<br>Ss. 7-9 excl. (E.) ... ..<br>S. 68 excl. (E.) ... ..<br>Ss. 69-72 excl. (E.) ... ..   | 22, s. 33 (2).<br>25, s. 222 (11).<br>72, s. 121, sch. 5.<br>53, s. 28 (5).<br>72, s. 121, sch. 5. |
| c. 19 ... ..                              | Lands Clauses Consolidation (Scotland) Act, 1845.    | S. 81 am. ... ..<br>S. 108 am. ... ..                                                                                                       | 70, s. 48.<br>70, s. 19 (3).                                                                       |
| c. 20 ... ..                              | Railways Clauses Consolidation Act, 1845.            | S. 81 am. ... ..<br>Ss. 86 rep. in pt., 91-93 rep., 95, 96 rep. in pt.<br>S. 108 mod. ... ..                                                | 70, s. 48.<br>68, S.L.R.<br>70, s. 19 (3).                                                         |
| c. 33 ... ..                              | Railways Clauses Consolidation (Scotland) Act, 1845. | Ss. 79 rep. in pt., 84-86 rep., 88, 89 rep. in pt.                                                                                          | 68, S.L.R.                                                                                         |
| c. 56 ... ..                              | Land Drainage Act, 1845                              | S. 3 excl. (E.) ( <i>prosp.</i> ) ... ..                                                                                                    | 72, s. 121, sch. 5.                                                                                |
| c. 77 ... ..                              | Hosiery Act, 1845 ... ..                             | Rep. ... ..                                                                                                                                 | 68, S.L.R.                                                                                         |
| c. 118... ..                              | Inclosure Act, 1845 ... ..                           | S. 20 excl. ( <i>prosp.</i> ) ... ..<br>S. 72 rep. in pt. (exc. London).<br>Ss. 133, 134, 137 excl. ( <i>prosp.</i> ).<br>S. 8 appl. ... .. | 72, s. 121, sch. 5.<br>25, ss. 309, 312 (2), schs. 22, 25.<br>72, s. 121, sch. 5.                  |
| c. 127... ..                              | Small Debts Act, 1845... ..                          | S. 8 appl. ... ..                                                                                                                           | 22, s. 124 (2).                                                                                    |
| c. 128... ..                              | Silk Weavers Act, 1845... ..                         | Rep. ... ..                                                                                                                                 | 68, S.L.R.                                                                                         |
| 9 & 10 Vict.:<br>c. 57 ... ..             | Railway Regulation (Gauge) Act, 1846.                | Rep. ... ..                                                                                                                                 | 68, S.L.R.                                                                                         |
| c. 73 ... ..                              | Tithe Act, 1846 ... ..                               | Ss. 5, 9, 10 excl. ( <i>prosp.</i> )<br>Expld. (E.) ... ..                                                                                  | 72, s. 121, sch. 5.<br>65, s. 2 (1).<br>22, s. 174 (3).<br>65, s. 1 (1).                           |
| c. 93 ... ..                              | Fatal Accidents Act, 1846                            | S. 2 am. (E.) ... ..<br>S. 5 expld. (E.) ... ..<br>rep. in pt. (E.) ... ..                                                                  | 65, s. 1 (2).<br>65, s. 3 (3), sch                                                                 |
| 10 & 11 Vict.:<br>c. 34 ... ..            | Towns Improvement Clauses Act, 1847.                 | Ss. 48, 49, 66-74 rep. (E. exc. London), 75 rep. in pt. (E. exc. London), 79-83 rep. (E. exc. London).                                      | 25, s. 312 (2), sch. 25.                                                                           |
| c. 89 ... ..                              | Town Police Clauses Act, 1847.                       | S. 28 rep. in pt. (E.)                                                                                                                      | 57, ss. 1 (5), 5 (2), sch.                                                                         |
| 11 & 12 Vict.:<br>c. 55 ... ..            | Paymaster General Act, 1848.                         | Ss. 7-9 rep. ... ..                                                                                                                         | 68, S.L.R.                                                                                         |
| c. 91 ... ..                              | Poor Law Audit Act, 1848.                            | Ss. 1, 2 rep. ... ..                                                                                                                        | 68, S.L.R.                                                                                         |

| Session and Chap. or No. of Measure | Short title or Subject                         | How affected                                                                                                      | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                         |
|-------------------------------------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 12 & 13 Vict.:<br>c. 45 ... ..      | Quarter Sessions Act, 1849.                    | S. 2 rep. in pt. ( <i>prosp.</i> ) ...                                                                            | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                            |
| c. 96 ... ..                        | Admiralty Offences (Colonial) Act, 1849.       | Appl. (mod.) (Bahrain)<br>Appl. (mod.) (Kuwait) ...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States). | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2. |
| 13 & 14 Vict.:<br>c. 43 ... ..      | Court of Chancery of Lancaster Act, 1850.      | Ss. 9, 10 am. ( <i>prosp.</i> ) ...                                                                               | 72, s. 149 (1), sch. 7 Pt. I.                                                                                                            |
| 14 & 15 Vict.:<br>c. 63 ... ..      | New Brunswick Boundary Act, 1851.              | Rep. ... ..                                                                                                       | 68, S.L.R.                                                                                                                               |
| 15 & 16 Vict.:<br>c. 87 ... ..      | Court of Chancery Act, 1852.                   | Rep. ( <i>prosp.</i> ) ... ..                                                                                     | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                            |
| 16 & 17 Vict.:<br>c. 137 ... ..     | Charitable Trusts Act, 1853.                   | Ss. 37-40 saved ... ..                                                                                            | 22, s. 205 (5) (a).                                                                                                                      |
| 17 & 18 Vict.:<br>c. 112 ... ..     | Library and Scientific Institutions Act, 1854. | S. 5 excl. (E.) ( <i>prosp.</i> ) ...                                                                             | 72, s. 121, sch. 5.                                                                                                                      |
| 18 & 19 Vict.:<br>c. 117 ... ..     | Ordnance Board Transfer Act, 1855.             | Appl. in pt. (S.) ... ..                                                                                          | 51, s. 83 (5).                                                                                                                           |
| c. 120 ... ..                       | Metropolis Management Act, 1855.               | S. 130 excl. ... ..                                                                                               | 25, s. 291 (5).                                                                                                                          |
| 19 & 20 Vict.:<br>c. 113 ... ..     | Foreign Tribunals Evidence Act, 1856.          | Appl. (mod.) (Bahrain)<br>Appl. (mod.) (Kuwait) ...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States). | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2. |
| 20 & 21 Vict.:<br>c. 71 ... ..      | Lunacy (Scotland) Act, 1857.                   | Ss. 87, 88 appl. ( <i>prosp.</i> ) ...                                                                            | 72, s. 83 (3).                                                                                                                           |
| c. 83 ... ..                        | Obscene Publications Act, 1857.                | Rep. (E.) ... ..                                                                                                  | 66, s. 3 (8).                                                                                                                            |
| 22 Vict.:<br>c. 20 ... ..           | Evidence by Commission Act, 1859.              | Appl. (mod.) (Bahrain)<br>Appl. (mod.) (Kuwait) ...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States). | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2. |

| Session and Chap. or No. of Measure    | Short title or Subject                                | How affected                                                                                                        | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                         |
|----------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 22 Vict.— <i>cont.</i><br>c. 26 ... .. | Superannuation Act, 1859.                             | Pensions increase ...                                                                                               | 50, ss. 1, 2, sch. Pt. I para. 1.                                                                                                        |
| 22 & 23 Vict.:<br>c. 20 ... ..         | Military Savings Bank Act, 1859.                      | Rep. ... ..                                                                                                         | 68, S.L.R.                                                                                                                               |
| c. 63 ... ..                           | British Law Ascertainment Act, 1859.                  | Appl. (mod.) (Bahrain)<br>Appl. (mod.) (Kuwait) ...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States).   | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2. |
| 23 & 24 Vict.:<br>c. 27 ... ..         | Refreshment Houses Act, 1860.                         | S. 9 am. ... ..<br>rep. in pt. ... ..                                                                               | 57, s. 3 (3).<br>57, s. 5 (2), sch.                                                                                                      |
| c. 68 ... ..                           | South Wales Highways Act, 1860.                       | Rep. ... ..                                                                                                         | 25, s. 312 (2), sch. 25.                                                                                                                 |
| c. 75 ... ..                           | Criminal Lunatic Asylums Act, 1860.                   | Rep. ( <i>prosp.</i> ) ... ..                                                                                       | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                            |
| c. 106... ..                           | Lands Clauses Consolidation Acts Amendment Act, 1860. | Incorp. (mod.) (E.) ...                                                                                             | 22, s. 33 (2).                                                                                                                           |
| c. 112... ..                           | Defence Act, 1860 ...                                 | S. 11 excl. (E.) ( <i>prosp.</i> )...                                                                               | 72, s. 121, sch. 5.                                                                                                                      |
| c. 122... ..                           | Admiralty Offences (Colonial) Act, 1860.              | Appl. (mod.) (Bahrain)...<br>Appl. (mod.) (Kuwait)...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States). | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2. |
| 24 & 25 Vict.:<br>c. 11 ... ..         | Foreign Law Ascertainment Act, 1861.                  | Appl. (mod.) (Bahrain)...<br>Appl. (mod.) (Kuwait)...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States). | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2. |
| 25 & 26 Vict.:<br>c. 53 ... ..         | Land Registry Act, 1862                               | S. 116 excl. ( <i>prosp.</i> ) ...                                                                                  | 72, s. 121, sch. 5.                                                                                                                      |
| c. 54 ... ..                           | Lunacy (Scotland) Act, 1862.                          | S. 14 appl. ( <i>prosp.</i> ) ...                                                                                   | 72, s. 81 (2).                                                                                                                           |
| c. 61 ... ..                           | Highway Act, 1862 ...                                 | Rep. (exc. London) ...                                                                                              | 25, s. 312 (2), sch. 25.                                                                                                                 |
| c. 102... ..                           | Metropolis Management Act, 1862.                      | S. 72 saved ... ..                                                                                                  | 25, s. 291 (12).                                                                                                                         |
| 26 & 27 Vict.:<br>c. 12 ... ..         | Secretary at War Abolition Act, 1863.                 | Sch. rep. in pt. ... ..                                                                                             | 68, S.L.R.                                                                                                                               |

| Session and Chap. or No. of Measure | Short title or Subject                                          | How affected                                                                  | Chapter of 1959 Act or number of Measure or Statutory Instrument |
|-------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------|
| 27 & 28 Vict.:<br>c. 36 ... ..      | Army Prize (Shares of Deceased) Act, 1864.                      | Rep. ... ..                                                                   | 68, S.L.R.                                                       |
| c. 64 ... ..                        | Public House Closing Act, 1864.                                 | Rep. ... ..                                                                   | 68, S.L.R.                                                       |
| c. 101... ..                        | Highway Act, 1864 ...                                           | Rep. (exc. London), exc. s. 1 and in pt. s. 46.                               | 25, s. 312 (2), sch. 25.                                         |
| c. 114... ..                        | Improvement of Land Act, 1864.                                  | S. 24 excl. (E.) ( <i>prosp.</i> )...<br>S. 68 am. (E.) ( <i>prosp.</i> ) ... | 72, s. 121, sch. 5.<br>72, s. 149 (1), sch. 7 Pt. I.             |
| c. 121... ..                        | Railways Construction Facilities Act, 1864.                     | Ss. 49, 50 rep., 53 rep. in pt., sch. Pt. (iii) rep.                          | 68, S.L.R.                                                       |
| 28 & 29 Vict.:<br>c. 107... ..      | Annual Turnpike Acts Continuance Act, 1865.                     | Rep. (exc. London) ...                                                        | 25, s. 312 (2), sch. 25.                                         |
| 29 & 30 Vict.:<br>c. 47 ... ..      | Indian Prize Money Act, 1866.                                   | Rep. ... ..                                                                   | 68, S.L.R.                                                       |
| c. 51 ... ..                        | Lunacy (Scotland) Act, 1866.                                    | Ss. 9 (1) (b), 13 appl. ( <i>prosp.</i> ).                                    | 72, s. 81 (2).                                                   |
| c. 122... ..                        | Metropolitan Commons Act, 1866.                                 | S. 28 excl. ( <i>prosp.</i> ) ...                                             | 72, s. 121, sch. 5.                                              |
| 30 & 31 Vict.:<br>c. 5 ... ..       | Dog Licences Act, 1867                                          | Rep. ... ..                                                                   | 55, s. 16 (1), sch.                                              |
| 31 & 32 Vict.:<br>c. 38 ... ..      | Indian Prize Money Act, 1868.                                   | Rep. ... ..                                                                   | 68, S.L.R.                                                       |
| c. 72 ... ..                        | Promissory Oaths Act, 1868.                                     | Sch. Pt. II am. ... ..<br>am. ( <i>prosp.</i> )...                            | 22, s. 7.<br>72, s. 115 (1).                                     |
| c. 109... ..                        | Compulsory Church Rate Abolition Act, 1868.                     | S. 7 excl. ( <i>prosp.</i> ) ...                                              | 72, s. 121, sch. 5.                                              |
| c. 119... ..                        | Regulation of Railways Act, 1868.                               | Ss. 17, 18, 20, 21 rep. ...                                                   | 68, S.L.R.                                                       |
| 32 & 33 Vict.:<br>c. 18 ... ..      | Lands Clauses Consolidation Act. 1869.                          | Incorp. (E.) ... ..                                                           | 22, s. 33 (2).                                                   |
| c. 43 ... ..                        | Diplomatic Salaries, &c. Act, 1869.                             | Pensions increase ...                                                         | 50, ss. 1, 2, sch. Pt. I para. 21.                               |
| 33 & 34 Vict.:<br>c. 73 ... ..      | Annual Turnpike Acts Continuance Act, 1870.                     | Rep. ... ..                                                                   | 25, s. 312 (2), sch. 25.                                         |
| c. 77 ... ..                        | Juries Act, 1870... ..                                          | Sch. rep. in pt. ( <i>prosp.</i> ) ...                                        | 72, s. 149 (2), sch. 8 Pt. I.                                    |
| c. 78 ... ..                        | Tramways Act, 1870 ...                                          | S. 4 rep. in pt. (E. exc. London).                                            | 25, ss. 309, 312 (2), schs. 22, 25.                              |
| 34 & 35 Vict.:<br>c. 22 ... ..      | Lunacy Regulation (Ireland) Act, 1871.                          | Appl. (mod.) ( <i>prosp.</i> ) ...                                            | 72, s. 120.                                                      |
| c. 44 ... ..                        | Incumbents Resignation Act, 1871.                               | S. 18 rep. ( <i>prosp.</i> ) ...                                              | 72, s. 149 (2), sch. 8 Pt. I.                                    |
| c. 55 ... ..                        | Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871. | S. 6 appl. ( <i>prosp.</i> ) ...                                              | 71, s. 83 (2).                                                   |
| c. 66 ... ..                        | Private Chapels Act, 1871                                       | Expld. ... ..                                                                 | C.A.M. No. 2 s. 2.                                               |
| c. 112 ... ..                       | Prevention of Crimes Act, 1871.                                 | S. 10 rep. in pt. (S.) ...                                                    | 51, s. 200 (1), sch. 12.                                         |

| Session and Chap. or No. of Measure | Short title or Subject                                      | How affected                                                                                                                                                                                                                                                                                                                                     | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                                                     |
|-------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 35 & 36 Vict.:<br>c. 85 ... ..      | Annual Turnpike Acts Continuance Act, 1872.                 | S. 13 am. (E. exc. London)<br><br>rep. in pt. (E. exc. London).                                                                                                                                                                                                                                                                                  | 25, s. 309, sch. 22.<br>25, ss. 309, 312 (2), schs. 22, 25.                                                                                                          |
| 36 & 37 Vict.:<br>c. 50 ... ..      | Places of Worship Sites Act, 1873.                          | Ss. 1, 3 excl. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                             | 72, s. 121, sch. 5.                                                                                                                                                  |
| c. 57 ... ..                        | Consolidated Fund (Permanent Charges Redemption) Act, 1873. | S. 7 rep. in pt. (E.) ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                          | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                                                        |
| 37 & 38 Vict.:<br>c. 42 ... ..      | Building Societies Act, 1874.                               | S. 36 saved (E.) ...                                                                                                                                                                                                                                                                                                                             | 22, s. 205 (5) (b).                                                                                                                                                  |
| c. 49 ... ..                        | Licensing Act, 1874 ...                                     | Rep. ... ..                                                                                                                                                                                                                                                                                                                                      | 68, S.L.R.                                                                                                                                                           |
| 38 & 39 Vict.:<br>c. 55 ... ..      | Public Health Act, 1875                                     | Ss. 26, 144, 146, 147 rep.<br><br>S. 148 ext. ... ..<br>Ss. 148 rep. in pt., 149-152 rep.<br>S. 153 appl. ... ..<br>Ss. 154, 155, 157, 158 rep., 160 rep. in pt., 213-215, 218-223, 225, 226, 232, 234, 240, 241, 256, 257, 268 rep.<br>S. 303 am. ... ..<br>Sch. 4 form G rep., sch. 5 rep. so far as relating to s. 6 of 26 & 27 Vict., c. 17. | 25, s. 312 (2), sch. 25.<br>25, s. 228 (9).<br>25, s. 312 (2), sch. 25.<br>25, s. 253 (1).<br>25, s. 312 (2) sch. 25.<br><br>25, s. 289.<br>25, s. 312 (2), sch. 25. |
| c. 71 ... ..                        | Ecclesiastical Commissioners Act, 1875.                     | Rep. ... ..                                                                                                                                                                                                                                                                                                                                      | 68, S.L.R.                                                                                                                                                           |
| c. 76 ... ..                        | Ecclesiastical Fees Act, 1875.                              | Rep. ... ..                                                                                                                                                                                                                                                                                                                                      | 68, S.L.R.                                                                                                                                                           |
| 39 & 40 Vict.:<br>c. 59 ... ..      | Appellate Jurisdiction Act, 1876.                           | S. 7 am. (saving) ...                                                                                                                                                                                                                                                                                                                            | 9 (8 Eliz. 2).                                                                                                                                                       |
| 40 & 41 Vict.:<br>c. 2 ... ..       | Treasury Bills Act, 1877                                    | S. 6 excl. ...                                                                                                                                                                                                                                                                                                                                   | 15, s. 3 (2).<br>59, s. 2 (2).<br>25, ss. 309, 312 (2), schs. 22, 25.                                                                                                |
| c. 14 ... ..                        | Evidence Act, 1877 ...                                      | S. 1 rep. in pt. (exc. London).                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                      |
| c. 57 ... ..                        | Supreme Court of Judicature Act (Ireland), 1877.            | S. 19 am. (saving) ...                                                                                                                                                                                                                                                                                                                           | 9 (8 Eliz. 2).                                                                                                                                                       |
| c. 59 ... ..                        | Colonial Stock Act, 1877                                    | S. 6 excl. (E.) ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                            | 72, s. 121, sch. 5.                                                                                                                                                  |

| Session and Chap. or No. of Measure | Short title or Subject                                          | How affected                                                                                         | Chapter of 1959 Act or number of Measure or Statutory Instrument |
|-------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 41 & 42 Vict.:                      | c. 15 ... .. Customs and Inland Revenue Act, 1878.              | Ss. 17, 19–23 rep. ...                                                                               | 55, s. 16 (1), sch.                                              |
| c. 34 ... ..                        | South Wales Highway Act Amendment Act, 1878.                    | Rep. ... ..                                                                                          | 25, s. 312 (2), sch. 25.                                         |
| c. 44 ... ..                        | Truro Chapter Act, 1878                                         | Rep. ... ..                                                                                          | C.A.M. No. 1, s. 11.                                             |
| c. 51 ... ..                        | Roads and Bridges (Scotland) Act, 1878.                         | Sch. C am. ( <i>prosp.</i> ) so far as relating to s. 87 of the Turnpike Roads (Scotland) Act, 1831. | 24, s. 31 (1), sch. 9 para. 1.                                   |
| c. 76 ... ..                        | Telegraph Act, 1878 ...                                         | S. 4, as am., saved (E.) ...                                                                         | 22, s. 205 (5) (c).                                              |
| c. 77 ... ..                        | Highways and Locomotives (Amendment) Act, 1878.                 | S. 7 (1)–(8) ext. ... ..                                                                             | 25, s. 300 (2) (5).                                              |
|                                     |                                                                 | Ss. 3–25 rep. ... ..                                                                                 | 25, s. 312 (2), sch. 25.                                         |
|                                     |                                                                 | S. 26 am.... ..                                                                                      | 25, s. 309, sch. 22.                                             |
|                                     |                                                                 | S. 26 (4) rep. ... ..                                                                                | 25, s. 312 (2), sch. 25.                                         |
|                                     |                                                                 | S. 27 rep. ... ..                                                                                    | 25, s. 312 (2), sch. 25.                                         |
|                                     |                                                                 | Ss. 34 rep., 36, 38 rep. in pt.                                                                      | 25, s. 312 (2), sch. 25.                                         |
| 42 & 43 Vict.:                      | c. 19 ... .. Habitual Drunkards Act, 1879.                      | Ss. 3, 7 am. (E.) ( <i>prosp.</i> )                                                                  | 72, s. 149 (2), sch. 7 Pt. I.                                    |
| c. 21 ... ..                        | Customs and Inland Revenue Act, 1879.                           | S. 26 rep. ... ..                                                                                    | 55, s. 16 (1), sch.                                              |
| 43 & 44 Vict.:                      | c. 5 ... .. County Bridges Loans Extension Act, 1880.           | Rep. ... ..                                                                                          | 25, s. 312 (2), sch. 25.                                         |
| 44 & 45 Vict.:                      | c. 14 ... .. South Wales Bridges Act, 1881.                     | Rep. ... ..                                                                                          | 25, s. 312 (2), sch. 25.                                         |
| c. 69 ... ..                        | Fugitive Offenders Act, 1881.                                   | Appl. (mod.) (Bahrain)...                                                                            | S.I. No. 1035, art 12, sch 2                                     |
|                                     |                                                                 | Appl. (mod.) (Kuwait)...                                                                             | S.I. No. 1036, art. 12, sch. 2.                                  |
|                                     |                                                                 | Appl. (mod.) (Qatar) ...                                                                             | S.I. No. 1038, art. 12, sch. 2.                                  |
|                                     |                                                                 | Appl. (mod.) (Trucial States).                                                                       | S.I. No. 1039, art. 12, sch. 2.                                  |
| 45 & 46 Vict.:                      | c. 27 ... .. Highway Rate Assessment and Expenditure Act, 1882. | S. 6 rep. (exc. London)...                                                                           | 25, s. 312 (2), sch. 25.                                         |
| c. 50 ... ..                        | Municipal Corporations Act, 1882.                               | S. 119 rep. ... ..                                                                                   | 25, s. 312 (2), sch. 25.                                         |
|                                     |                                                                 | S. 168 expld. ... ..                                                                                 | 41, s. 1 (2).                                                    |
|                                     |                                                                 | S. 168 (6) (a) rep. in pt. }                                                                         |                                                                  |

| Session and Chap. or No. of Measure  | Short title or Subject                          | How affected                                                                                                                                             | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                                                          |
|--------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 45 & 46 Vict.<br>c. 50— <i>cont.</i> | Municipal Corporations Act, 1882— <i>cont.</i>  | Sch. 9 rep. so far as relating to the South Wales Highways Act, 1860, the Highway Act, 1862, and the Highways and Locomotives (Amendment) Act, 1878.     | 25, s. 312 (2), sch. 25.                                                                                                                                                  |
| c. 52 ... ..                         | Annual Turnpike Acts Continuance Act, 1882.     | S. 8 am. (exc. London)... rep. (exc. London) so far as relating to the definition of "highway authority".                                                | 25, s. 309, sch. 22.<br>25, ss. 309, 312 (2), schs. 22, 25.                                                                                                               |
| c. 67 ... ..                         | South Wales Turnpike Roads Amendment Act, 1882. | Rep. ... ..                                                                                                                                              | 25, s. 312 (2), sch. 25.                                                                                                                                                  |
| c. 77 ... ..                         | Citation Amendment (Scotland) Act, 1882.        | Appl. ... ..                                                                                                                                             | 51, s. 181.                                                                                                                                                               |
| 46 & 47 Vict.:<br>c. 22 ... ..       | Sea Fisheries Act, 1883...                      | S. 7 (3) am. ... ..<br>Ss. 12 (7), 14 am. ...                                                                                                            | 7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 7 (6).                                                                                                                          |
| c. 34 ... ..                         | Cheap Trains Act, 1883                          | Ss. 3, 5 rep., 8 rep. in pt.                                                                                                                             | 68, S.L.R.                                                                                                                                                                |
| c. 38 ... ..                         | Trial of Lunatics Act, 1883.                    | S. 2 expld. (E.) ( <i>prosp.</i> )<br>S. 2 (2) rep. in pt. (E.) ( <i>prosp.</i> ).                                                                       | 72, s. 71 (2) (3).<br>72, s. 149 (2), sch. 8 Pt. I.                                                                                                                       |
| 47 & 48 Vict.:<br>c. 31 ... ..       | Colonial Prisoners Removal Act, 1884.           | Appl. (mod.) (Bahrain)...<br>Appl. (mod.) (Kuwait)...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States).<br>S. 10 (3) added ( <i>prosp.</i> ) | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2.<br>72, s. 149 (1), sch. 7 Pt. I. |
| c. 46 ... ..                         | Naval Enlistment Act, 1884.                     | S. 3 am. ( <i>prosp.</i> ) ...                                                                                                                           | 72, s. 149 (1), sch. 7 Pt. II.                                                                                                                                            |
| c. 64 ... ..                         | Criminal Lunatics Act, 1884.                    | Rep. (E.) ( <i>prosp.</i> ) ...<br>S. 8 (3)–(5) rep. ( <i>prosp.</i> )                                                                                   | 72, s. 149 (2), sch. 8 Pt. I.<br>72, s. 149 (2), sch. 8 Pt. II.                                                                                                           |
| 48 & 49 Vict.:<br>c. 13 ... ..       | Highway Act Amendment Act, 1885.                | Rep. ... ..                                                                                                                                              | 25, s. 312 (2), sch. 25.                                                                                                                                                  |
| c. 51 ... ..                         | Customs and Inland Revenue Act, 1885.           | Rep. ... ..                                                                                                                                              | 58, ss. 32, 37 (5) (e), sch. 8 Pt. III.                                                                                                                                   |
| c. 70 ... ..                         | Sea Fisheries (Scotland) Amendment Act, 1885.   | S. 4 am. ... ..                                                                                                                                          | 7 (8 Eliz. 2), s. 9.                                                                                                                                                      |
| c. 74 ... ..                         | Evidence by Commission Act, 1885.               | Appl. (mod.) (Bahrain)...<br>Appl. (mod.) (Kuwait) ...<br>Appl. (mod.) (Qatar) ...<br>Appl. (mod.) (Trucial States).                                     | S.I. No. 1035, art. 12, sch. 2.<br>S.I. No. 1036, art. 12, sch. 2.<br>S.I. No. 1038, art. 12, sch. 2.<br>S.I. No. 1039, art. 12, sch. 2.                                  |

| Session and Chap. or No. of Measure | Short title or Subject                                                       | How affected                                                                                                                                                                                                                                                                          | Chapter of 1959 Act or number of Measure or Statutory Instrument                                           |
|-------------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 49 & 50 Vict.:                      |                                                                              |                                                                                                                                                                                                                                                                                       |                                                                                                            |
| c. 16 ... ..                        | Lunacy (Vacating of Seats) Act, 1886.                                        | Rep. and superseded ( <i>prosp.</i> )                                                                                                                                                                                                                                                 | 72, ss. 137, 149 (2), sch. 8 Pt. II                                                                        |
| c. 22 ... ..                        | Metropolitan Police Act, 1886.                                               | Appl. ... ..<br>Ss. 3 rep., 6 rep. in pt....                                                                                                                                                                                                                                          | 45, s. 3 (1).<br>45, s. 4 (3), sch.                                                                        |
| c. 27 ... ..                        | Guardianship of Infants Act, 1886.                                           | S. 5 am. and expld. (E.)                                                                                                                                                                                                                                                              | 73, s. 3 (1).                                                                                              |
| c. 29 ... ..                        | Crofters Holdings (Scotland) Act, 1886.                                      | S. 10 saved (E.) ... ..<br>Appl. in pt. (mod.) ...                                                                                                                                                                                                                                    | 22, s. 205 (5) (d).<br>40, s. 11 (4).                                                                      |
| c. 57 ... ..                        | Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886. | S. 1 saved ... ..                                                                                                                                                                                                                                                                     | 22, s. 205 (5) (e).                                                                                        |
| 50 & 51 Vict.:                      |                                                                              |                                                                                                                                                                                                                                                                                       |                                                                                                            |
| c. 12 ... ..                        | Truro Bishopric and Chapter Acts Amendment Act, 1887.                        | Rep. ... ..                                                                                                                                                                                                                                                                           | C.A.M. No. 1, s. 11.                                                                                       |
| c. 24 ... ..                        | Crofters Holdings (Scotland) Act, 1887.                                      | Appl. in pt. (mod.) ...                                                                                                                                                                                                                                                               | 40, s. 11 (4).                                                                                             |
| c. 35 ... ..                        | Criminal Procedure (Scotland) Act, 1887.                                     | S. 61 saved ... ..                                                                                                                                                                                                                                                                    | 40, s. 26.                                                                                                 |
| c. 45 ... ..                        | Metropolitan Police Act, 1887.                                               | S. 2 rep. ... ..                                                                                                                                                                                                                                                                      | 45, s. 4 (3), sch.                                                                                         |
| c. 67 ... ..                        | Superannuation Act, 1887                                                     | S. 7 rep. (saving) ( <i>prosp.</i> )                                                                                                                                                                                                                                                  | 72, s. 149 (2), sch. 8 Pt. II.                                                                             |
| 51 & 52 Vict.:                      |                                                                              |                                                                                                                                                                                                                                                                                       |                                                                                                            |
| c. 2 ... ..                         | National Debt (Conversion) Act, 1888.                                        | Ss. 2 (5), 12 (2), 13 (1) all rep. in pt.                                                                                                                                                                                                                                             | 68, S.L.R.                                                                                                 |
| c. 25 ... ..                        | Railway and Canal Traffic Act, 1888.                                         | S. 13 rep. ... ..<br>S. 16 (1) am. (E. exc. London).<br>S. 16 (3) rep. (E. exc. London).<br>Ss. 24 rep., 25 rep. in pt. (saving), 26 rep. (saving), 29 rep., 31 rep. (saving), 35 (1) (a) rep., 36, 37 (2) (3) (5) both rep. (saving), 38 rep.                                        | 68, S.L.R.<br>25, s. 309, sch. 22.<br>25, ss. 309, 312 (2), schs. 22, 25.<br>68, S.L.R.                    |
| c. 41 ... ..                        | Local Government Act, 1888.                                                  | S. 54 (3) rep. in pt. (E. exc. London).<br>Ss. 3 (viii) rep. (in pt. exc. London), 6 rep. (exc. London), 11 (1) rep., 11 (7) (9) (10) rep. (exc. London), 11 (12) rep. in pt. (exc. London), 11 (13), 12, 13 rep., 34 (2) rep.<br>S. 35 (2) excl. ... ..<br>S. 35 (3) (4) rep. ... .. | 25, ss. 309, 312 (2), schs. 22, 25.<br>25, s. 312 (2), sch. 25.<br>25, s. 242.<br>25, s. 312 (2), sch. 25. |
| c. 52 ... ..                        | Public Health (Buildings in Streets) Act, 1888.                              | Rep. ... ..<br>Ss. 38 (2) (d), (3) (4) rep., 97 rep. (exc. London), 100 rep. (exc. London), so far as relating to definition of "highway authority".                                                                                                                                  | 25, s. 312 (2), sch. 25.                                                                                   |



| Session and Chap. or No. of Measure | Short title or Subject                                              | How affected                                                                                                                                | Chapter of 1959 Act or number of Measure or Statutory Instrument |
|-------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 52 & 53 Vict.:<br>c. 7 ... ..       | Customs and Inland Revenue Act, 1889.                               | S. 11 (1) rep. in pt. ...                                                                                                                   | 58, ss. 34 (1), 37 (5) (d), sch. 8 Pt. IV.                       |
| c. 63 ... ..                        | Interpretation Act, 1889                                            | S. 36 mod. (S.) ( <i>prosp.</i> )<br>excl. (S.) ... ..                                                                                      | 24, s. 32 (3).                                                   |
|                                     |                                                                     | S. 37 saved ( <i>prosp.</i> ) ...                                                                                                           | 70, s. 56 (4).                                                   |
|                                     |                                                                     | S. 38 saved ...                                                                                                                             | 72, s. 153 (3).                                                  |
|                                     |                                                                     | S. 38 saved (E.) ...                                                                                                                        | 23, s. 21 (4).                                                   |
|                                     |                                                                     | S. 38 (1) saved (S.) ...                                                                                                                    | 25, s. 312 (8).                                                  |
|                                     |                                                                     | S. 38 (2) appl. ...                                                                                                                         | 45, s. 4 (3).                                                    |
|                                     |                                                                     | saved ...                                                                                                                                   | 22, s. 205 (11).                                                 |
|                                     |                                                                     | saved (E.) (S.)                                                                                                                             | 51, s. 200 (5).                                                  |
|                                     |                                                                     |                                                                                                                                             | 70, s. 56 (2).                                                   |
|                                     |                                                                     |                                                                                                                                             | 19, s. 10 (2).                                                   |
|                                     |                                                                     |                                                                                                                                             | 26, s. 1 (4), sch. 1                                             |
|                                     |                                                                     |                                                                                                                                             | para. 5.                                                         |
|                                     |                                                                     |                                                                                                                                             | 71, s. 10 (7).                                                   |
|                                     |                                                                     |                                                                                                                                             | 54, s. 10 (5).                                                   |
|                                     |                                                                     |                                                                                                                                             | 55, s. 16 (8).                                                   |
| 53 & 54 Vict.:<br>c. 5 ... ..       | Lunacy Act, 1890 ...                                                | Rep. (E.) (saving) ( <i>prosp.</i> )                                                                                                        | 72, ss. 1, 149 (2) (5), sch. 8 Pt. I.                            |
|                                     |                                                                     | Ss. 86 rep., 87 (1) (2) rep. in pt., 88 (1) (2) rep. in pt., 107, 131 (1) rep., 131 (2) (3) rep. in pt., 131 (4) rep. ( <i>all prosp.</i> ) | 72, s. 149 (2), sch. 8 Pt. II.                                   |
| c. 39 ... ..                        | Partnership Act, 1890 ...                                           | S. 35 (a) rep. (E.) ( <i>prosp.</i> )                                                                                                       | 72, s. 149 (2), sch. 8 Pt. I.                                    |
| c. 59 ... ..                        | Public Health Acts Amendment Act, 1890.                             | Ss. 7 (2), 11 (2), 13-15, 34, 35, 39, 41, 43 rep. (E.)                                                                                      | 25, s. 312 (2), sch. 25.                                         |
| 54 & 55 Vict.:<br>c. 12 ... ..      | Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891. | Rep. ... ..                                                                                                                                 | 68, S.L.R.                                                       |
| c. 24 ... ..                        | Public Accounts and Charges Act, 1891.                              | S. 2 ext. ... ..                                                                                                                            | 59, s. 3.                                                        |
| c. 31 ... ..                        | Mail Ships Act, 1891 ...                                            | S. 5 saved (E.) ... ..                                                                                                                      | 22, s. 61 (2) (d).                                               |
| c. 39 ... ..                        | Stamp Act, 1891 ...                                                 | S. 92 rep. ... ..                                                                                                                           | 58, ss. 30 (4), 37 (5) (b), sch. 8 Pt. II.                       |
|                                     |                                                                     | S. 93 rep. (saving) ...                                                                                                                     | 58, ss. 30 (4) (6), 37 (5) (b), sch. 8 Pt. II.                   |
|                                     |                                                                     | Ss. 94-97 rep. ... ..                                                                                                                       | 58, ss. 30 (4), 37 (5) (b), sch. 8 Pt. II.                       |
|                                     |                                                                     | S. 98 (1) rep. in pt., 98 (2) rep. in pt., 99 rep. in pt.                                                                                   | 58, s. 37 (5) (b), sch. 8, Pt. II.                               |
|                                     |                                                                     | S. 100 excl. ... ..<br>rep. in pt. ... ..                                                                                                   | 58, s. 30 (4).                                                   |
|                                     |                                                                     |                                                                                                                                             | 58, ss. 30 (4), 37 (5) (b), sch. 8 Pt. II.                       |
|                                     |                                                                     | S. 116 ext. ... ..                                                                                                                          | 58, s. 30 (4) (c).                                               |
|                                     |                                                                     | Sch. 1 am. ... ..                                                                                                                           | 58, ss. 30 (1), 31 (1), 37 (5) (b), sch. 8 Pt. II.               |

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| 54 & 55 Vict.— <i>cont.</i>         |                                                |                                                                                                                                                                                                                                                                                           |                                                                         |
| c. 41 ... ..                        | Crofters Common Grazings Regulation Act, 1891. | Appl. in pt. (mod.) ...                                                                                                                                                                                                                                                                   | 40, s. 11 (4).                                                          |
| c. 63 ... ..                        | Highways and Bridges Act, 1891.                | Rep. ... ..                                                                                                                                                                                                                                                                               | 25, s. 312 (2), sch. 25.                                                |
| c. 65 ... ..                        | Lunacy Act, 1891 ...                           | Rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                             | 72, ss. 1, 149 (2), sch. 8 Pt. I.                                       |
| 55 & 56 Vict.:                      |                                                |                                                                                                                                                                                                                                                                                           |                                                                         |
| c. 43 ... ..                        | Military Lands Act, 1892                       | Ss. 13 subst., 16 (2) am. (E. exc. London).                                                                                                                                                                                                                                               | 25, s. 309, sch. 22                                                     |
| c. 44 ... ..                        | Railway and Canal Traffic Act, 1892.           | Rep. ... ..                                                                                                                                                                                                                                                                               | 68, S.L.R.                                                              |
| c. 55 ... ..                        | Burgh Police (Scotland) Act, 1892.             | Ss. 152 rep. in pt. ( <i>prosp.</i> ), 161 rep. ( <i>prosp.</i> ), 164 rep. in pt. ( <i>prosp.</i> ), 166, 167 rep. ( <i>prosp.</i> )<br>S. 168 saved ( <i>prosp.</i> ) ...                                                                                                               | 24, s. 31 (2), sch. 10.<br>24, s. 1 (4), sch. 1 para. 1.                |
|                                     |                                                | Ss. 170–174 rep. ( <i>prosp.</i> )                                                                                                                                                                                                                                                        | 24, s. 31 (2), sch. 10.                                                 |
|                                     |                                                | S. 175 saved ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                        | 24, s. 1 (4), sch. 1 para. 1.                                           |
|                                     |                                                | Ss. 176–185 rep. ( <i>prosp.</i> )                                                                                                                                                                                                                                                        | 24, s. 31 (2), sch. 10.                                                 |
|                                     |                                                | S. 186 saved ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                        | 24, s. 1 (4), sch. 1 para. 1.                                           |
|                                     |                                                | Ss. 187 rep. ( <i>prosp.</i> ) 190 rep. in pt. ( <i>prosp.</i> ), 191–200 rep. ( <i>prosp.</i> ), 201 rep. in pt. ( <i>prosp.</i> )<br>S. 207 am. ( <i>prosp.</i> ) ...                                                                                                                   | 24, s. 31 (2), sch. 10.<br>24, s. 31 (1), sch. 9 para. 2.               |
|                                     |                                                | rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                                                                             | 24, s. 31 (2), sch. 10.                                                 |
|                                     |                                                | Ss. 208, 209 rep. ( <i>prosp.</i> ), 229 rep. in pt. ( <i>prosp.</i> ), 238–241 rep. ( <i>prosp.</i> ), 244 rep. in pt. ( <i>prosp.</i> ), 245, 246, 251, 252 rep. ( <i>prosp.</i> ), 253 rep. in pt. ( <i>prosp.</i> ), 256 rep. in pt. ( <i>prosp.</i> ), sch. 4 rep. ( <i>prosp.</i> ) | 24, s. 31 (2), sch. 10.                                                 |
| c. 57 ... ..                        | Private Street Works Act, 1892.                | Rep. ... ..                                                                                                                                                                                                                                                                               | 25, s. 312 (2), sch. 25.                                                |
| 56 & 57 Vict.:                      |                                                |                                                                                                                                                                                                                                                                                           |                                                                         |
| c. 32 ... ..                        | Barbed Wire Act, 1893...                       | Rep. (E.)... ..                                                                                                                                                                                                                                                                           | 25, s. 312 (2), sch. 25.                                                |
| c. 39 ... ..                        | Industrial and Provident Societies Act, 1893.  | Ss. 29, 30 excl. (E.) ( <i>prosp.</i> )                                                                                                                                                                                                                                                   | 72, s. 121, sch. 5.                                                     |
| c. 73 ... ..                        | Local Government Act, 1894.                    | Ss. 8 (1) (g) rep. so far as applying to highways within the meaning of the Highways Act, 1959, 13 rep., 16 (1) and 19 (8) rep. in pt., 25 (2) (3), 26 (1), (4)–(6) rep. (exc. London).<br>S. 63 (1) appl. ... ..<br>S. 82 rep. ... ..                                                    | 25, s. 312 (2), sch. 25.<br>25, s. 116 (8).<br>25, s. 312 (2), sch. 25. |

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| 57 & 58 Vict.:                      |                                                        |                                                                                                          |                                                                  |
| c. 30 ...                           | Finance Act, 1894 ...                                  | S. 7 (5) expld. ...                                                                                      | 58, s. 34 (6).                                                   |
| c. 46 ...                           | Copyholds Act, 1894 ...                                | S. 45 excl. ( <i>prosp.</i> ) ...                                                                        | 72, s. 121, sch. 5.                                              |
| c. 47 ...                           | Building Societies Act, 1894.                          | S. 13 expld. (E.) ...                                                                                    | 25, s. 199.                                                      |
| c. 60 ...                           | Merchant Shipping Act, 1894.                           | Pt. XIII appl. (mod.) (Bahrain).                                                                         | S.I. No. 1035, art. 12, sch. 2.                                  |
|                                     |                                                        | Pt. XIII appl. (mod.) (Kuwait).                                                                          | S.I. No. 1036, art. 12, sch. 2.                                  |
|                                     |                                                        | Pt. XIII appl. (mod.) (Qatar).                                                                           | S.I. No. 1038, art. 12, sch. 2.                                  |
|                                     |                                                        | Pt. XIII appl. (mod.) (Trucial States).                                                                  | S.I. No. 1039, art. 12, sch. 2.                                  |
|                                     |                                                        | S. 55 (1) excl. (E.) ( <i>prosp.</i> )                                                                   | 72, s. 121, sch. 5.                                              |
|                                     |                                                        | S. 104 ext. ...                                                                                          | S.I. No. 2148, reg. 11.                                          |
|                                     |                                                        | S. 214 excl. (S.) ...                                                                                    | 51, s. 70.                                                       |
|                                     |                                                        | S. 503 excl. ( <i>prosp.</i> ) ...                                                                       | 46, ss. 4 (5), 9 (3).                                            |
|                                     |                                                        | S. 552 saved (E.) ...                                                                                    | 22, s. 61 (2) (b).                                               |
|                                     |                                                        | S. 555 (1) am. (E.) ...                                                                                  | 22, s. 56 (8).                                                   |
|                                     |                                                        | S. 684 appl. ...                                                                                         | 7 (8 Eliz. 2), s. 7 (5).                                         |
| 58 & 59 Vict.:                      |                                                        |                                                                                                          |                                                                  |
| c. 16 ...                           | Finance Act, 1895 ...                                  | S. 12 excl. (E.) ...                                                                                     | 62, s. 9 (5).                                                    |
|                                     |                                                        | S. 13 rep. ...                                                                                           | 58, s. 37 (5) (b), sch. 8 Pt. II.                                |
| c. 36 ...                           | Fatal Accidents Inquiry (Scotland) Act, 1895.          | Excl. ( <i>prosp.</i> ) ...                                                                              | 46, s. 6 (7).                                                    |
| c. 42 ...                           | Sea Fisheries Regulation (Scotland) Act, 1895.         | S. 9 (2) ext. ...                                                                                        | 27, s. 1.                                                        |
| 59 & 60 Vict.:                      |                                                        |                                                                                                          |                                                                  |
| c. 28 ...                           | Finance Act, 1896 ...                                  | S. 13 rep. ...                                                                                           | 58, s. 37 (5) (b), sch. 8 Pt. II.                                |
| c. 48 ...                           | Light Railways Act, 1896                               | Sch. 2 rep. so far as relating to the Cheap Trains Act, 1883.                                            | 68, S.L.R.                                                       |
| 60 & 61 Vict.:                      |                                                        |                                                                                                          |                                                                  |
| c. 26 ...                           | Metropolitan Police Courts Act, 1897.                  | S. 4 rep. in pt. ...                                                                                     | 45, s. 4 (3), sch.                                               |
| c. 38 ...                           | Public Health (Scotland) Act, 1897.                    | Ss. 29 rep. in pt. ( <i>prosp.</i> ), 115 rep. in pt. ( <i>prosp.</i> ), 181, 182 rep. ( <i>prosp.</i> ) | 24, s. 31 (2), sch. 10.                                          |
| c. 42 ...                           | Metropolitan Police (Borrowing Powers) Act, 1897.      | Rep. ...                                                                                                 | 45, s. 4 (3), sch.                                               |
| c. 51 ...                           | Public Works Loans Act, 1897.                          | S. 1 appl. (E. exc. London)                                                                              | 25, s. 198 (2).                                                  |
| 61 & 62 Vict.:                      |                                                        |                                                                                                          |                                                                  |
| c. 57 ...                           | Elementary School Teachers (Superannuation) Act, 1898. | Pensions increase ...                                                                                    | 50, ss. 1, 2, sch. Pt. I para. 3.                                |
|                                     |                                                        | S. 6 (1) (b) rep. in pt. ( <i>prosp.</i> ).                                                              | 72, s. 149 (2), sch. 8 Pt. I.                                    |
| c. 60 ...                           | Inebriates Act, 1898 ...                               | S. 24 am. ...                                                                                            | 51, s. 160 (1).                                                  |
|                                     |                                                        | Sch. 1 ext. (S.) ...                                                                                     | 51, ss. 152 (3), 153 (2), 154 (3), 158 (3).                      |
| 62 & 63 Vict.:                      |                                                        |                                                                                                          |                                                                  |
| c. 9 ...                            | Finance Act, 1899 ...                                  | S. 11 rep. ...                                                                                           | 58, s. 37 (5) (b), sch. 8 Pt. II.                                |
| c. 14 ...                           | London Government Act, 1899.                           | S. 6 (2) appl. ...                                                                                       | 25, s. 291 (6).                                                  |
|                                     |                                                        | Ss. 11 (1)-(3) rep. in pt....                                                                            | 68, S.L.R.                                                       |

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| 1 Edw. 7:<br>c. 7 ... ..            | Finance Act, 1901 ...              | S. 11 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 58, s. 37 (5) (b), sch. 8 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3 Edw. 7:<br>c. 25 ... ..           | Licensing (Scotland) Act, 1903.    | Ss. 1-69 rep., 70 rep. in pt., 72, 74-90 rep., 91 rep. (saving), 92, 93 rep., 94 rep. (saving), 95-100 rep., 101-105 rep. (saving), 106 rep., 107 rep., except so far as defining "constable" and "magistrate", 110, schs. 1-12 rep.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 51, s. 200 (1), sch. 12.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. 33 ... ..                        | Burgh Police (Scotland) Act, 1903. | <p>Ss. 11, 12 saved (<i>prosp.</i>)...</p> <p>Ss. 26-28 rep. (<i>prosp.</i>) ...</p> <p>S. 29 subst. (<i>prosp.</i>) ...</p> <p>S. 31 saved (<i>prosp.</i>) ...</p> <p>Ss. 32-34 rep. (<i>prosp.</i>) ...</p> <p>S. 35 saved (<i>prosp.</i>) ...</p> <p>rep. in pt. (<i>prosp.</i>)</p> <p>S. 37 am. (<i>prosp.</i>) ...</p> <p>S. 38 rep. (<i>prosp.</i>) ...</p> <p>S. 39 saved (<i>prosp.</i>) ...</p> <p>rep. in pt. (<i>prosp.</i>)</p> <p>S. 40 rep. (<i>prosp.</i>) ...</p> <p>S. 41 saved (<i>prosp.</i>) ...</p> <p>S. 41 (1) (3) rep. in pt. (<i>prosp.</i>)</p> <p>S. 43 saved (<i>prosp.</i>) ...</p> <p>S. 61 (1) (2) rep. in pt. (<i>prosp.</i>), 61 (3) (5) rep. (<i>prosp.</i>), 61 (6) rep. in pt. (<i>prosp.</i>), 62, 63, 66, 69-75, 93 (1)-(5), (7)-(10), (13) rep. (<i>prosp.</i>)</p> <p>S. 103 para. (9) saved (<i>prosp.</i>)</p> <p>Ss. 103 (12) (b) rep. (<i>prosp.</i>), 103 (12) (c) rep. in pt. (<i>prosp.</i>), 103 (12) (d) (f) (k) rep. (<i>prosp.</i>), 103 (12) (m) rep. in pt. (<i>prosp.</i>), 104 (2) (i)-(m) rep. (<i>prosp.</i>)</p> | <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 31 (1), sch. 9 para. 3.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 31 (1), sch. 9 para. 3.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 1 (4), sch. 1 para. 2.</p> <p>24, s. 31 (2), sch. 10.</p> |
| c. 46 ... ..                        | Revenue Act, 1903 ...              | S. 8 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 58, s. 37 (5) (b), sch. 8 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| 6 Edw. 7:<br>c. 32 ... ..<br>c. 41 ... .. | Dogs Act, 1906 ... ..<br>Marine Insurance Act, 1906. | S. 5 rep. ... ..<br>S. 21 rep. in pt. ... ..<br><br>Ss. 23 (2)–(5), 25 (2) rep.                                                             | 55, s. 16 (1), sch.<br>58, s. 37 (5) (b),<br>sch. 8 Pt. II.<br>58, ss. 30 (5), 37<br>(5) (b), sch. 8<br>Pt. II.<br>61, s. 1. |
| c. 50 ... ..                              | National Galleries of Scotland Act, 1906.            | S. 7 am. ... ..                                                                                                                             | 61, s. 1.                                                                                                                    |
| 7 Edw. 7:<br>c. 13 ... ..                 | Finance Act, 1907 ...                                | S. 8 rep. ... ..                                                                                                                            | 58, s. 37 (5) (b),<br>sch. 8 Pt. II.                                                                                         |
| c. 23 ... ..                              | Criminal Appeal Act, 1907.                           | Appl. ( <i>prosp.</i> ) ... ..<br>Appl. in pt. ( <i>mod.</i> ) ...                                                                          | 72, s. 69 (1).<br>S.I. No. 2197,<br>art. 13.                                                                                 |
| c. 37 ... ..                              | Transvaal Loan (Guarantee) Act, 1907.                | S. 4 (3) ext. ( <i>prosp.</i> ) ...<br>S. 5 (4) rep. in pt. ( <i>prosp.</i> )<br>expld. ( <i>prosp.</i> ) ...                               | 72, s. 69 (2) (3).<br>72, s. 149 (2),<br>sch. 8 Pt. 1.<br>72, s. 71 (2) (3).<br>68, S.L.R.                                   |
| c. 51 ... ..                              | Sheriff Courts (Scotland) Act, 1907.                 | Rep. ... ..                                                                                                                                 | 50, ss. 1, 2, sch.<br>Pt. I para. 17.                                                                                        |
| c. 53 ... ..                              | Public Health Acts Amendment Act, 1907.              | Ss. 7 (2), 15–20, 22, 28–30<br>rep. (E.), 31 rep. in pt.<br>(E.), 32, 33 rep. (E.).<br>S. 81 rep. in pt. (E.) ...<br>S. 95 rep. (E.) ... .. | 25, s. 312 (2),<br>sch. 25.<br>57, s. 5 (2), sch.<br>25, s. 312 (2),<br>sch. 25.                                             |
| 8 Edw. 7:<br>c. 7 ... ..                  | Fatal Accidents (Damages) Act, 1908.                 | Rep. (E.)... ..                                                                                                                             | 65, s. 3 (3), sch.                                                                                                           |
| c. 16 ... ..                              | Finance Act, 1908 ...                                | S. 6 (4) rep. in pt. (so far<br>as relating to dogs).<br>S. 9 rep. ... ..                                                                   | 55, s. 16 (1) (2),<br>sch.<br>68, S.L.R.                                                                                     |
| c. 47 ... ..                              | Lunacy Act, 1908 ...                                 | Rep. ( <i>prosp.</i> ) ... ..                                                                                                               | 72, ss. 1, 149 (2),<br>sch. 8 Pt. 1.                                                                                         |
| c. 50 ... ..                              | Crofters Common Grazings Regulation Act, 1908.       | Appl. in pt. ( <i>mod.</i> ) ...                                                                                                            | 40, s. 11 (4).                                                                                                               |
| 9 Edw. 7:<br>c. 47 ... ..                 | Development and Road Improvement Funds Act, 1909.    | Pt. II (ss. 8–17) rep. (E.<br>exc. London), s. 19 (1)<br>rep. in pt. (E. exc.<br>London).<br>S. 8 am. (S.) ... ..                           | 25, s. 312 (2),<br>sch. 25.<br>70, s. 47 (1).                                                                                |
| 10 Edw. 7 &<br>1 Geo. 5:<br>c. 8 ... ..   | Finance (1909–10) Act, 1910.                         | S. 59 (3) expld. ... ..                                                                                                                     | 58, s. 35 (1).                                                                                                               |
| 1 & 2 Geo. 5:<br>c. 10 ... ..             | Intestate Husband's Estate (Scotland) Act, 1911.     | Ss. 1, 2, 4 am. ... ..                                                                                                                      | 21, s. 1 (1).                                                                                                                |
| c. 48 ... ..                              | Finance Act, 1911 ...                                | S. 16 rep. ... ..                                                                                                                           | 68, S.L.R.                                                                                                                   |
| c. 49 ... ..                              | Small Landholders (Scotland) Act, 1911.              | Appl. in pt. ( <i>mod.</i> ) ...                                                                                                            | 40, s. 11 (4).                                                                                                               |

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| 2 & 3 Geo. 5:<br>c. 8 ... ..        | Finance Act, 1912 ...                                        | S. 8 rep. ... ..                                                                                                                                   | 58, s. 37 (5) (b), sch. 8 Pt. II.                                      |
| c. 12 ... ..                        | Elementary School Teachers (Superannuation) Act, 1912.       | Pensions increase ...                                                                                                                              | 50, ss. 1, 2, sch. Pt. I para. 3.                                      |
| 3 & 4 Geo. 5:<br>c. 20 ... ..       | Bankruptcy (Scotland) Act, 1913.                             | S. 118 ext. ... ..                                                                                                                                 | 47, s. 11 (1).                                                         |
| c. 27 ... ..                        | Forgery Act, 1913 ...                                        | Ss. 3 (3) (d), 5 (3) (b) am. (E.) ( <i>prosp.</i> ).                                                                                               | 72, s. 149 (1), sch. 7 Pt. I.                                          |
| c. 28 ... ..                        | Mental Deficiency Act, 1913.                                 | Rep. ( <i>prosp.</i> ) (saving) ...                                                                                                                | 72, ss. 1, 149 (2) (5), sch. 8 Pt. I.                                  |
| c. 32 ... ..                        | Ancient Monuments Consolidation and Amendment Act, 1913.     | S. 5 (2) excl. (E.) ( <i>prosp.</i> )                                                                                                              | 72, s. 121, sch. 5.                                                    |
| c. 33 ... ..                        | Temperance (Scotland) Act, 1913.                             | Rep. ... ..                                                                                                                                        | 51, s. 200 (1), sch. 12.                                               |
| c. 38 ... ..                        | Mental Deficiency and Lunacy (Scotland) Act, 1913.           | S. 7 appl. ( <i>prosp.</i> ) ...<br>S. 10 appl. ( <i>prosp.</i> ) ...                                                                              | 72, ss. 81 (3) (b), 83 (1).<br>72, s. 83 (2).                          |
| 4 & 5 Geo. 5:<br>c. 59 ... ..       | Bankruptcy Act, 1914 ...                                     | S. 33 ext. ... ..<br>S. 35 saved ... ..<br>Ss. 40, 41 saved ... ..                                                                                 | 47, s. 11 (1).<br>22, s. 137 (8).<br>22, s. 133, proviso.              |
| c. 61 ... ..                        | Special Constables Act, 1914.                                | Pensions increase ...                                                                                                                              | 50, ss. 1, 2, sch. Pt. II para. 3.                                     |
| 5 & 6 Geo. 5:<br>c. 24 ... ..       | Injuries in War (Compensation) Act, 1915.                    | Pensions increase ...                                                                                                                              | 50, ss. 1, 2, sch. Pt. I para. 22.                                     |
| c. 74 ... ..                        | Police Magistrates (Superannuation) Act, 1915.               | Pensions increase ...                                                                                                                              | 50, ss. 1, 2, sch. Pt. I para. 18.                                     |
| 6 & 7 Geo. 5:<br>c. 31 ... ..       | Police, Factories, &c. (Miscellaneous Provisions) Act, 1916. | S. 11 rep. ( <i>prosp.</i> ) ...                                                                                                                   | 72, s. 149 (2), sch. 8 Pt. I.                                          |
| c. 68 ... ..                        | New Ministries and Secretaries Act, 1916.                    | Transfer of functions (Minister of Labour).                                                                                                        | S.I. No. 1769.                                                         |
| 8 & 9 Geo. 5:<br>c. 55 ... ..       | School Teachers (Superannuation) Act, 1918.                  | Pensions increase ...<br>S. 9 rep. ( <i>prosp.</i> ) ...                                                                                           | 50, ss. 1, 2, sch. Pt. I para. 4.<br>72, s. 149 (2), sch. 8 Pt. I.     |
| 9 & 10 Geo. 5:<br>c. 9 ... ..       | Intestate Husband's Estate (Scotland) Act, 1919.             | S. 3, sch. am. ... ..                                                                                                                              | 21, s. 1 (1).                                                          |
| c. 46 ... ..                        | Police Act, 1919 ...                                         | Sch. paras. 5, 9 subst. ...<br>Sch. para. 22 rep. in pt.                                                                                           | 38, s. 1 (1).<br>38, s. 1 (3).                                         |
| c. 50 ... ..                        | Ministry of Transport Act, 1919.                             | Transfer of functions, etc.<br>S. 3 rep. (with saving for s. 3 (1) (d)).<br>S. 10 rep. (E.) ... ..<br>Ss. 13 rep., 14 (1) rep. in pt., 14 (2) rep. | S.I. No. 1768.<br>68, S.L.R.<br>25, s. 312 (2), sch. 25.<br>68, S.L.R. |

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| 9 & 10 Geo. 5—<br><i>cont.</i><br>c. 57 ... .. | Acquisition of Land (Assessment of Compensation) Act, 1919.      | Appl. (mod.) (E.)<br>Appl. (mod.) (S.)<br>S. 2 appl. (E.) ...<br>ext. (E.) ...<br>ext. (S.) ...<br>S. 2 (2)–(4) appl. (E.) ...<br>S. 3 appl. (mod.) (S.)<br><i>(temp.)</i> .<br>S. 5 appl. (mod.) (E.) ...<br>appl. (mod.) (S.)<br><i>(temp.)</i> .<br>S. 5 (2) appl. (E.) ...<br>appl. (S.) ...<br>mod. (E.) ...<br>mod. (S.) ...<br>restr. (E.) ...<br>restr. (S.) ... | 25, s. 222 (6)–(8).<br>53, ss. 1 (1), 19 (6).<br>70, ss. 1 (1), 20 (6).<br>25, s. 233 (3).<br>53, s. 9, sch. 1.<br>70, s. 9, sch. 1.<br>25, s. 266 (3).<br>51, s. 85 (2).<br>S.I. No. 715, reg. 8.<br>25, s. 266 (2).<br>51, s. 85 (2) (3).<br>S.I. No. 715, reg. 8.<br>53, s. 15 (2).<br>70, s. 15 (2).<br>53, s. 15 (5).<br>70, s. 15 (5).<br>53, s. 43 (1), sch. 5 para. 14.<br>70, s. 42 (1), sch. 5 para. 14.<br>51, s. 85 (2).<br>S.I. No. 715, reg. 8. |
| c. 60 ... ..                                   | Housing, Town Planning, &c. (Scotland) Act, 1919.                | S. 43 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                                                         | 24, s. 31 (2), sch. 10.                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 69 ... ..                                   | Industrial Courts Act, 1919.                                     | S. 2 (2) (a) ext. ...                                                                                                                                                                                                                                                                                                                                                    | 26, s. 8 (1).                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. 92 ... ..                                   | Aliens Restriction (Amendment) Act, 1919.                        | S. 1 cont. until 31.12.1960                                                                                                                                                                                                                                                                                                                                              | 4 (8 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. 97 ... ..                                   | Land Settlement (Scotland) Act, 1919.                            | Pt. II appl. in pt. (mod.)<br>S. 21 am. ...                                                                                                                                                                                                                                                                                                                              | 40, s. 11 (4).<br>70, s. 26.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 10 & 11 Geo. 5:<br>c. 17 ... ..                | Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. | Excl. (E.) ...<br>S. 5 (4) excl. (E.) ...                                                                                                                                                                                                                                                                                                                                | 62, s. 4 (5).<br>22, s. 147 (2).                                                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 18 ... ..                                   | Finance Act, 1920 ...                                            | Ss. 40 (1) rep., 40 (2) rep. in pt., 41 rep.<br>S. 58 rep. ...<br>Rep. ...                                                                                                                                                                                                                                                                                               | 58, s. 37 (5) (b), sch. 8 Pt. I.<br>68, S.L.R.<br>68, S.L.R.                                                                                                                                                                                                                                                                                                                                                                                                  |
| c. 20 ... ..                                   | Veterinary Surgeons Act (1881) Amendment Act, 1920.              | S. 1 (2) (c). Pensions increase.                                                                                                                                                                                                                                                                                                                                         | 50, ss. 1, 2, sch. Pt. I para. 6.                                                                                                                                                                                                                                                                                                                                                                                                                             |
| c. 36 ... ..                                   | Pensions (Increase) Act, 1920.                                   | S. 1 excl. ...                                                                                                                                                                                                                                                                                                                                                           | S.I. No. 460.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. 54 ... ..                                   | Seeds Act, 1920... ..                                            | S. 1 excl. (S.) ...                                                                                                                                                                                                                                                                                                                                                      | S.I. No. 463.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. 65 ... ..                                   | Employment of Women, Young Persons, and Children Act, 1920.      | S. 1 (3). Power to excl. (E.) (S.).                                                                                                                                                                                                                                                                                                                                      | 67, s. 23 (1).                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 67 ... ..                                   | Government of Ireland Act, 1920.                                 | Ext. (legislative powers) ( <i>prosp.</i> ).<br>S. 6 mod. ...<br>Sch. 8. Pensions increase.                                                                                                                                                                                                                                                                              | 72, s. 151.<br>46, s. 12 (5).<br>7 (8 Eliz. 2), s. 14 (2).<br>50, ss. 1, 2, sch. Pt. I para. 2.                                                                                                                                                                                                                                                                                                                                                               |

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| 10 & 11 Geo. 5—<br><i>cont.</i><br>c. 72 ... .. | Roads Act, 1920 ...                                             | Sch. 1 rep. in pt. (E. exc. London).                                  | 25, s. 312 (2), sch. 25.                                         |
| 11 & 12 Geo. 5:<br>c. 31 ... ..                 | Police Pensions Act, 1921                                       | Pensions increase ...                                                 | 50, ss. 1, 2, 4 (2) (c), sch. Pt. II para. 5.                    |
| c. 32 ... ..                                    | Finance Act, 1921 ...                                           | S. 6 rep. ... ..                                                      | 68, S.L.R.                                                       |
| c. 42 ... ..                                    | Licensing Act, 1921 ...                                         | Rep. (S.)... ..                                                       | 51, s. 200 (1), sch. 12.                                         |
| c. 48 ... ..                                    | Corn Production Acts (Repeal) Act, 1921.                        | Rep. (E.) (S.) ... ..                                                 | 54, s. 10 (1), sch.                                              |
| c. 55 ... ..                                    | Railways Act, 1921 ...                                          | Ss. 11, 28–38, 40–55, 57, 61, 72, schs. 4 and 5 rep.                  | 68, S.L.R.                                                       |
| c. 58 ... ..                                    | Trusts (Scotland) Act, 1921.                                    | S. 10 ext. ... ..                                                     | 33, s. 1 (1).                                                    |
| 12 & 13 Geo. 5:<br>c. 16 ... ..                 | Law of Property Act, 1922.                                      | Ss. 129 (1), 139 (1) (v) expld.<br>S. 188 (19) rep. ( <i>prosp.</i> ) | 22, s. 52 (3), sch. 1.<br>72, s. 149 (2), sch. 8 Pt. I.          |
| c. 17 ... ..                                    | Finance Act, 1922 ...                                           | Sch. 12 paras. (6) (8) expld. ... ..                                  | 22, s. 52 (3), sch. 1.                                           |
| c. 21 ... ..                                    | Treaties of Washington Act, 1922.                               | Pt. IV (ss. 38–41) rep. ...                                           | 68, S.L.R.                                                       |
| c. 53 ... ..                                    | War Service Canteens (Disposal of Surplus) Act, 1922.           | Rep. ... ..                                                           | 68, S.L.R.                                                       |
| c. 60 ... ..                                    | Lunacy Act, 1922 ...                                            | Rep. ( <i>prosp.</i> ) ... ..                                         | 72, ss. 1, 149 (2), sch. 8 Pt. I.                                |
| 13 & 14 Geo. 5:<br>c. 14 ... ..                 | Finance Act, 1923 ...                                           | S. 34 rep. ... ..                                                     | 68, S.L.R.                                                       |
| c. 16 ... ..                                    | Salmon and Fresh Water Fisheries Act, 1923.                     | S. 50 (2) excl. ( <i>prosp.</i> ) ...                                 | 72, s. 121, sch. 5.                                              |
| c. 24 ... ..                                    | Housing, &c., Act, 1923                                         | S. 22 para. (d) rep. in pt.                                           | 33, ss. 3 (1), 31 (2), sch. 2.                                   |
| c. 28 ... ..                                    | Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923. | Rep. (S.) ... ..                                                      | 51, s. 200 (1), sch. 12.                                         |
| 14 & 15 Geo. 5:<br>c. 22 ... ..                 | Carriage of Goods by Sea Act, 1924.                             | Saved ( <i>prosp.</i> ) ... ..                                        | 46, ss. 4 (3), 9 (3).                                            |
| c. 32 ... ..                                    | Pensions (Increase) Act, 1924.                                  | Pensions increase ...                                                 | 50, ss. 1, 2, 3, sch. Pt. I para. 6.                             |
| c. 34 ... ..                                    | London Traffic Act, 1924                                        | Ss. 4, 5, 11 rep. ... ..                                              | 25, s. 312 (2), sch. 25.                                         |
|                                                 |                                                                 | S. 13 rep. ... ..                                                     | 68, S.L.R.                                                       |
|                                                 |                                                                 | S. 16 rep. in pt. ... ..                                              | 25, s. 312 (2), sch. 25.                                         |
| C.A.M. No. 6                                    | Diocese of Winchester (Division) Measure, 1923.                 | S. 7 rep. so far as relating to the Cathedral Church of Guildford.    | 68, S.L.R.<br>C.A.M. No. 3, s. 1 (3).                            |



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| 15 & 16 Geo. 5:<br>c. 18 ... ..     | Settled Land Act, 1925 ... | S. 28 rep. ( <i>prosp.</i> ) ...                                                                                                     | 72, s. 149 (2),<br>sch. 8 Pt. I.                                 |
|                                     |                            | S. 56 (3) am. (exc. London).                                                                                                         | 25, s. 309, sch. 22.                                             |
|                                     |                            | S. 56 (3) (c) rep. (exc. London).                                                                                                    | 25, s. 312 (2), sch. 25.                                         |
|                                     |                            | S. 68 (3) am. ( <i>prosp.</i> ) ...                                                                                                  | 72, s. 149 (1), sch. 7 Pt. I.                                    |
|                                     |                            | S. 113 (3) mod. ... ..                                                                                                               | 22, s. 53.                                                       |
|                                     |                            | am. ... ..                                                                                                                           | 22, s. 202, sch. 2 para. 1 (1).                                  |
|                                     |                            | expld. ... ..                                                                                                                        | 22, s. 202, sch. 2 para. 1 (2).                                  |
|                                     |                            | S. 117 (1) (xiii) rep. ( <i>prosp.</i> ).                                                                                            | 72, s. 149 (2), sch. 8 Pt. I.                                    |
| c. 19 ... ..                        | Trustee Act, 1925 ...      | S. 1 ext. ... ..                                                                                                                     | 33, s. 1 (1).                                                    |
|                                     |                            | S. 36 (9) subst. ( <i>prosp.</i> ) ...                                                                                               | 72, s. 149 (1), sch. 7 Pt. I.                                    |
|                                     |                            | S. 41 (1) expld. ... ..                                                                                                              | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | am. ( <i>prosp.</i> ) ... ..                                                                                                         | 72, s. 149 (1), sch. 7 Pt. I.                                    |
|                                     |                            | S. 42, 44-48, 50, 51, 53 expld.                                                                                                      | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | Ss. 54 subst. ( <i>prosp.</i> ), 55 am. ( <i>prosp.</i> ).                                                                           | 72, s. 149 (1), sch. 7 Pt. I.                                    |
|                                     |                            | Ss. 56, 57, 59-62 expld. ...                                                                                                         | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | S. 63 expld. ... ..                                                                                                                  | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | am. ... ..                                                                                                                           | 22, s. 175.                                                      |
|                                     |                            | S. 68 (15) rep. in pt. ( <i>prosp.</i> ).                                                                                            | 72, s. 149 (2), sch. 8 Pt. I.                                    |
| c. 20 ... ..                        | Law of Property Act, 1925. | Appl. (exc. London) ...                                                                                                              | 25, s. 181 (3).                                                  |
|                                     |                            | Pt. III appl. ... ..                                                                                                                 | 54, s. 3 (3).                                                    |
|                                     |                            | S. 3 (4) (5) expld. ... ..                                                                                                           | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | Ss. 22 subst. ( <i>prosp.</i> ), 26 (2) am. and rep. in pt. ( <i>prosp.</i> ), 28 (3) proviso am. and rep. in pt. ( <i>prosp.</i> ). | 72, s. 149 (1), sch. 7 Pt. I.                                    |
|                                     |                            | Ss. 30, 49, 66 expld. ... ..                                                                                                         | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | Ss. 76 (1) (F), 76 (4), 77 (4) all rep. in pt. ( <i>prosp.</i> ).                                                                    | 72, s. 149 (2), sch. 8 Pt. I.                                    |
|                                     |                            | Ss. 89 (1), 90 (1), 91, 92 expld.                                                                                                    | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | S. 136 am. ... ..                                                                                                                    | 22, s. 109 (2) (e).                                              |
|                                     |                            | S. 136 (1) proviso expld.                                                                                                            | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | S. 146 expld. ... ..                                                                                                                 | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | S. 146 (4) saved ... ..                                                                                                              | 22, s. 191 (4).                                                  |
|                                     |                            | Ss. 147, 169 expld. ... ..                                                                                                           | 22, s. 52 (3), sch. 1.                                           |
|                                     |                            | S. 171 rep. ( <i>prosp.</i> ) ... ..                                                                                                 | 72, s. 149 (2), sch. 8 Pt. I.                                    |
|                                     |                            | Ss. 181, 188 expld. ... ..                                                                                                           | 22, s. 52 (3), sch. 1.                                           |

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| 15 & 16 Geo. 5:<br>c. 20— <i>cont.</i> | Law of Property Act, 1925— <i>cont.</i>                | S. 204 appl. ( <i>prosp.</i> ) ...<br>S. 205 (1) (xiii) subst. ( <i>prosp.</i> ).<br>Sch. 1 Pt. III para. 3 proviso (iii), sch. 1 Pt. IV paras. 1 (3) proviso (v), 1 (4) provisos (iii), (iv) expld. | 72, s. 116 (1).<br>72, s. 149 (1), sch. 7 Pt. I.<br>22, s. 52 (3), sch. 1.                                                                                                                                                        |
| c. 21 ... ..                           | Land Registration Act, 1925.                           | Sch. 2 Pt. VI rep. in pt. ( <i>prosp.</i> ).<br>Appl. ... ..                                                                                                                                         | 72, s. 149 (2), sch. 8 Pt. I.<br>22, s. 141 (3).                                                                                                                                                                                  |
| c. 22 ... ..                           | Land Charges Act, 1925                                 | S. 3 (xxvi) rep. in pt. ( <i>prosp.</i> ).<br>S. 111 (5) (6) am. ( <i>prosp.</i> )                                                                                                                   | 72, s. 149 (2), sch. 8 Pt. I.<br>72, s. 149 (1), sch. 7 Pt. I.                                                                                                                                                                    |
| c. 23 ... ..                           | Administration of Estates Act, 1925.                   | Appl. ... ..<br>Ss. 2 (6), 6 (5) expld. ...<br>S. 7 (1) mod. ... ..<br>Ss. 8 (3), 10 (8) expld. ...<br>S. 15 saved ... ..<br>ext. (exc. London)<br>ext. ... ..                                       | 22, s. 141 (3).<br>22, s. 52 (3), sch. 1.<br>22, s. 142 (3).<br>22, s. 52 (3), sch. 1.<br>25, ss. 72 (4), 73 (3), 81 (5), 169, 181 (3), 304.<br>25, ss. 72 (11), 73 (11), 81 (13), 92 (5), 197 (1).<br>54, s. 3 (3).<br>56, s. 5. |
| c. 24 ... ..                           | Universities and College Estates Act, 1925.            | S. 17 (1) (2) (7)–(9) appl. S. 17 expld. ... ..                                                                                                                                                      | S.I. No. 481, r. 8.<br>22, s. 52 (3), sch. 1.                                                                                                                                                                                     |
| c. 45 ... ..                           | Guardianship of Infants Act, 1925.                     | S. 22 appl. (Chevening Estate).<br>S. 38 (2) expld. ... ..<br>S. 41 (1) proviso am. ( <i>prosp.</i> ).<br>S. 41 (1) proviso expld.                                                                   | 49, s. 1 (4).<br>22, s. 52 (3), sch. 1.<br>72, s. 149 (1), sch. 7 Pt. I.<br>22, s. 52 (3), sch. 1.                                                                                                                                |
| c. 49 ... ..                           | Supreme Court of Judicature (Consolidation) Act, 1925. | S. 43 (2) expld. ... ..<br>Ss. 51 (2), 55 (1) (viii) both rep. in pt. ( <i>prosp.</i> ).<br>S. 16 (3) (b) am. (exc. London).<br>S. 16 (3) (c) rep. (exc. London).                                    | 22, s. 52 (3), sch. 1.<br>72, s. 149 (2), sch. 8 Pt. I.<br>25, s. 309, sch. 22.<br>25, s. 312 (2), sch. 25.                                                                                                                       |
| c. 45 ... ..                           | Guardianship of Infants Act, 1925.                     | S. 3 expld. (E.) ... ..<br>S. 3 (2) excl. (E.) ... ..<br>S. 4 expld. (E.) ... ..<br>S. 5 expld. (E.) ... ..<br>S. 5 (1) mod. (E.) ... ..                                                             | 73, s. 3 (1).<br>73, s. 3 (2).<br>73, s. 3 (3).<br>73, s. 3 (3).<br>73, s. 3 (3).                                                                                                                                                 |
| c. 49 ... ..                           | Supreme Court of Judicature (Consolidation) Act, 1925. | S. 14 am. ... ..<br>Ss. 26 (2) (c) rep. in pt. ( <i>prosp.</i> ).<br>S. 29 rep. in pt. (exc. London).<br>S. 31 (1) (f) added ...                                                                     | 9 (8 Eliz. 2).<br>72, s. 149 (2), sch. 8 Pt. I.<br>25, ss. 309, 312 (2), schs. 22, 25.<br>39, s. 1 (2).                                                                                                                           |

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| 15 & 16 Geo. 5:<br>c. 49— <i>cont.</i> | Supreme Court of Judicature (Consolidation) Act, 1925— <i>cont.</i> | S. 49 (1)–(4) appl. (mod.) ( <i>prosp.</i> ).<br>S. 51 (1) am. ... ..<br>S. 68 (5) proviso (a) am. ( <i>prosp.</i> ).<br>S. 99 saved ... ..<br>S. 99 (1) (g) am. ... ..<br>S. 116 (3) excl. ( <i>prosp.</i> )...<br>S. 124 rep. ( <i>prosp.</i> ) ... ..<br><br>S. 129 (1), 149 am. ( <i>prosp.</i> ).<br>S. 150 mod. (estates under £1,000).<br>S. 225 (definition of "Officer of the Supreme Court"), schs. 3, 4 am. ( <i>all prosp.</i> ).<br>Rep. ( <i>prosp.</i> ) ... .. | 72, s. 110 (4).<br>39, s. 1 (1).<br>72, s. 149 (1), sch. 7 Pt. I.<br>22, s. 205 (6).<br>22, s. 205 (6).<br>72, s. 108 (4).<br>72, s. 149 (2), sch. 8 Pt. I.<br>72, s. 149 (1), sch. 7 Pt. I.<br>22, s. 62 (1).<br>72, s. 149 (1), sch. 7 Pt. I. |
| c. 53 ... ..                           | Mental Deficiency (Amendment) Act, 1925.                            | Rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 72, ss. 1, 149 (2), sch. 8 Pt. I.                                                                                                                                                                                                               |
| c. 59 ... ..                           | Teachers (Superannuation) Act, 1925.                                | Pensions increase ... ..<br>S. 14 (3) (b). Pensions increase.<br>Sch. 1 para. 9 rep. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                         | 50, ss. 1, 2, sch. Pt. I para. 4.<br>50, ss. 1, 2, sch. Pt. II para. 2.<br>72, s. 149 (2), sch. 8 Pt. I.                                                                                                                                        |
| c. 61 ... ..                           | Allotments Act, 1925 ...                                            | S. 8 mod. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 53, ss. 23 (3), 26 (5).                                                                                                                                                                                                                         |
| c. 68 ... ..                           | Roads Improvement Act, 1925.                                        | Rep. (E. exc. London) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 25, s. 312 (2), sch. 25.                                                                                                                                                                                                                        |
| c. 71 ... ..                           | Public Health Act, 1925                                             | Ss. 3 proviso, 13 rep., 16 (1) rep. in pt., 21–25, 27–35, 77, 81–84, sch. 1 rep., sch. 2 rep. so far as relating to ss. 21, 22, 24 and 35 of the Public Health Act, 1925 (15 & 16 Geo. 5, c. 71).                                                                                                                                                                                                                                                                              | 25, s. 312 (2), sch. 25.                                                                                                                                                                                                                        |
| c. 86 ... ..                           | Criminal Justice Act 1925.                                          | S. 34 rep. in pt. ( <i>prosp.</i> )...                                                                                                                                                                                                                                                                                                                                                                                                                                         | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                                                                                                                                   |
| c. 90 ... ..                           | Rating and Valuation Act, 1925.                                     | Sch. 2 Pt. III para. 7 appl.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25, s. 301 (2).                                                                                                                                                                                                                                 |
| 16 & 17 Geo. 5:                        |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                 |
| c. 22 ... ..                           | Finance Act, 1926 ...                                               | S. 41 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 68, S.L.R.                                                                                                                                                                                                                                      |
| c. 44 ... ..                           | Supreme Court of Judicature of Northern Ireland Act, 1926.          | S. 1 (2) rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 9 (8 Eliz. 2), s. 9 (2) (4), sch. 3.                                                                                                                                                                                                            |
| c. 59 ... ..                           | Coroners (Amendment) Act, 1926.                                     | S. 6. Pensions increase                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 50, ss. 1, 2, sch. Pt. II para. 8.                                                                                                                                                                                                              |
| c. 60 ... ..                           | Legitimacy Act, 1926 ...                                            | Mod. ... ..<br>S. 1 (2) rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                            | 73, s. 1 (2).<br>73, s. 1 (1) (2).                                                                                                                                                                                                              |
| C.A.M. No. 8                           | Benefices (Ecclesiastical Duties) Measure, 1926.                    | Pt. II expld. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                           | C.A.M. No. 2, s. 4.                                                                                                                                                                                                                             |
| 17 & 18 Geo. 5:<br>c. 23 ... ..        | Crown Lands Act, 1927                                               | S. 11 (1B) rep. (exc. London).                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 25, s. 312 (2), sch. 25.                                                                                                                                                                                                                        |

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| 17 & 18 Geo. 5—<br><i>cont.</i>     |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| c. 33 ... ..                        | Mental Deficiency Act, 1927.                             | Rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 72, ss. 1, 149 (2), sch. 8 Pt. I.                                                    |
| c. 35 ... ..                        | Sheriff Courts and Legal Officers (Scotland) Act, 1927.  | S. 18 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 55, s. 16 (1), sch.                                                                  |
| 18 & 19 Geo. 5:                     |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| c. 17 ... ..                        | Finance Act, 1928 ...                                    | Ss. 24, 25 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 68, S.L.R.                                                                           |
| c. 26 ... ..                        | Administration of Justice Act, 1928.                     | S. 16 am. and expld. (E.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 73, s. 3 (1).                                                                        |
| 19 & 20 Geo. 5:                     |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| c. 17 ... ..                        | Local Government Act, 1929.                              | Ss. 29 rep. (exc. London), 30 (1) rep., 30 (3) rep. in pt., 30 (4), 31 (1)–(4), (6) rep., 31 (5) rep. in pt., 32–37 rep., 38 rep. (exc. London), 39, 118, 129 (2) rep., sch. 1 Pt. I rep. except so far as relating to s. 148 of the Public Health Act, 1875 (38 & 39 Vict., c. 55), sch. 1 Pt. II rep. except so far as relating to s. 40 of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict., c. 59), Pts. III and IV rep., Pt. V rep. except so far as relating to s. 40 of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict., c. 59), sch. 10 paras. 2, 10 rep. | 25, s. 312 (2), sch. 25.                                                             |
| c. 33 ... ..                        | Bridges Act, 1929 ...                                    | Rep. (E. exc. London) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 25, ss. 42, 312 (2), sch. 25.                                                        |
| c. 37 ... ..                        | Police Magistrates Superannuation (Amendment) Act, 1929. | Pensions increase ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 50, ss. 1, 2, sch. Pt. I para. 18.                                                   |
| 20 & 21 Geo. 5:                     |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| c. 23 ... ..                        | Mental Treatment Act, 1930.                              | Rep. (with saving for s. 20) ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 72, ss. 1, 149 (2) (4), sch. 8 Pt. I.                                                |
| c. 32 ... ..                        | Poor Prisoners Defence Act, 1930.                        | Appl. (mod.) ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 72, s. 67 (3).                                                                       |
| c. 43 ... ..                        | Road Traffic Act, 1930...                                | S. 46 ext. (E. exc. London)<br>S. 47 ext. (E. exc. London)<br>S. 48 saved (E.)... ..<br><br>Ss. 51–56, 57 (1) (2), 58 rep. (E. exc. London).                                                                                                                                                                                                                                                                                                                                                                                                                                         | 25, s. 228 (9).<br>25, s. 63 (1).<br>25, s. 104 proviso.<br>25, s. 312 (2), sch. 25. |

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| 20 & 21 Geo. 5:<br>c. 43— <i>cont.</i> | Road Traffic Act, 1930<br>— <i>cont.</i>                                | Ss. 66, 68 (6), 96 rep. ...<br>S. 121 (2) rep. in pt.<br>(E. exc. London).                                                                                                                                 | 68, S.L.R.<br>25, s. 312 (2),<br>sch. 25.                                                                                                                     |
| C.A.M. No. 2                           | Archdeaconry of Surrey<br>Measure, 1930.                                | Ss. 3, 4 am. ... ..                                                                                                                                                                                        | C.A.M. No. 3,<br>s. 1 (2).                                                                                                                                    |
| 21 & 22 Geo. 5:<br>c. 2 ... ..         | Cunard (Insurance)<br>Agreement Act, 1930.                              | Rep. ... ..                                                                                                                                                                                                | 68, S.L.R.                                                                                                                                                    |
| c. 16 ... ..                           | Ancient Monuments Act,<br>1931.                                         | Saved in pt. (S.) ..                                                                                                                                                                                       | 24, s. 17 (2).                                                                                                                                                |
| c. 26 ... ..                           | Mauritius Loan (Guaran-<br>tee) Act, 1931.                              | Rep. ... ..                                                                                                                                                                                                | 68, S.L.R.                                                                                                                                                    |
| c. 44 ... ..                           | Small Landholders and<br>Agricultural Holdings<br>(Scotland) Act, 1931. | Pt. I appl. in pt. (mod.)...                                                                                                                                                                               | 40, s. 11 (4).                                                                                                                                                |
| c. 49 ... ..                           | Finance (No. 2) Act, 1931                                               | S. 21 rep. ... ..                                                                                                                                                                                          | 68, S.L.R.                                                                                                                                                    |
| C.A.M. No. 7                           | Cathedrals Measure, 1931                                                | S. 3 (1) (ii) rep. ... ..<br><br>Sch. 2 rep. (Guildford)<br>and expld.                                                                                                                                     | C.A.M. No. 1,<br>s. 7.<br>C.A.M. No. 3,<br>s. 6.                                                                                                              |
| 22 & 23 Geo. 5:<br>c. 17 ... ..        | Tanganyika and British<br>Honduras Loans Act,<br>1932.                  | Ss. 3-5, sch. rep. ...                                                                                                                                                                                     | 68, S.L.R.                                                                                                                                                    |
| c. 23 ... ..                           | Grey Seals Protection<br>Act, 1932.                                     | S. 1 (1) excl. (S.) ( <i>temp.</i> )                                                                                                                                                                       | S.I. No. 2078.                                                                                                                                                |
| c. 25 ... ..                           | Finance Act, 1932 ...                                                   | Ss. 21, 22 rep. ... ..<br>S. 24 (3) ext. ... ..<br>S. 29. Pensions increase                                                                                                                                | 68, S.L.R.<br>11, s. 1.<br>50, ss. 1, 2, sch.<br>Pt. I para. 9.                                                                                               |
| c. 36 ... ..                           | Carriage by Air Act, 1932                                               | Saved ( <i>prosp.</i> ) ... ..<br>Sch. 1, art. 17 expld. ... ..<br>Sch. 2 para. 1 am. ... ..                                                                                                               | 46, ss. 4 (3), 9 (3).<br>65, s. 2 (1).<br>65, s. 1 (5).                                                                                                       |
| c. 45 ... ..                           | Rights of Way Act, 1932                                                 | Rep. (exc. London) ...                                                                                                                                                                                     | 25, s. 312 (2),<br>sch. 25.                                                                                                                                   |
| 23 & 24 Geo. 5:<br>c. 5 ... ..         | Austrian Loan Guarantee<br>Act, 1933.                                   | Rep. ... ..                                                                                                                                                                                                | 68, S.L.R.                                                                                                                                                    |
| c. 12 ... ..                           | Children and Young Per-<br>sons Act, 1933.                              | S. 47 excl. ... ..<br>Ss. 62, 64 excl. in pt.<br>( <i>prosp.</i> ).<br>Ss. 92 am. ( <i>prosp.</i> ) ... ..<br><br>S. 99 appl. ( <i>prosp.</i> ) ... ..<br>Sch. 4 para. 4 rep. in pt.<br>( <i>prosp.</i> ). | S.I. No. 504, r. 16<br>72, s. 61 (3).<br><br>72, ss. 19 (3), 149<br>(1), sch. 7 Pt. I.<br>72, s. 80 (8).<br>72, s. 149 (1) (2),<br>schs. 7 Pt. I,<br>8 Pt. I. |
| c. 14 ... ..                           | London Passenger Trans-<br>port Act, 1933.                              | Ss. 51 (8), 55 rep. ... ..<br>S. 59 (1) ext. ... ..<br>Ss. 61 (10), (11), 62 (7),<br>65, 66 rep., sch. 13 rep.<br>so far as relating to<br>s. 16 of the London<br>Traffic Act, 1924.                       | 68, S.L.R.<br>25, s. 137 (3).<br>68, S.L.R.                                                                                                                   |

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| 23 & 24 Geo. 5—<br><i>cont.</i>     |                                                                 |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                           |
| c. 17 ... ..                        | Protection of Animals (Cruelty to Dogs) Act, 1933.              | Saved ... ..                                                                                                                                                                                                                                                                                                                        | 55, s. 9 (1).                                                                                                                                                                                                                                                                                                                                             |
| c. 19 ... ..                        | Finance Act, 1933 ...                                           | S. 2 saved ... ..<br>S. 35 rep. ... ..                                                                                                                                                                                                                                                                                              | 58, s. 1 (7).<br>68, S.L.R.                                                                                                                                                                                                                                                                                                                               |
| c. 25 ... ..                        | Pharmacy and Poisons Act, 1933.                                 | Ss. 10 (6), 30 ( <i>f</i> ) am. ( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                  | 72, s. 149 (1), sch. 7 Pt. II.                                                                                                                                                                                                                                                                                                                            |
| c. 32 ... ..                        | Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.  | S. 3 restr. (appeals) (E.)                                                                                                                                                                                                                                                                                                          | 22, s. 109 (4).                                                                                                                                                                                                                                                                                                                                           |
| c. 36 ... ..                        | Administration of Justice (Miscellaneous Provisions) Act, 1933. | S. 8 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                     | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                                                                                                                                                                                                                                             |
| c. 38 ... ..                        | Summary Jurisdiction (Appeals) Act, 1933.                       | S. 2 appl. (mod.) ...                                                                                                                                                                                                                                                                                                               | 72, s. 70 (4).                                                                                                                                                                                                                                                                                                                                            |
| c. 45 ... ..                        | Sea Fishing Industry Act, 1933.                                 | S. 2 (5) am. ... ..<br>S. 3 (1) am. ... ..<br><br>S. 3 (2) rep. in pt. ...<br>am. ... ..<br><br>S. 3 (4) am. ... ..<br>ext. ... ..<br><br>S. 3 (6) ext. ... ..<br><br>S. 4 (1) am. ... ..<br><br>S. 4 (3) am. ... ..<br>S. 4 (5) am. ... ..<br>S. 4A. Power to apply (mod.) (Isle of Man and Channel Islands).<br>S. 4B ext. ... .. | 7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 5 (1).<br>7 (8 Eliz. 2), s. 5 (2).<br>7 (8 Eliz. 2), s. 5 (3) (5).<br>7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 5 (4).<br>7 (8 Eliz. 2), s. 5 (4).<br>7 (8 Eliz. 2), s. 6 (1).<br>7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 11.                                                         |
| c. 51 ... ..                        | Local Government Act, 1933.                                     | S. 163 (1) (i) ( <i>b</i> ) rep. ...<br><br>S. 164 mod. ... ..<br>S. 168 (5) rep. (saving)...<br><br>S. 195 appl. ... ..<br>Ss. 196-8 excl., 199 appl.<br>Ss. 201-202 excl., 203 appl., 204-218 excl.<br>Ss. 250-252 appl. (mod.) ( <i>prosp.</i> ).<br>S. 290 (2) (3) (5) appl. ...<br>S. 290 (2)-(5) appl. (mod.)                 | 7 (8 Eliz. 2), s. 6 (2).<br>7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 11.<br>7 (8 Eliz. 2), s. 6 (2).<br>53, ss. 23 (4), 58 (1), sch. 8.<br>25, s. 225 (3).<br>53, ss. 34, 58 (1), sch. 8.<br>25, s. 244 (1).<br>25, s. 244 (3).<br>25, s. 244 (3).<br>67, s. 9 (3).<br>62, s. 9 (1).<br>25, s. 279.<br>72, s. 143.<br>68, S.L.R. |
| c. 53 ... ..                        | Road and Rail Traffic Act, 1933.                                | Ss. 7 (2)-(4) rep., 8 (3), 10 (2), 29 (6) all rep. in pt., 29 (7) rep., 36 (1) rep. in so far as defining "authorised vehicle", 40, 44 rep.                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                           |
| C.A.M. No. 4                        | Benefices (Sequestration) Measure, 1933.                        | Expld. ... ..                                                                                                                                                                                                                                                                                                                       | C.A.M. No. 2, s. 5.                                                                                                                                                                                                                                                                                                                                       |

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| 24 & 25 Geo. 5:<br>c. 25 ... ..     | Protection of Animals (Cruelty to Dogs) (Scotland) Act, 1934. | Saved ... ..                                                                                                                                                                                                                       | 55, s. 9 (1).                                                                                                                                                      |
| c. 26 ... ..                        | Licensing (Permitted Hours) Act, 1934.                        | Rep. (S.)... ..                                                                                                                                                                                                                    | 51, s. 200 (1), sch. 12.                                                                                                                                           |
| c. 32 ... ..                        | Finance Act, 1934 ...                                         | S. 23 rep. ... ..                                                                                                                                                                                                                  | 68, S.L.R.                                                                                                                                                         |
| c. 41 ... ..                        | Law Reform (Miscellaneous Provisions) Act, 1934.              | S. 2 (1) (2) rep. ... ..                                                                                                                                                                                                           | 65, s. 3 (3), sch.                                                                                                                                                 |
| c. 50 ... ..                        | Road Traffic Act, 1934...                                     | Ss. 1, 18 ext. (E. exc. London).<br>S. 23 rep. (E. exc. London).<br>Ss. 30, 32 rep., 39 and 41 (8) rep. in pt.<br>Sch. 3 rep. (E. exc. London) so far as amending s. 57 (2) of the Road Traffic Act, 1930 (20 & 21 Geo. 5, c. 43). | 25, s. 228 (9).<br>25, s. 312 (2), sch. 25.<br>68, S.L.R.<br>25; s. 312 (2), sch. 25.                                                                              |
| c. 53 ... ..                        | County Courts Act, 1934                                       | Rep. exc. ss. 9, 21, 29, 191 in pt., 193, sch. 1.<br>S. 9. Pensions increase ...<br>S. 9 (1) am. ... ..<br>S. 21 expld. ... ..<br>S. 29 expld. ... ..                                                                              | 22, s. 204, sch. 3.<br>50, ss. 1, 2, sch. Pt. I para. 16.<br>22, s. 202, sch. 2 para. 2 (1).<br>22, s. 202, sch. 2 para. 2 (2).<br>22, s. 202, sch. 2 para. 2 (3). |
| 25 & 26 Geo. 5:<br>c. 11 ... ..     | Regimental Charitable Funds Act, 1935.                        | S. 1 (1) rep. in pt. ... ..                                                                                                                                                                                                        | 68, S.L.R.                                                                                                                                                         |
| c. 16 ... ..                        | Metropolitan Police (Borrowing Powers) Act, 1935.             | Rep. ... ..                                                                                                                                                                                                                        | 45, s. 4 (3), sch.                                                                                                                                                 |
| c. 24 ... ..                        | Finance Act, 1935 ...                                         | S. 27 rep. ... ..                                                                                                                                                                                                                  | 68, S.L.R.                                                                                                                                                         |
| c. 27 ... ..                        | London Passenger Transport (Agreement) Act, 1935.             | Rep. ... ..                                                                                                                                                                                                                        | 68, S.L.R.                                                                                                                                                         |
| c. 30 ... ..                        | Law Reform (Married Women and Tortfeasors) Act, 1935.         | S. 6 (1) (b) am., 6 (3) (a) subst.                                                                                                                                                                                                 | 65, s. 1 (4).                                                                                                                                                      |
| c. 32 ... ..                        | Criminal Lunatics (Scotland) Act, 1935.                       | S. 4 (1) appl. ( <i>prosp.</i> ) ...                                                                                                                                                                                               | 72, s. 83 (2).                                                                                                                                                     |
| c. 35 ... ..                        | Teachers (Superannuation) Act, 1935.                          | Pensions increase ... ..                                                                                                                                                                                                           | 50, ss. 1, 2, sch. Pt. I para. 4.                                                                                                                                  |
| c. 47 ... ..                        | Restriction of Ribbon Development Act, 1935.                  | S. 4 rep. (E.) ... ..<br>S. 13 ext.... ... ..<br>S. 13 (1)-(3) rep. (E.), 13 (4) rep. (E. exc. London).<br>S. 14 rep. (E.) ... ..<br>S. 17 subst. (S.) ( <i>prosp.</i> )<br>saved ... ..                                           | 25, s. 312 (2), sch. 25.<br>70, s. 46.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2) sch. 25.<br>24, s. 31 (1), sch. 9 para. 4.<br>24, s. 6 (8).                   |

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| 25 & 26 Geo. 5:<br>c. 47— <i>cont.</i> | Restriction of Ribbon Development Act, 1935— <i>cont.</i> | S. 18 rep. ... ..                                                                            | 25, s. 312 (2), sch. 25.                                         |
|                                        |                                                           | S. 25 (5) (10) rep. ( <i>prosp.</i> )                                                        | 24, s. 31 (1) (2), schs. 9, 10.                                  |
|                                        |                                                           | Sch. 4 rep. (E.) ... ..                                                                      | 25, s. 312 (2), sch. 25.                                         |
| 26 Geo. 5 & 1 Edw. 8:                  |                                                           |                                                                                              |                                                                  |
| c. 6 ... ..                            | Railways (Agreement) Act, 1935.                           | Rep. ... ..                                                                                  | 68, S.L.R.                                                       |
| c. 22 ... ..                           | Hours of Employment (Conventions) Act, 1936.              | Power to excl. (E.) (S.)...                                                                  | 67, s. 23 (1).                                                   |
| c. 34 ... ..                           | Finance Act, 1936 ...                                     | S. 29 rep. ... ..                                                                            | 58, s. 37 (5) (c), sch. 8 Pt. III.                               |
| c. 43 ... ..                           | Tithe Act, 1936 ... ..                                    | S. 30 rep. ... ..<br>Sch. 2 paras. 1-3, 5, 8 rep., 10 rep. (saving), 11, 12 rep., sch. 4 am. | 68, S.L.R.<br>S.I. No. 1971.                                     |
| c. 49 ... ..                           | Public Health Act, 1936                                   | Pt. VI (exc. ss. 191, 192) ext. (mod.) ( <i>prosp.</i> )                                     | 72, Pt. III.                                                     |
|                                        |                                                           | Ss. 6 (4), 9 (2) appl. (mod.)                                                                | 62, s. 7 (6).                                                    |
|                                        |                                                           | S. 188 ext. ( <i>prosp.</i> ) ...                                                            | 72, ss. 15 (3), 16 (2), 18 (1).                                  |
|                                        |                                                           | S. 190 mod. ( <i>prosp.</i> ) ...                                                            | 72, s. 16 (3).                                                   |
|                                        |                                                           | S. 191, excl. ... ..                                                                         | 72, s. 17 (5).                                                   |
|                                        |                                                           | S. 192 excl. ( <i>prosp.</i> ) ...                                                           | 72, s. 14 (4).                                                   |
|                                        |                                                           | S. 194 ext. ( <i>prosp.</i> ) ...                                                            | 72, s. 14 (3).                                                   |
|                                        |                                                           | S. 199 (1) am. (definition of "nursing home") ( <i>prosp.</i> )                              | 72, s. 149 (1), sch. 7 Pt. I.                                    |
|                                        |                                                           | S. 298 excl. ( <i>prosp.</i> ) ...                                                           | 72, s. 23 (2).                                                   |
| c. 50 ... ..                           | Public Health (London) Act, 1936.                         | Pt. XI (exc. s. 246) appl. (mod.) ( <i>prosp.</i> )                                          | 72, ss. 14, 24 (a).                                              |
|                                        |                                                           | S. 242 ext. ( <i>prosp.</i> ) ...                                                            | 72, ss. 15 (3), 16 (2), 18 (1), 24 (b).                          |
|                                        |                                                           | S. 244 ext. ( <i>prosp.</i> ) ...                                                            | 72, ss. 16 (3), 24 (b).                                          |
|                                        |                                                           | S. 245 ext. ( <i>prosp.</i> ) ...                                                            | 72, ss. 17 (5), 24 (b).                                          |
|                                        |                                                           | S. 249 ext. ( <i>prosp.</i> ) ...                                                            | 72, s. 24 (c).                                                   |
|                                        |                                                           | S. 304 (1) am. (definition of "nursing home") ( <i>prosp.</i> )                              | 72, s. 149 (1), sch. 7 Pt. I.                                    |
| C.A.M. No. 4                           | Cathedrals (Houses of Residence) Measure, 1936.           | Expld. ... ..                                                                                | C.A.M. No. 2, s. 6.                                              |
| C.A.M. No. 5                           | Ecclesiastical Commissioners (Powers) Measure, 1936.      | S. 8 (1) expld. ... ..                                                                       | C.A.M. No. 2, s. 7 (1).                                          |
|                                        |                                                           | S. 8 (2) substd. ... ..                                                                      | C.A.M. No. 2, s. 7 (2).                                          |
|                                        |                                                           | S. 8 (3) expld. ... ..                                                                       | C.A.M. No. 2, s. 7 (1).                                          |
| 1 Edw. 8 & 1 Geo. 6:                   |                                                           |                                                                                              |                                                                  |
| c. 5 ... ..                            | Trunk Roads Act, 1936                                     | S. 1 (1) rep. (E. exc. London).<br>rep. in pt. (London).                                     | 25, s. 312 (2), sch. 25.                                         |
|                                        |                                                           | S. 1 (2) rep. (E.) ...                                                                       | 25, s. 312 (3), sch. 26.                                         |
|                                        |                                                           |                                                                                              | 25, s. 312 (2) (3), schs. 2 5, 26.                               |



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| 1 Edw. 8 & 1 Geo. 6: c. 5— <i>cont.</i> | Trunk Roads Act, 1936— <i>cont.</i> | <p>S. 2 rep. ... ..</p> <p>S. 3. Power to excl. ...</p> <p>S. 3 (1) (2) rep. in pt. (E.) exc. London.</p> <p>S. 3 (4)–(6) rep. (E. exc. London).</p> <p>S. 3 (7) rep. (E.)</p> <p>S. 4 (1) rep. ...</p> <p>S. 4 (6) rep. (E.) ...</p> <p>S. 4 (7) rep. (E. exc. London).</p> <p>S. 5 (1) rep. ... ..</p> <p>subst. (London)</p> <p>S. 5 (2) (3) rep. (E. exc. London).</p> <p>S. 6 (1) (2) rep. (E. exc. London).</p> <p>S. 6 (4) rep. (E. exc. London).</p> <p>S. 6 (7) rep. in pt. (E.)</p> <p>S. 6 (8) (9) rep. (E. exc. London).</p> <p>S. 7. Power to apply (mod.) (London).</p> <p>Ss. 7, 8, 10, 11 rep. (E. exc. London).</p> <p>S. 13 (1) rep. (E. exc. London) so far as defining “classified road”, “former highway authority”, “improvement”, “property”, and “statutory undertakers”.</p> <p>Sch. 1 rep. (E.) ... ..</p> <p>Sch. 2 rep. so far as relating to ss. 4 and 5 of the London Traffic Act, 1924 (14 &amp; 15 Geo. 5, c. 34), rep. (E. exc. London) so far as relating to s. 5 of the Roads Improvement Act, 1925 (15 &amp; 16 Geo. 5, c. 68), and to ss. 3 and 6 of the Bridges Act, 1929 (19 &amp; 20 Geo. 5, c. 33), and to ss. 54 and 56 of the Road Traffic Act, 1930 (20 &amp; 21 Geo. 5, c. 43).</p> | <p>25, s. 312 (2) (3), schs. 25, 26.</p> <p>25, ss. 44 (2), 291 (11), sch. 20.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (2) (3), schs. 25, 26.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 291 (10).</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, ss. 231 (1), 291 (11), sch. 20.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (2) (3), schs. 25, 26.</p> <p>25, s. 312 (2), sch. 25.</p> |

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| <p>1 Edw. 8 &amp; 1 Geo. 6: c. 5—<i>cont.</i></p> | <p>Trunk Roads Act, 1936—<i>cont.</i></p>                | <p>Sch. 3 Pt. I rep. so far as relating to s. 25 (2) of the Local Government Act, 1894 (56 &amp; 57 Vict., c. 73), to ss. 18, 20 and 29 of the Public Health Acts Amendment Act, 1907 (7 Edw. 7, c. 53), and to ss. 25, 27 and 33 of the Public Health Act, 1925 (15 &amp; 16 Geo. 5, c. 71), rep. (E.) so far as relating to s. 53 of the Road Traffic Act, 1930 (20 &amp; 21 Geo. 5, c. 43).</p> <p>Sch. 3 Pt. II rep. (E. exc. London) so far as relating to ss. 69 and 70 of the Town Improvement Clauses Act, 1847 (10 &amp; 11 Vict., c. 34), rep. (E.) so far as relating to s. 70 of the Barbed Wire Act, 1893 (56 &amp; 57 Vict., c. 32), rep. so far as relating to s. 131 of the Public Health Act, 1925 (15 &amp; 16 Geo. 5, c. 71).</p> <p>Sch. 3 Pt. III rep. (E.) so far as relating to ss. 39 and 43 of the Public Health Acts Amendment Act, 1890 (53 &amp; 54 Vict., c. 59), and rep. so far as relating to s. 13 of the Public Health Act, 1925 (15 &amp; 16 Geo. 5, c. 71).</p> <p>Sch. 4 para. 5 rep. (E. exc. London).</p> <p>Sch. 4 paras. 6, 7 rep. (E.).</p> <p>Sch. 4 para. 8 rep. (E. exc. London) rep. in pt. (London) ...</p> <p>Sch. 5 rep. (E. exc. London).</p> | <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (2) (3), schs. 25, 26.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (3), sch. 26.</p> <p>25, s. 312 (2), sch. 25.</p> |
| <p>c. 28 ... ..</p>                               | <p>Harbours, Piers and Ferries (Scotland) Act, 1937.</p> | <p>S. 24 rep. ... ..</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>68, S.L.R.</p>                                                                                                                                                                                        |

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| 1 Edw. 8 & 1 Geo. 6— <i>cont.</i><br>c. 37 ... .. | Children and Young Persons (Scotland) Act, 1937. | S. 17 rep. ... ..                                                                                                          | 51, s. 200 (1), sch. 12.                                         |
| c. 38 ... ..                                      | Ministers of the Crown Act, 1937.                | Schs. 1 Pt. I, 2 am. (Min. of Supply re-styled "Min. of Aviation").                                                        | S.I. No. 1768, art. 3 (1).                                       |
| c. 47 ... ..                                      | Teachers (Superannuation) Act, 1937.             | S. 1 (6) rep. in pt. ( <i>prosp.</i> )                                                                                     | 72, s. 149 (2), sch. 8 Pt. I.                                    |
| c. 54 ... ..                                      | Finance Act, 1937 ...                            | S. 26 rep. ... ..                                                                                                          | 68, S.L.R.                                                       |
| c. 67 ... ..                                      | Factories Act, 1937 ...                          | Sch. 4 para. 11 am. ...<br>Functions of district councils under ss. 34, 35 transfd. ( <i>prosp.</i> ) to fire authorities. | 58, s. 33.<br>67, s. 9 (1).                                      |
|                                                   |                                                  | Pt. II am. ... ..                                                                                                          | 67, s. 16.                                                       |
|                                                   |                                                  | S. 1 (c) (ii) am. ( <i>prosp.</i> )                                                                                        | 67, s. 1.                                                        |
|                                                   |                                                  | S. 17 (2) am. ... ..                                                                                                       | 67, ss. 28 (1), 29 (2), sch. 2.                                  |
|                                                   |                                                  | S. 17 (3) am. ... ..                                                                                                       | 67, s. 28 (1).                                                   |
|                                                   |                                                  | S. 18. Power to ext. ...                                                                                                   | 67, s. 2 (3).                                                    |
|                                                   |                                                  | S. 18 expld. ... ..                                                                                                        | 67, s. 2 (1).                                                    |
|                                                   |                                                  | S. 18 (1A) (1B) (1C) added.                                                                                                | 67, s. 2 (2).                                                    |
|                                                   |                                                  | S. 22 (2) am. ... ..                                                                                                       | 67, s. 3 (1) (2).                                                |
|                                                   |                                                  | S. 24 (2) am. ... ..                                                                                                       | 67, s. 3 (1).                                                    |
|                                                   |                                                  | S. 24 (7) ext. ... ..                                                                                                      | 67, s. 3 (3).                                                    |
|                                                   |                                                  | S. 25 (1) am. ... ..                                                                                                       | 67, s. 4.                                                        |
|                                                   |                                                  | S. 26 (1) (2) am. ... ..                                                                                                   | 67, s. 5.                                                        |
|                                                   |                                                  | S. 27 subst. ... ..                                                                                                        | 67, s. 6.                                                        |
|                                                   |                                                  | S. 28 (1) rep. in pt. ...                                                                                                  | 67, ss. 7, 34 (2), sch. 3.                                       |
|                                                   |                                                  | S. 29 (6) (7) subst. ( <i>prosp.</i> )                                                                                     | 67, s. 8 (1).                                                    |
|                                                   |                                                  | S. 29 (8). Power to am.                                                                                                    | 67, s. 8 (3).                                                    |
|                                                   |                                                  | S. 29 (8) am. ( <i>prosp.</i> ) and rep. in pt. ( <i>prosp.</i> ).                                                         | 67, ss. 8 (1), 34 (2), sch. 3.                                   |
|                                                   |                                                  | S. 29 (9) rep. in pt. ( <i>prosp.</i> ).                                                                                   | 67, ss. 8 (1), 34 (2), sch. 3.                                   |
|                                                   |                                                  | S. 29 (11). Power to am.                                                                                                   | 67, s. 8 (3).                                                    |
|                                                   |                                                  | S. 29 (12) am. ... ..                                                                                                      | 67, s. 29 (2), sch. 2.                                           |
|                                                   |                                                  | S. 29 (15) am. ... ..                                                                                                      | 67, s. 8 (4).                                                    |
|                                                   |                                                  | S. 34 mod. ( <i>prosp.</i> ) ...                                                                                           | 67, s. 24 (1), sch. 1 para. 8.                                   |
|                                                   |                                                  | am. and expld. ( <i>prosp.</i> ).                                                                                          | 67, ss. 9 (1) (2), 10 (1)–(5), 29 (2), sch. 2.                   |
|                                                   |                                                  | S. 34 (10) am. ( <i>prosp.</i> ) ...                                                                                       | 67, s. 10 (6).                                                   |
|                                                   |                                                  | S. 34 (12) rep. ( <i>prosp.</i> ) ...                                                                                      | 67, s. 34 (2), sch. 3.                                           |
|                                                   |                                                  | S. 34 (13) am. ( <i>prosp.</i> ) ...                                                                                       | 67, s. 10 (7).                                                   |
|                                                   |                                                  | S. 34 (14) (a) rep. ( <i>prosp.</i> )                                                                                      | 67, s. 34 (2), sch. 3.                                           |
|                                                   |                                                  | S. 35 am. ... ..                                                                                                           | 67, s. 9 (1).                                                    |
|                                                   |                                                  | mod. ( <i>prosp.</i> ) ... ..                                                                                              | 67, s. 24 (1), sch. 1.                                           |
|                                                   |                                                  | S. 35 (5) am. ( <i>prosp.</i> ) ...                                                                                        | 67, s. 9 (6).                                                    |
|                                                   |                                                  | S. 36 mod. ( <i>prosp.</i> ) ...                                                                                           | 67, s. 24 (1), sch.                                              |

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| 1 Edw. 8 & 1 Geo. 6: c. 67— <i>cont.</i> | Factories Act, 1937— <i>cont.</i>                     | <p>S. 36 (5) am. (<i>prosp.</i>) ...</p> <p>S. 36 (6) rep. in pt. (<i>prosp.</i>)</p> <p>S. 36 (7) subst. (<i>prosp.</i>)...</p> <p>S. 36 (7). Power to mod. (<i>prosp.</i>).<br/>Power to apply (<i>prosp.</i>)</p> <p>S. 37. Power to apply (<i>prosp.</i>)</p> <p>S. 42 am. (<i>prosp.</i>) ...</p> <p>S. 45 (3) am. (<i>prosp.</i>) ...</p> <p>S. 56 (1) rep. in pt.</p> <p>S. 60 (1) (3) rep. in pt....</p> <p>S. 61 (2) subst. ...</p> <p>S. 61 (4) am. ...</p> <p>Ss. 62 (4), 64 (3), 66 (2), 68 (1) (<i>g</i>) am. (increase of penalties).</p> <p>Pt. VI (ss. 70–100). Power to excl.</p> <p>S. 81 (2) mod. ...</p> <p>S. 101 (1) (ii), 101 proviso para. (<i>b</i>) rep. in pt. (<i>prosp.</i>)</p> <p>S. 102 am. (<i>prosp.</i>) ... rep. in pt. (<i>prosp.</i>)</p> <p>S. 103 (2) am. (<i>prosp.</i>) ...</p> <p>S. 104 (2) (<i>e</i>) am. (increase of penalties).</p> <p>Ss. 105 (1), 106 (1), 107 (1), 108 (1) am. (<i>prosp.</i>)</p> <p>Ss. 110 (5), 114 (3) am. (increase of penalties).</p> <p>S. 116 (2) rep. in pt. (<i>prosp.</i>)</p> <p>S. 123 appl. ...</p> <p>S. 123 (4) am. (increase of penalties).</p> <p>S. 128 (6) appl. (<i>prosp.</i>)</p> <p>S. 131 subst. ...</p> <p>S. 132 am. ...</p> <p>S. 133 rep. ...</p> <p>S. 134 am. ...</p> <p>S. 136 am. ...</p> <p>Ss. 137, 138 am. ...</p> <p>S. 151 (1) (vi) mod. (<i>prosp.</i>)</p> | <p>67, s. 13 (1).</p> <p>67, ss. 13 (1) (<i>b</i>), 34 (2), sch. 3.</p> <p>67, s. 13 (1).</p> <p>67, s. 13 (2).</p> <p>67, s. 14.</p> <p>67, s. 14.</p> <p>67, s. 18.</p> <p>67, s. 19.</p> <p>67, ss. 20, 34 (2), sch. 3.</p> <p>67, ss. 21, 34 (2), sch. 3.</p> <p>67, s. 22 (1).</p> <p>67, s. 22 (2).</p> <p>67, s. 29 (2), sch. 2.</p> <p>67, s. 23 (1).</p> <p>S.I. No. 756.</p> <p>67, ss. 24 (1), 34 (1), sch. 3.</p> <p>67, s. 24 (2).</p> <p>67, ss. 24 (1), 34 (1), sch. 3.</p> <p>67, s. 15.</p> <p>67, s. 29 (2), sch. 2.</p> <p>67, s. 15.</p> <p>67, s. 29 (2), sch. 2.</p> <p>67, ss. 10 (8), 34 (2), sch. 3.</p> <p>67, s. 17 (1).</p> <p>67, s. 29 (2), sch. 2.</p> <p>67, s. 17 (4).</p> <p>67, s. 29 (1).</p> <p>67, s. 29 (2), sch. 2.</p> <p>67, ss. 29 (1), 34 (2), sch. 3.</p> <p>67, s. 29 (2), sch. 2.</p> <p>67, s. 30.</p> <p>67, s. 30 (1).</p> <p>67, s. 25.</p> |
| c. 69 ...                                | Local Government Superannuation (Scotland) Act, 1937. | <p>Excl. ...</p> <p>S. 30 appl. ...</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>S.I. No. 1916, r. 8.</p> <p>S.I. No. 1916, r. 12.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| 1 Edw. 8 & 1 Geo. 6: c. 70 ... ..                                                                                                          | Agriculture Act, 1937 ...                                                                                                                                                                                                                                                                            | S. 1 ext. ... ..                                                                                                                                                                                                                                                                                                                                                                         | S.I. No. 1232. 19, s. 4 (2), (4).                                                                                                                                                                                                                                                  |
| 1 & 2 Geo. 6: c. 12 ... ..<br>c. 28 ... ..<br>c. 30 ... ..<br>c. 31 ... ..<br>c. 34 ... ..<br>c. 43 ... ..<br>c. 46 ... ..<br>c. 63 ... .. | Population (Statistics) Act, 1938.<br>Evidence Act, 1938 ...<br>Sea Fish Industry Act, 1938.<br>Scottish Land Court Act, 1938.<br>Leasehold Property (Repairs) Act, 1938<br>Mental Deficiency Act, 1938.<br>Finance Act, 1938 ...<br>Administration of Justice (Miscellaneous Provisions) Act, 1938. | Cont. as amd. until 31.12.60.<br>S. 5 rep. in pt. ... ..<br>S. 54 (4) rep., 54 (5) rep. in pt.<br>S. 1 (3). Pensions increase<br>S. 1 (3) expld. ... ..<br>S. 6 (2) rep. ... ..<br>Rep. ( <i>prosp.</i> ) (saving) ...<br>S. 53 rep. ... ..<br>S. 17 rep. ... ..<br>Sch. 1 para. 2 rep. ... ..<br>Sch. 2 rep. so far as relating to the County Courts Act, 1934 (24 & 25 Geo. 5, c. 53). | 4 (8 Eliz. 2), s. 1 (1).<br>22, s. 204, sch. 3.<br>7 (8 Eliz. 2), s. 9 (2).<br>50, ss. 1, 2, sch. Pt. I para. 20.<br>22, s. 52 (3), sch. 1.<br>22, s. 204, sch. 3.<br>72, ss. 1, 149 (2), sch. 8 Pt. I.<br>68, S.L.R.<br>22, s. 204, sch. 3.<br>68, S.L.R.<br>22, s. 204, sch. 3.  |
| C.A.M. No. 2                                                                                                                               | Guildford Cathedral Measure, 1938.                                                                                                                                                                                                                                                                   | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                              | C.A.M. No. 3, s. 10.                                                                                                                                                                                                                                                               |
| C.A.M. No. 4                                                                                                                               | Ecclesiastical Commissioners (Powers) Measure, 1938.                                                                                                                                                                                                                                                 | S. 1 (10) am. ... ..                                                                                                                                                                                                                                                                                                                                                                     | C.A.M. No. 2, s. 8.                                                                                                                                                                                                                                                                |
| 2 & 3 Geo. 6: c. 21 ... ..<br>c. 31 ... ..<br>c. 38 ... ..                                                                                 | Limitation Act, 1939 ...<br>Civil Defence Act, 1939<br>Ministry of Supply Act, 1939.                                                                                                                                                                                                                 | S. 31 (3) (a) (b) subst. ( <i>prosp.</i> ).<br>S. 66 (2) rep. in pt. (E.) ( <i>prosp.</i> ).<br>Transfer of functions and re-naming of Minister.<br>Ss. 7-9 rep. ... ..<br>S. 10 rep. (1.1.65) ... ..<br>S. 10 (3) (b) rep. ... ..<br>Ss. 11-13 rep. ... ..<br>S. 14 rep. (1.1.65) ... ..<br>S. 16 (1) (b) rep. ... ..                                                                   | 72, s. 149 (1), sch. 7 Pt. I.<br>72, s. 149 (2), sch. 8 Pt. I.<br>S.I. No. 1768.<br>19, s. 10 (3), sch. 4 Pt. I.<br>19, s. 10 (3), sch. 4 Pt. II.<br>19, s. 10 (3), sch. 4 Pt. I.<br>19, s. 10 (3), sch. 4 Pt. I.<br>19, s. 10 (3), sch. 4 Pt. II.<br>19, s. 10 (3), sch. 4 Pt. I. |
| c. 40 ... ..                                                                                                                               | London Government Act, 1939.                                                                                                                                                                                                                                                                         | S. 94 (1) rep. ( <i>prosp.</i> ) ...<br>S. 94 (2) subst. ( <i>prosp.</i> ), 94 (4) (5) am. ( <i>prosp.</i> ).<br>S. 107 mod. ... ..<br>S. 189 (2)-(5) appl. (mod.)                                                                                                                                                                                                                       | 72, s. 149 (1) (2), schs. 7 Pt. I, 8 Pt. I.<br>72, s. 149 (1), sch. 7 Pt. I.<br>25, ss. 225 (3), 291 (11), sch. 20.<br>25, ss. 279, 291 (11), sch. 20.                                                                                                                             |

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| <b>2 &amp; 3 Geo. 6—</b>            |                                                               |                                                                          |                                                                  |
|                                     |                                                               |                                                                          | <i>cont.</i>                                                     |
| c. 41 ... ..                        | Finance Act, 1939 ...                                         | S. 34 rep. ... ..                                                        | 68, S.L.R.                                                       |
| c. 62 ... ..                        | Emergency Powers (Defence) Act, 1939.                         | Rep. ... ..                                                              | 19, s. 10 (3), sch. 4 Pt. I.                                     |
| c. 70 ... ..                        | Ships and Aircraft (Transfer Restriction) Act, 1939.          | Rep. (1.1.65) ... ..                                                     | 19, s. 10 (3), sch. 4 Pt. II.                                    |
|                                     |                                                               | S. 1 am. ... ..                                                          | 19, s. 4 (2)–(4).                                                |
|                                     |                                                               | S. 2 am. ... ..                                                          | 19, s. 4 (2), (4).                                               |
|                                     |                                                               | S. 5 subst. ... ..                                                       | 19, s. 4 (5).                                                    |
|                                     |                                                               | S. 13 (2) rep. ... ..                                                    | 19, ss. 4 (1), 10 (3), sch. 4 Pt. I.                             |
| c. 75 ... ..                        | Compensation (Defence) Act, 1939.                             | Excl. ... ..                                                             | 43, s. 2 (2).                                                    |
| c. 95 ... ..                        | Teachers Superannuation (War Service) Act, 1939.              | Pensions increase ... ..                                                 | 50, ss. 1, 2, sch. Pt. I para. 4.                                |
| c. 96 ... ..                        | Education (Scotland) (War Service Superannuation) Act, 1939.  | Pensions increase ... ..                                                 | 50, ss. 1, 2, sch. Pt. I para. 5.                                |
| c. 100 ... ..                       | Government and other Stocks (Emergency Provisions) Act, 1939. | S. 1 made permanent ... ..                                               | 19, s. 6.                                                        |
|                                     |                                                               | S. 2 rep. ... ..                                                         | 19, ss. 6, 10 (3), sch. 4 Pt. I.                                 |
|                                     |                                                               | S. 3 (2) rep. ... ..                                                     | 19, s. 10 (3), sch. 4 Pt. I.                                     |
| c. 109 ... ..                       | Finance (No. 2) Act, 1939                                     | S. 1 rep. and superseded ... ..                                          | 58, ss. 1, 37 (5) (a), schs. 1, 8 Pt. I.                         |
|                                     |                                                               | Sch. 1 rep. ... ..                                                       | 58, s. 37 (5) (a), sch. 8 Pt. I.                                 |
|                                     |                                                               |                                                                          | 11, s. 2 (3).                                                    |
|                                     |                                                               |                                                                          | 17, s. 1.                                                        |
|                                     |                                                               |                                                                          | 23, s. 18 (3).                                                   |
|                                     |                                                               |                                                                          | 28, s. 4 (2).                                                    |
|                                     |                                                               |                                                                          | 29, s. 3 (2).                                                    |
|                                     |                                                               |                                                                          | 33, s. 2 (5).                                                    |
|                                     |                                                               |                                                                          | 71, s. 3 (2).                                                    |
|                                     |                                                               |                                                                          | 2 (8 Eliz. 2), s. 1 (2) (3).                                     |
|                                     |                                                               |                                                                          | 62, s. 3 (4).                                                    |
| c. 117 ... ..                       | National Loans Act, 1939                                      | Appl. ... ..                                                             |                                                                  |
|                                     |                                                               | Appl. (E.) (S.) ... ..                                                   |                                                                  |
| <b>3 &amp; 4 Geo. 6:</b>            |                                                               |                                                                          |                                                                  |
| c. 14 ... ..                        | Agriculture (Miscellaneous War Provisions) Act, 1940.         | S. 15 ext.... ... ..                                                     | 12, s. 2 (2) (b).                                                |
| c. 29 ... ..                        | Finance Act, 1940 ...                                         | S. 43 (2) (a) expld. ... ..                                              | 58, s. 35 (1).                                                   |
|                                     |                                                               | S. 61 rep. ... ..                                                        | 68, S.L.R.                                                       |
| c. 40 ... ..                        | Colonial Development and Welfare Act, 1940.                   | Rep. ... ..                                                              | 71, s. 10 (1), sch.                                              |
| c. 42 ... ..                        | Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940.   | S. 5 (2) (a) am. ... ..                                                  | 21, s. 1 (1).                                                    |
| c. 48 ... ..                        | Finance (No. 2) Act, 1940                                     | Ss. 23 (3) (a) rep., 23 (3) (b) rep. in pt., 27 (1) rep. in pt., 37 rep. | 68, S.L.R.                                                       |
| <b>5 &amp; 6 Geo. 6:</b>            |                                                               |                                                                          |                                                                  |
| c. 21 ... ..                        | Finance Act, 1942 ...                                         | S.10 (1) rep. in pt. (S.), 10 (2)–(6) rep. (S.), 10 (7) rep.             | 51, s. 200 (1), sch. 12.                                         |
|                                     |                                                               | Ss. 13, 14 rep. ... ..                                                   | 58, ss. 3 (1), 37 (5) (a), sch. 8 Pt. I.                         |
|                                     |                                                               | S. 15 rep. ... ..                                                        | 58, s. 37 (5) (a), sch. 8 Pt. I.                                 |

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| 5 & 6 Geo. 6—<br>c. 21— <i>cont.</i> | Finance Act, 1942— <i>cont.</i>                              | Ss. 17 (2), 18 (4) rep. ...<br>Sch. 6 Pt. II rep. (S.) ...                                                                                                                                                                           | 68, S.L.R.<br>51, s. 200 (1),<br>sch. 12.                                                                                                                                                                    |
| 6 & 7 Geo. 6:<br>c. 21 ... ..        | War Damage Act, 1943                                         | S. 14 rep. (E.) ... ..<br>rep. (S.) ... ..                                                                                                                                                                                           | 53, ss. 11 (1),<br>58 (1), sch. 8.<br>70, ss. 11 (1),<br>55 (1), sch. 8.                                                                                                                                     |
| c. 24 ... ..                         | Catering Wages Act, 1943                                     | Rep. ... ..                                                                                                                                                                                                                          | 26, ss. 1 (1), 9 (3),<br>sch. 3 Pt. I.                                                                                                                                                                       |
| c. 28 ... ..                         | Finance Act, 1943 ...                                        | S. 11 (2) rep. ... ..                                                                                                                                                                                                                | 68, S.L.R.                                                                                                                                                                                                   |
| c. 35 ... ..                         | Foreign Service Act, 1943                                    | Pensions increase ... ..                                                                                                                                                                                                             | 50, ss. 1, 2, sch.<br>Pt. I para. 1.                                                                                                                                                                         |
| c. 44 ... ..                         | Rent of Furnished Houses<br>Control (Scotland)<br>Act, 1943. | Cont. as amd. until<br>31.3.61.                                                                                                                                                                                                      | 4 (8 Eliz. 2),<br>s. 1 (2).                                                                                                                                                                                  |
| 7 & 8 Geo. 6:<br>c. 21 ... ..        | Pensions (Increase) Act,<br>1944.                            | S. 4. Pensions increase ...                                                                                                                                                                                                          | 50, ss. 1, 2, 5 (6),<br>sch. Pt. II para.<br>7.                                                                                                                                                              |
| c. 23 ... ..                         | Finance Act, 1944 ...                                        | S. 9 rep. (S.) ... ..<br>S. 11 (1) (a), sch. 2 Pt. II<br>rep.                                                                                                                                                                        | 51, s. 200 (1),<br>sch. 12.<br>68, S.L.R.                                                                                                                                                                    |
| c. 31 ... ..                         | Education Act, 1944 ...                                      | S. 13 (2) ext. ... ..<br>S. 57 rep. and subst.<br>( <i>prosp.</i> ).<br>S. 102 am. ... ..<br>S. 103 am. ... ..<br>excl. ... ..<br>S. 104 am. ... ..<br>excl. ... ..<br>S. 105 (2) am. and expld.<br>S. 116 am. ( <i>prosp.</i> ) ... | 60, s. 1 (2) (3) (5).<br>72, ss. 11, 149 (2),<br>schs. 2, 8 Pt. I.<br>60, s. 1 (1).<br>60, s. 1 (1).<br>60, s. 1 (6).<br>60, s. 1 (1).<br>60, s. 1 (6).<br>60, s. 1 (4).<br>72, s. 149 (1),<br>sch. 7 Pt. I. |
| c. 47 ... ..                         | Town and Country Plan-<br>ning Act, 1944.                    | Ss. 25-27 appl. (mod.) ...<br>Sch. 5 rep. ... ..                                                                                                                                                                                     | 25, ss. 16 (1) (2),<br>17 (1) (2).<br>53, s. 58 (1),<br>sch. 8.                                                                                                                                              |
| 8 & 9 Geo. 6:<br>c. 14 ... ..        | Teachers' Superannua-<br>tion Act, 1945.                     | S. 1 (1) ( <i>dd</i> ), ( <i>ee</i> ) added<br>( <i>prosp.</i> ).                                                                                                                                                                    | 72, s. 149 (1),<br>sch. 7 Pt. I.                                                                                                                                                                             |
| c. 17 ... ..                         | Wages Councils Act, 1945                                     | Rep. ... ..                                                                                                                                                                                                                          | 69, s. 26, sch. 6.                                                                                                                                                                                           |
| c. 20 ... ..                         | Colonial Development<br>and Welfare Act, 1945.               | Rep. ... ..                                                                                                                                                                                                                          | 71, s. 10 (1), sch.                                                                                                                                                                                          |
| c. 33 ... ..                         | Town and Country Plan-<br>ning (Scotland) Act,<br>1945.      | Sch. 5 rep. ... ..                                                                                                                                                                                                                   | 70, s. 55 (1),<br>sch. 8.                                                                                                                                                                                    |
| c. 41 ... ..                         | Family Allowances Act,<br>1945.                              | Appl. (mod.) (Canada)<br>S. 5, rep. in pt. ... ..<br>S. 6 excl.... ... ..<br>S. 6 (2) rep. in pt., 6 (5)<br>rep.                                                                                                                     | S.I. No. 2216.<br>18, s. 1 (5), sch.<br>Pt. I.<br>18, s. 1 (2).<br>18, s. 1 (5), sch.<br>Pt. I.                                                                                                              |

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|--------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 & 9 Geo. 6:<br>c. 41— <i>cont.</i> | Family Allowances Act, 1945— <i>cont.</i>              | S. 8 (1) rep. in pt., 8 (2)-(4) rep., 8 (5) rep. in pt., 8 (6) (7) rep.<br>S. 17 (1) (c) rep. ...<br>S. 20 expld. ...<br>S. 26 (6) (7) rep. ...                                                                                                                                                                                                                                                                                                                                                                                       | 18, s. 1 (5), sch. Pt. I.<br>18, s. 1 (5), sch. Pt. I.<br>18, s. 4.<br>18, s. 1 (5), sch. Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 42 ...                            | Water Act, 1945 ...                                    | S. 19 (6). Period ext. (31.12.1962).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | S.I. No. 2192.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c. 43 ...                            | Requisitioned Land and War Works Act, 1945.            | S. 16 excl. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | S.I. No. 715, reg. 6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 9 & 10 Geo. 6:<br>c. 10 ...          | Supplies and Services (Transitional Powers) Act, 1945. | Rep., exc. ss. 6, 10 (1) ...<br>S. 6 rep. (1.1.65) ...<br>S. 6 (1) am. (with saving for s. 6 (1) (f)).<br>S. 6 (2) (3) am. ...<br>S. 6 (4) am. ...<br>S. 10 (1) rep. (1.1.65) ...                                                                                                                                                                                                                                                                                                                                                     | 19, s. 10 (3), sch. 4 Pt. I.<br>19, s. 10 (3), sch. 4 Pt. II.<br>19, s. 3 (2).<br>19, s. 3 (1).<br>19, s. 3 (1) (4).<br>19, s. 10 (3), sch. 4 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 13 ...                            | Finance (No. 2) Act, 1945                              | S. 60. Pensions increase                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 50, ss. 1, 2, sch. Pt. I para. 9.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 17 ...                            | Police (Overseas Service) Act, 1945.                   | Pensions increase ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 50, ss. 1, 2, sch. Pt. I para. 7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 26 ...                            | Emergency Laws (Transitional Provisions) Act, 1946.    | Rep. exc. ss. 15, 16, 24, sch. 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 19, s. 10 (3), sch. 4 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 30 ...                            | Trunk Roads Act, 1946                                  | Ss. 1, 2, 3 (2) rep. (E.) ...<br>S. 5 (1) rep. (E.) ...<br>S. 5 (2) rep. (E. exc. London).<br>Ss. 6, 7 rep. (E.) ...<br>S. 8 (1) (2) rep. (E. exc. London).<br>S. 8 (3) rep. (E. exc. London).<br>rep. in pt. (London)<br>S. 8 (4) rep. (E. exc. London).<br>S. 8 (6) rep. ...<br>S. 9 rep. (E.) ...<br>S. 10 (1) rep. (E. exc. London).<br>S. 10 (3) rep. (E.) ...<br>S. 11 (1) rep. in pt. (E. exc. London) (definition of "Act of 1935").<br>S. 11 (1) rep. in pt. (E.) (definition of "swing bridge").<br>S. 11 (2) rep. (E.) ... | 25, s. 312 (2) (3), schs. 25, 26.<br>25, s. 312 (2) (3), schs. 25, 26.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2) (3), schs. 25, 26.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (3), sch. 26.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2) (3), schs. 25, 26.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2) (3), schs. 25, 26.<br>25, s. 312 (2), sch. 25.<br>25, s. 312 (2) (3), schs. 25, 26.<br>25, s. 312 (2) (3), schs. 25, 26.<br>25, s. 312 (2), sch. 25. |



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| 9 & 10 Geo. 6: c. 30— <i>cont.</i>  | Trunk Roads Act, 1946— <i>cont.</i>                       | <p>S. 12 (3) rep. (E.) ...</p> <p>Ss. 13, 16 rep. ...</p> <p>Schs. 1, 2 rep. (E.) ...</p> <p>Sch. 3 rep. (E. exc. London) so far as amending ss. 3 (5), 4 (1) (6), 5 (1) (2), 6 (1) (3) (8), sch. 4 para. 6 of the Trunk Roads Act, 1936 (1 Edw. 8 &amp; 1 Geo. 6, c. 5).</p> <p>Sch. 3 rep. (London) so far as amending s. 4 (6) of, and sch. 4 to, the Trunk Roads Act, 1936 (1 Edw. 8 &amp; 1 Geo. 6, c. 5).</p> <p>Sch. 4 rep. so far as relating to s. 5 of, and sch. 4 to, the Trunk Roads Act, 1936 (1 Edw. 8 &amp; 1 Geo. 6, c. 5).</p> | <p>25, s. 312 (2) (3), schs. 25, 26.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (2) (3), schs. 25, 26.</p> <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 312 (3), sch. 26.</p> <p>25, s. 312 (2) (3), schs. 25, 26.</p> |
| c. 31 ...                           | Ministers of the Crown (Transfer of Functions) Act, 1946. | S. 5 rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | S.I. No. 1970.                                                                                                                                                                                                             |
| c. 34 ...                           | Furnished Houses (Rent Control) Act, 1946.                | Cont. as amd. until 31.3.1961.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 4 (8 Eliz. 2), s. 1 (2).                                                                                                                                                                                                   |
| c. 36 ...                           | Statutory Instruments Act, 1946.                          | <p>Appl. ...</p> <p>Appl. (<i>prosp.</i>) ...</p> <p>Appl. (E.) ...</p> <p>Appl. (S.) ...</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>19, s. 8 (2).</p> <p>24, s. 16 (6).</p> <p>22, s. 102 (9).</p> <p>51, s. 29 (3).</p>                                                                                                                                    |
| c. 42 ...                           | Water (Scotland) Act, 1946.                               | <p>S. 53 (1) am. (<i>prosp.</i>) ...</p> <p>S. 53 (2) rep. in pt. (<i>prosp.</i>) ...</p> <p>S. 54 (1) rep. in pt. (<i>prosp.</i>) ...</p>                                                                                                                                                                                                                                                                                                                                                                                                      | <p>24, s. 31 (1), sch. 9 para. 5.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 31 (2), sch. 10.</p> <p>24, s. 222.</p>                                                                                                     |
| c. 49 ...                           | Acquisition of Land (Authorisation Procedure) Act, 1946.  | <p>Appl. (mod.) (E.) (<i>retrosp.</i>) ...</p> <p>S. 1 (1) (b) rep. in pt. (E. exc. London).</p> <p>S. 1 (2) excl. (E.) ...</p> <p>Sch. 1 Pt. III excl. (E.) ...</p> <p>Sch. 4 rep. in pt. (E. exc. London) so far as amending s. 19 of the Development and Road Improvement Funds Act, 1909, and rep. (E.) so far as amdg. the Restriction of Ribbon Development Act, 1935, and the Trunk Roads Act, 1936.</p>                                                                                                                                 | <p>25, s. 312 (2), sch. 25.</p> <p>25, s. 223 (1).</p> <p>25, s. 223 (1).</p> <p>25, s. 312 (2) (3), sch. 25.</p>                                                                                                          |
| c. 56 ...                           | British Museum Act, 1946.                                 | Rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 68, S.L.R.                                                                                                                                                                                                                 |

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| 9 & 10 Geo. 6<br>—cont.             | National Insurance (Industrial Injuries) Act, 1946. | Pt. II (ss. 7-35) appl. (mod.)     | S.I. No. 467, reg. 11, sch. 2.                                   |
| c. 62 ...                           |                                                     | Pt. III (ss. 36-54) appl. (mod.)   | S.I. No. 467, reg. 23, sch. 2.                                   |
|                                     |                                                     | S. 6 (c) rep. ...                  | 69, s. 26, sch. 6.                                               |
|                                     |                                                     | S. 12 appl. ...                    | S.I. No. 467, reg. 35 (1).                                       |
|                                     |                                                     | S. 12 (4) (a) excl. ...            | S.I. No. 467, reg. 35 (3).                                       |
|                                     |                                                     | S. 36 (1) (b) am. ...              | 18, s. 1 (3).                                                    |
|                                     |                                                     | S. 36 (3) rep. in pt. ...          | 18, s. 1 (5), sch. Pt. I.                                        |
|                                     |                                                     | S. 47 (1) proviso, 47 (3)-(5) rep. | 18, s. 3 (2), sch. Pt. II.                                       |
|                                     |                                                     | S. 50 expld. ...                   | 18, s. 2 (5).                                                    |
|                                     |                                                     | S. 50 (1) rep. in pt. ...          | 18, s. 1 (5), sch. Pt. I.                                        |
|                                     |                                                     | S. 53 (2) (c) (iii) rep. in pt.,   | 18, s. 1 (5), sch. Pt. I.                                        |
|                                     |                                                     | 53 2 (d) rep. in pt.               | S.I. No. 467, reg. 35 (2).                                       |
|                                     |                                                     | S. 57 (2) mod. ...                 | S.I. No. 467, reg. 39.                                           |
|                                     |                                                     | excl. ...                          | 18, s. 4.                                                        |
|                                     |                                                     | S. 60 expld. ...                   | 47, s. 17.                                                       |
|                                     | S. 72 (2) rep., 72 (4) rep. in pt.                  | 18, s. 1 (5), sch. Pt. I.          |                                                                  |
| c. 64 ...                           | Finance Act, 1946 ...                               | S. 10 rep. ...                     | 58, s. 37 (5) (a), sch. 8 Pt. I.                                 |
|                                     |                                                     | S. 13 rep. ...                     | 51, s. 200 (1), sch. 12.                                         |
|                                     |                                                     | Ss. 19, 22 (3) rep. ...            | 68, S.L.R.                                                       |
|                                     |                                                     | S. 26 rep. ...                     | 28, s. 1 (7).                                                    |
|                                     |                                                     | S. 62 (2). Pensions increase.      | 50, ss. 1, 2, sch. Pt. I para. 9.                                |
| c. 67 ...                           | National Insurance Act, 1946.                       | Power to mod. ...                  | 47, s. 3 (5).                                                    |
|                                     |                                                     | Appl. (mod.) (Canada)...           | S.I. No. 2216.                                                   |
|                                     |                                                     | Expld. (regulations) ...           | 47, s. 16 (3).                                                   |
|                                     |                                                     | S. 2 (3) appl. (mod.) ...          | 47, s. 2 (7).                                                    |
|                                     |                                                     | S. 2 (6) appl. ...                 | 47, ss. 3 (3), 9 (7).                                            |
|                                     |                                                     | S. 6 (1) am. ...                   | 47, s. 2 (7).                                                    |
|                                     |                                                     | S. 6 (4) (c) rep. ...              | 69, s. 26, sch. 6.                                               |
|                                     |                                                     | S. 8 (1) ext. ...                  | 47, s. 3 (1) (2).                                                |
|                                     |                                                     | appl. ...                          | 47, s. 9 (8).                                                    |
|                                     |                                                     | S. 17 (3) am. ...                  | S.I. No. 549.                                                    |
|                                     |                                                     | S. 20 (4) am. ...                  | 47, s. 6 (2).                                                    |
|                                     |                                                     | S. 20 (5) appl. ...                | 47, s. 4 (6).                                                    |
|                                     |                                                     | am. ...                            | S.I. No. 549.                                                    |
|                                     |                                                     | S. 21 (3) appl. ...                | 47, s. 4 (6).                                                    |
|                                     |                                                     | am. ...                            | 47, s. 6 (2).                                                    |
|                                     |                                                     | S. 26 saved ...                    | 47, s. 4 (6).                                                    |
|                                     |                                                     | S. 38 excl. ...                    | 18, s. 4 (1).                                                    |
|                                     |                                                     | S. 43 am. ...                      | 47, s. 13.                                                       |
|                                     |                                                     | S. 43 (1) appl. ...                | 18, s. 1 (1).                                                    |
|                                     |                                                     | S. 43 (2) rep. in pt. ...          | 18, s. 1 (5), sch. Pt. I.                                        |
|                                     |                                                     | am. ...                            | 18, s. 1 (3).                                                    |
|                                     |                                                     | S. 43 (3) appl. ...                | 18, s. 1 (1).                                                    |
|                                     |                                                     | excl. ...                          | 18, s. 1 (1) proviso.                                            |
|                                     |                                                     | S. 43 (5) appl. ...                | 18, s. 1 (1).                                                    |
|                                     |                                                     | S. 43 (6) (b) ext. ...             | 47, s. 9 (9).                                                    |

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| 9 & 10 Geo. 6; c. 67— <i>cont.</i> ... | National Insurance Act, 1946— <i>cont.</i> | S. 44 (2) (b) (c) rep. in pt.<br>Ss. 47 (1), (2) (a)–(c) appl. and expld., 48 (2) am.<br>S. 58 (3) am. ... ..<br>S. 59 (2) excl. ... ..<br>S. 63 (4) ext. ... ..<br>S. 65 (2) ext. ... ..<br>S. 67. Pensions increase<br>S. 69 (4) ext. ... ..<br>am. ... ..<br>S. 71 (2) ext. ... ..<br>S. 77 restr. ... ..<br>excl. ... ..<br>S. 78 (1) am. (definition of “benefit”).<br>Sch. 1 Pts. I and II subst. (saving) ( <i>prosp.</i> )<br>Sch. 1 Pt. V rep. and superseded ( <i>prosp.</i> )                                                                                           | 18, s. 1 (5), sch. Pt. I.<br>18, s. 1 (2).<br>47, s. 2 (7).<br>47, s. 14 (4).<br>47, s. 19 (3).<br>47, s. 14 (2) (3).<br>50, ss. 1, 2, sch. Pt. I para. 12.<br>47, s. 15 (1).<br>47, s. 15 (3).<br>47, s. 14 (2).<br>18, s. 1 (4).<br>47, s. 6 (4).<br>47, s. 4 (1).<br>47, s. 1 (1) (a) (b), (2), sch. 1.<br>47, s. 1 (3).                                                            |
| c. 68 ... ..                           | New Towns Act, 1946 ...                    | S. 2 ext. ... ..<br>S. 7 (2) rep. (E.)... ..<br>S. 12 (1) proviso am. ... ..<br>S. 15 rep. (E.) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 62, s. 13.<br>25, s. 312 (2), sch. 25.<br>62, s. 11 (1).<br>62, s. 9 (6).                                                                                                                                                                                                                                                                                                              |
| c. 72 ... ..                           | Education (Scotland) Act, 1946.            | Apptd. day for sch. 5 (25.5.59).<br>Pt. IV. Pensions increase<br>S. 74 (1) excl. ... ..<br>S. 104 rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                    | S.I. No. 898.<br>50, ss. 1, 2, sch. Pt. I para. 5.<br>S.I. No. 477, reg. 12.<br>72, s. 149 (2), sch. 8 Pt. II.                                                                                                                                                                                                                                                                         |
| c. 73 ... ..                           | Hill Farming Act, 1946...                  | S. 2 (1) mod. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 31, s. 1 (2).                                                                                                                                                                                                                                                                                                                                                                          |
| c. 81 ... ..                           | National Health Service Act, 1946.         | Pt. II (ss. 3–18) ext. ( <i>prosp.</i> )<br>S. 6. Pensions increase...<br>Ss. 11–15 excl. ( <i>prosp.</i> )...<br>S. 16 (1) rep. in pt. ( <i>prosp.</i> )<br>S. 20 am. ( <i>prosp.</i> ) ... ..<br>S. 27 (1) rep. in pt. ( <i>prosp.</i> )<br>S. 28 ext. ( <i>prosp.</i> ) ... ..<br>S. 28 (1) mod. ( <i>prosp.</i> ) ... ..<br>rep. in pt. ( <i>prosp.</i> )<br>Ss. 29 (1) rep. in pt., 49–51 rep., 52 (1) rep. in pt.<br>S. 57 (3)–(5) appl. ( <i>prosp.</i> )<br>S. 58 (1) am. ( <i>prosp.</i> ) ... ..<br>S. 63 am. ( <i>prosp.</i> ) ... ..<br>Ss. 67, 68. Pensions increase. | 72, s. 133 (2).<br>50, ss. 1, 2, sch. Pt. I para. 10.<br>72, s. 98 (1).<br>72, s. 149 (2), sch. 8 Pt. I.<br>72, s. 153 (3).<br>72, s. 149 (2), sch. 8 Pt. I.<br>72, s. 12 (1).<br>72, ss. 6 (2) (3), 7.<br>72, s. 149 (2), sch. 8 Pt. I.<br>72, s. 149 (2), sch. 8 Pt. I.<br>72, s. 142 (2).<br>72, s. 98 (2).<br>72, s. 149 (1), sch. 7 Pt. I.<br>50, ss. 1, 2, sch. Pt. I. para. 10. |

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| 9 & 10 Geo. 6:<br>c. 81—cont. ...   | National Health Service Act, 1946—cont.            | <p>S. 79 (1) am. (definition of "illness") (<i>prosp.</i>) rep. in pt. (<i>prosp.</i>) (definitions of "hospital", "local authority" in pt. rep.) (<i>prosp.</i>)</p> <p>S. 80 (2) rep. in pt. (<i>prosp.</i>)</p> <p>S. 80 (3) ext. (<i>prosp.</i>) ...</p> <p>Sch. 8 rep. (<i>prosp.</i>) ...</p> <p>Sch. 9 rep. (E.) (S.) (<i>prosp.</i>)</p> <p>Sch. 9 Pt. I rep. (<i>prosp.</i>) so far as amdg. s. 8 (3) of the Criminal Lunatics Act, 1884 (47 &amp; 48 Vict., c. 64).</p> <p>Sch. 10 rep. (<i>prosp.</i>) so far as amdg. the Children and Young Persons Act, 1933 (23 &amp; 24 Geo. 5, c. 12), and the Education Act, 1944 (7 &amp; 8 Geo. 6, c. 31).</p> | <p>72, s. 149 (1), sch. 7 Pt. I.</p> <p>72, s. 149 (2), sch. 8 Pt. I.</p> <p>72, s. 149 (2), sch. 8 Pt. II.</p> <p>72, s. 154 (2).</p> <p>72, s. 149 (2), sch. 8 Pt. I.</p> <p>72, s. 149 (2), sch. 8 Pt. I.</p> <p>72, s. 149 (2), sch. 8 Pt. II.</p> <p>72, s. 149 (2), sch. 8 Pt. I.</p> |
| 10 & 11 Geo. 6:<br>c. 7 ...         | Pensions (Increase) Act, 1947.                     | Pensions increase ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 50, s. 3 (3) (c), (4).                                                                                                                                                                                                                                                                      |
| c. 14 ...                           | Exchange Control Act, 1947.                        | S. 5 excl. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | S.I. No. 374, arts. 1, 2.                                                                                                                                                                                                                                                                   |
| c. 19 ...                           | Polish Resettlement Act, 1947.                     | Sch. 1 rep. in pt. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | S.I. No. 1082.                                                                                                                                                                                                                                                                              |
| c. 21 ...                           | Forestry Act, 1947 ...                             | Ss. 4 (1), 11 (3) (b) am. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 72, s. 149 (1), sch. 7 Pt. II.                                                                                                                                                                                                                                                              |
| c. 27 ...                           | National Health Service (Scotland) Act, 1947.      | S. 2 appl. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 25, s. 92 (4).                                                                                                                                                                                                                                                                              |
| c. 27 ...                           | National Health Service (Scotland) Act, 1947.      | Pt. II (ss. 3-19) ext. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 72, s. 133 (2) (3).                                                                                                                                                                                                                                                                         |
| c. 35 ...                           | Finance Act, 1947 ...                              | Ss. 6, 66, 67. Pensions increase.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 50, ss. 1, 2, sch. Pt. I para. 11.                                                                                                                                                                                                                                                          |
| c. 35 ...                           | Finance Act, 1947 ...                              | S. 16 rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 28, s. 1(7)                                                                                                                                                                                                                                                                                 |
| c. 35 ...                           | Finance Act, 1947 ...                              | Ss. 68, 70, 71 rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 68, S.L.R.                                                                                                                                                                                                                                                                                  |
| c. 36 ...                           | Education (Exemptions) (Scotland) Act, 1947.       | Cont. until 31.12.1960 ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4 (8 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                                                                    |
| c. 39 ...                           | Statistics of Trade Act, 1947.                     | Ss. 14 rep. (S.) ( <i>prosp.</i> ), 18 rep. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 24, s. 31 (2), sch. 10.                                                                                                                                                                                                                                                                     |
| c. 40 ...                           | Industrial Organisation and Development Act, 1947. | S. 3 (2) appl. (E.) (S.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 48, s. 3 (3) (a).                                                                                                                                                                                                                                                                           |
| c. 40 ...                           | Industrial Organisation and Development Act, 1947. | S. 4 (4) appl. (E.) (S.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 48, s. 1 (6).                                                                                                                                                                                                                                                                               |
| c. 40 ...                           | Industrial Organisation and Development Act, 1947. | Ss. 5, 6 appl. (E.) (S.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 48, s. 1 (6).                                                                                                                                                                                                                                                                               |
| c. 40 ...                           | Industrial Organisation and Development Act, 1947. | S. 7 expld. (E.) (S.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 48, s. 3 (5).                                                                                                                                                                                                                                                                               |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 1 (3) rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 44, ss. 1 (a), 14 (4), sch.                                                                                                                                                                                                                                                                 |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 2 (2) (3) (5) subst. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 44, s. 2.                                                                                                                                                                                                                                                                                   |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 2 (7) rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 44, ss. 2, 14 (4), sch.                                                                                                                                                                                                                                                                     |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 3 (3) rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 44, ss. 1 (b), 14 (4), sch.                                                                                                                                                                                                                                                                 |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 4 am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 67, s. 9 (1).                                                                                                                                                                                                                                                                               |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 7 (1) subst. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 44, s. 3.                                                                                                                                                                                                                                                                                   |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 12 am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 44, s. 4 (3).                                                                                                                                                                                                                                                                               |
| c. 41 ...                           | Fire Services Act, 1947...                         | S. 12 (1) proviso rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 44, ss. 4 (3), 14 (4). sch.                                                                                                                                                                                                                                                                 |

| Session and Chap. or No. of Measure        | Short title or Subject                                                       | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 10 & 11 Geo. 6:<br>c. 41— <i>cont.</i> ... | Fire Services Act, 1947—<br><i>cont.</i>                                     | S. 12 (2) subst. ...<br>S. 12 (3) subst. ...<br>S. 12 (5) rep. in pt. ...<br>am. ...<br>S. 17 (1) rep. in pt. ...<br>am. ...<br>S. 17 (5) rep. ...<br>S. 18 (1) (b) rep. ...<br>S. 18 (1) (c) am. ...<br>S. 18 (1) (d) rep. ...<br>S. 18 (2) rep. ...<br>S. 19 ext. ...<br>S. 19 (3) (4) subst. for<br>s. 19 (3).<br>S. 19 (5) (a) rep. ...<br>S. 19 (6) am. ...<br>rep. in pt. ...<br>S. 19 (7) (9) (10) rep. ...<br>S. 20 rep. ...<br>S. 26 ext. ...<br>S. 26. Pensions increase<br>S. 26 (2) am. ...<br>S. 26 (2) (c) ext.... ...<br>S. 26 (5) am. ...<br>S. 27 (2) expld. ...<br>S. 28 rep. ...<br>S. 36 (19) subst.... ...<br>S. 36 (22) (c) rep., 36 (22)<br>(d) rep. in pt., 36 (22)<br>(e) rep.<br>Sch. 1 rep. ...<br>Sch. 2 rep. ...<br>Appl. ( <i>prosp.</i> ) ... | 44, s. 4 (1).<br>44, s. 4 (2).<br>44, ss. 4 (2), 14<br>(4), sch.<br>44, s. 4 (2) (3).<br>44, ss. 5, 14 (4),<br>sch.<br>44, s. 5.<br>44, s. 14 (4), sch.<br>44, ss. 6, 14 (4),<br>sch.<br>44, ss. 6, 14 (4),<br>sch.<br>44, ss. 6, 14 (4),<br>sch.<br>44, s. 14 (4), sch.<br>44, s. 7 (2).<br>44, s. 7 (1).<br>44, s. 14 (4), sch.<br>44, s. 7 (1).<br>44, s. 14 (4), sch.<br>44, s. 14 (4), sch.<br>44, ss. 1 (c), 14<br>(4), sch.<br>44, ss. 8 (1) (2),<br>10 (b).<br>50, ss. 1, 2, 4 (2)<br>(a), sch. 1 Pt.<br>I para. 8, Pt.<br>II para. 4.<br>44, s. 8 (1).<br>44, s. 8 (3).<br>44, s. 8 (2).<br>44, s. 8 (4).<br>44, ss. 9 (3), 14<br>(4), sch.<br>44, s. 11.<br>44, s. 14 (4), sch.<br>44, ss. 1 (d), 14<br>(4), sch.<br>44, s. 14 (4), sch. |
| c. 42 ...                                  | Acquisition of Land<br>(Authorisation Procedure)<br>(Scotland) Act,<br>1947. | Appl. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 24, s. 15 (2).<br>51, s. 83 (4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 43 ...                                  | Local Government (Scotland)<br>Act, 1947.                                    | S. 82 expld. ( <i>prosp.</i> ) ...<br>S. 83 appl. ( <i>prosp.</i> ) ...<br>S. 92 expld. ( <i>prosp.</i> ) ...<br>S. 93 appl. ( <i>prosp.</i> ) ...<br>S. 168 appl. ...<br>S. 168 (1) proviso subst.<br>S. 168 (2) mod. ...<br>S. 301 appl. (mod.)<br>( <i>prosp.</i> ).<br>S. 301 (4) (5), (7)–(13),<br>(15) appl. (mod.).<br>Ss. 302, 303 appl. (mod.)<br>Ss. 321 (5)–(9), 322 (5),<br>323 appl. ( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                                                                                         | 24, s. 21 (7).<br>24, s. 21 (6).<br>24, s. 21 (7).<br>24, s. 21 (6).<br>70, s. 27 (4).<br>70, s. 28.<br>70, s. 29 (2).<br>67, s. 9 (3).<br>51, s. 64 (2).<br>67, s. 9 (3).<br>24, s. 2 (1).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Session and Chap. or No. of Measure    | Short title or Subject                              | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 10 & 11 Geo. 6:<br>c. 43— <i>cont.</i> | Local Government (Scotland) Act, 1947— <i>cont.</i> | S. 324 saved ( <i>prosp.</i> ) ...<br>S. 325 rep. ( <i>prosp.</i> ) ...<br>Ss. 326 appl. (mod.) ( <i>prosp.</i> ), 327, 328 appl. ( <i>prosp.</i> ).<br>S. 349 appl. ( <i>prosp.</i> ) ...<br>S. 355 (2)–(9) appl. ...<br>S. 365 rep. ...<br>S. 377 (2) rep. ...                                                                                                                                                                                                               | 24, s. 1 (4), sch. 1 para. 3.<br>24, s. 31 (2), sch. 10.<br>24, s. 2 (1).<br>24, s. 25 (1).<br>24, s. 23 (2).<br>40, s. 7 (8), sch. 2 Pt. III.<br>51, s. 76 (6).<br>51, s. 200 (1), sch. 12.<br>24, s. 31 (2), sch. 10.                                                                                                                                                                                                                                                                                |
| c. 48 ...                              | Agriculture Act, 1947 ...                           | S. 58 (7) ( <i>b</i> ) am. ...<br>S. 76 (2) rep. ...<br>S. 97 ext. ...<br>S. 102 rep. ...                                                                                                                                                                                                                                                                                                                                                                                      | 53, s. 58 (1), sch. 7.<br>54, s. 10 (1), sch. 12, s. 2 (2) ( <i>d</i> ).<br>54, s. 10 (1), sch. 16, s. 1.                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 49 ...                              | Transport Act, 1947 ...                             | Am. (borrowing powers) (Transport Commission).<br>Ss. 82, 83 (1)–(4), 84 rep.<br>S. 90 (1) (2) am. (Transport Commission).                                                                                                                                                                                                                                                                                                                                                     | 68, S.L.R.<br>16, s. 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 51 ...                              | Town and Country Planning Act, 1947.                | S. 6 (3) appl. ...<br>S. 9 appl. ...<br>S. 12 saved ...<br>S. 13 expld. ...<br>S. 14 mod. ...<br>am. ...<br>S. 15 mod. ...<br>am. ...<br>S. 16 am. ...<br>S. 18 (6) added ...<br>S. 19 (1) expld. ...<br>S. 19 (1A) (1B) added ...<br>S. 19 (2) am. (saving) ...<br>S. 19 (2A) subst. ...<br>S. 19 (3) (5) ( <i>d</i> ) am. (saving).<br>S. 19 (6) (7) added ...<br>S. 20 (3) am. ...<br>S. 20 (4) am. ...<br>S. 23 am. ...<br>S. 24 am. ...<br>S. 27 (3) ( <i>a</i> ) am. ... | 53, s. 44 (1).<br>53, s. 44 (1)–(5).<br>25, s. 305.<br>53, s. 38 (2).<br>53, s. 36.<br>53, s. 37.<br>53, s. 36.<br>53, s. 37.<br>53, s. 37.<br>53, s. 58 (1), sch. 7.<br>53, s. 35 (5).<br>53, ss. 35 (1), 58 (2) (6).<br>53, s. 58 (1) (2), sch. 7.<br>53, ss. 35 (2), 58 (2) (6).<br>53, s. 58 (1) (2), sch. 7.<br>53, ss. 35 (3), 58 (2) (6).<br>53, s. 58 (1), sch. 7.<br>53, s. 58 (1), sch. 7.<br>53, ss. 38 (1) (3), 58 (1), sch. 7.<br>53, ss. 38 (1) 58 (1) sch. 7.<br>53, s. 58 (1), sch. 7. |

| Session and Chap. or No. of Measure    | Short title or Subject                           | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 10 & 11 Geo. 6:<br>c. 51— <i>cont.</i> | Town and Country Planning Act 1947— <i>cont.</i> | S. 35 (3) mod. ... ..<br>am. ... ..<br>S. 44 (4) rep. ... ..<br><br>S. 45 (5) appl. ... ..<br>Ss. 47 (1), 48 rep. (E.)<br>(exc. London).<br>S. 51 rep. (with saving for<br>s. 51 (2), (4)–(6)).<br>S. 52 rep. ... ..<br><br>S. 53 rep. ... ..<br><br>S. 54 (1) rep. in pt. ... ..<br><br>S. 54 (2A) added, 54 (3)<br>am.<br>S. 55 rep. ... ..<br><br>S. 56 (2) rep. in pt. ... ..<br><br>S. 56 (3) rep. ... ..<br><br>S. 56 (4) rep. ... ..<br><br>Ss. 82 (5), 84 (4), 85 (4)<br>rep. (saving).<br>Ss. 104, 105 appl. ... ..<br>S. 110 (2) (3) rep. ... ..<br><br>S. 112 (2) (3) appl. ... ..<br>S. 119 (1) am. (exc.<br>London).<br>Sch. 11 rep. so far as<br>relating to sch. 5 of the<br>Town and Country<br>Planning Act, 1944 (7<br>& 8 Geo. 6, c. 47). | 53, s. 36.<br>53, s. 37.<br>53, s. 58 (1), sch.<br>8.<br>53, s. 12 (3).<br>25, s. 312 (2),<br>sch. 25.<br>53, ss. 1 (1), 58<br>(1), sch. 8.<br>53, s. 58 (1), sch.<br>8.<br>53, ss. 11 (1), 58<br>(1), sch. 8.<br>53, s. 58 (1), sch.<br>8.<br>53, s. 58 (1), sch.<br>7.<br>53, s. 58 (1), sch.<br>8.<br>53, ss. 11 (1), 58<br>(1), sch. 8.<br>53, ss. 11 (1), 58<br>(1), sch. 8.<br>53, s. 58 (1), sch.<br>8.<br>53, ss. 12 (1) (2),<br>58 (1), sch. 8.<br>53, s. 55 (1).<br>53, s. 58 (1), sch.<br>8.<br>53, s. 57 (5).<br>25, s. 309, sch.<br>22.<br>53, s. 58 (1), sch.<br>8. |
| c. 53 ... ..                           | Town and Country Planning (Scotland) Act, 1947.  | Saved in pt. ( <i>prosp.</i> ) ... ..<br>S. 4 (3) appl. ... ..<br>S. 7 appl. ... ..<br>S. 11 expld. ... ..<br>S. 12 mod. ... ..<br>am. ... ..<br>S. 13 mod. ... ..<br>am. ... ..<br>S. 14 am. ... ..<br>S. 16 (6) added ... ..<br><br>S. 17 (1) expld. ... ..<br>S. 17 (1A) (1B) added<br>(saving).<br>(2) (5).<br>S. 17 (2) (3) (5) am. ... ..<br><br>S. 17 (6) (7) added ... ..<br><br>S. 18 (3) (4) am. ... ..<br><br>S. 21 am. ... ..<br><br>S. 22 am. ... ..                                                                                                                                                                                                                                                                                            | 24, s. 17 (2).<br>70, s. 43 (1).<br>70, s. 43.<br>70, s. 37 (2).<br>70, s. 35.<br>70, s. 36.<br>70, s. 35.<br>70, s. 36.<br>70, s. 36.<br>70, s. 55 (1),<br>sch. 7.<br>70, s. 34 (4).<br>70, ss. 34 (1), 55<br>(2) (5).<br>70, s. 55 (1) (2)<br>(5), sch. 7.<br>70, ss. 34 (2), 55<br>(2) (5).<br>70, s. 55 (1),<br>sch. 7.<br>70, ss. 37 (1) (3),<br>55 (1), sch. 7.<br>70, ss. 37 (1), 55<br>(1), sch. 7.                                                                                                                                                                       |

| Session and Chap. or No. of Measure                                             | Short title or Subject                                                                                                                                                                                          | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 10 & 11 Geo. 6:<br>c. 53— <i>cont.</i>                                          | Town and Country Planning (Scotland) Act, 1947— <i>cont.</i>                                                                                                                                                    | S. 25 (3) (a) am. ...<br>S. 32 (3) mod. ...<br>am. ...<br>S. 41 (3) rep. ...<br>S. 42 (5) appl. ...<br>S. 48 rep. (with saving for s. 48 (2), (4)–(6)).<br>S. 49 rep. ...<br>S. 50 rep. ...<br>S. 51 (1) rep. in pt. ...<br>S. 51 (2A) added, 51 (3) am.<br>S. 52 rep. ...<br>S. 53 (2) rep. in pt. ...<br>S. 53 (3) rep. ...<br>S. 53 (4) rep. ...<br>Ss. 79 (5), 81 (4), 82 (4) rep. (saving).<br>Ss. 100, 101 appl. ...<br>S. 105 (2) (3) rep. ...<br>S. 108 (2) (3) appl. ...<br>Sch. 11 rep. so far as relating to sch. 5 of the Town and Country Planning (Scotland) Act, 1945 (8 & 9 Geo. 6, c. 33). | 70, s. 55 (1), sch. 7.<br>70, s. 35.<br>70, s. 36.<br>70, s. 55 (1), sch. 8.<br>70, s. 12 (3).<br>70, ss. 1 (1), 55 (1), sch. 8.<br>70, s. 66 (1), sch. 8.<br>70, ss. 11 (1), 55 (1), sch. 8.<br>70, s. 55 (1), sch. 8.<br>70, s. 55 (1), sch. 7.<br>70, ss. 55 (1), sch. 8.<br>70, ss. 11, 55 (1), sch. 8.<br>70, ss. 11, 55 (1), sch. 8.<br>70, s. 55 (1), sch. 8.<br>70, ss. 12 (1) (2), 55 (1), sch. 8.<br>70, s. 52 (1).<br>70, s. 55 (1), sch. 8.<br>70, s. 54 (5).<br>70, s. 55 (1), sch. 8. |
| c. 54 ...<br>c. 55 ...                                                          | Electricity Act, 1947 ...<br>Supplies and Services (Extended Purposes) Act, 1947.                                                                                                                               | S. 47 (7) proviso am. ...<br>Rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 20, s. 1 (1) (b).<br>19, s. 10 (3), sch. 4 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 11 & 12 Geo. 6:<br>c. 7 ...<br>c. 10 ...<br>c. 15 ...<br>c. 17 ...<br>c. 24 ... | Ceylon Independence Act, 1947.<br>Emergency Laws (Miscellaneous Provisions) Act, 1947.<br>Overseas Resources Development Act, 1948.<br>Requisitioned Land and War Works Act, 1948.<br>Police Pensions Act, 1948 | Sch. 2 para. 6 rep. ...<br>Sch. 2 para. 7 rep. (1.1.65)<br>Rep. exc. ss. 2, 11, 12 (1), sch. 2.<br>S. 11 rep. (1.1.65) ...<br>Rep. ...<br>S. 13 (2) (6) am. ...<br>Pensions increase ...                                                                                                                                                                                                                                                                                                                                                                                                                    | 19, s. 10 (3), sch. 4 Pt. I.<br>19, s. 10 (3), sch. 4 Pt. II.<br>19, s. 10 (3), sch. 4 Pt. I.<br>19, s. 10 (3), sch. 4 Pt. II.<br>23, s. 21 (1), sch. 2.<br>S.I. No. 715, regs. 7, 8.<br>50, ss. 1, 2, sch. Pt. I para. 7, Pt. II para. 3.                                                                                                                                                                                                                                                          |



| Session and Chap. or No. of Measure              | Short title or Subject                                 | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Chapter of 1959 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                            |
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| 11 & 12 Geo. 6<br>— <i>cont.</i><br>c. 26 ... .. | Local Government Act, 1948.                            | S. 33 (3) appl. ... ..<br>S. 34 am. and superseded<br><br>S. 40 am. ... ..<br>S. 118 (3) ext. ... ..<br>Ss. 120 (2) (a) (c), 121 (4) (b) (c) rep.<br>S. 127 rep. (E. exc. London).<br>S. 132 mod. ... ..<br>S. 140. Pensions increase.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 36, s. 4 (2).<br>36, s. 1 (1) (2), sch.<br>36, s. 1 (3).<br>51, s. 17 (1).<br>68, S.L.R.<br>25, s. 312 (2), sch. 25.<br>32, s. 1.<br>50, ss. 1, 2, sch. Pt. I para. 23.                                                                                                                                                                                                                     |
| c. 29 ... ..                                     | National Assistance Act, 1948.                         | S. 21 (8) mod. (E.) ( <i>prosp.</i> )<br>S. 24 (6) added ( <i>retrosp.</i> )<br>S. 29 (1) ext. (E.) ( <i>prosp.</i> ),<br>29 (6) mod. (E.) ( <i>prosp.</i> ).<br>S. 29 (7) am. ( <i>retrosp.</i> )...<br>Pt. IV (ss. 37-68) saved (E.) ( <i>prosp.</i> ).<br>Ss. 37-40 appl. (E.) ( <i>prosp.</i> ).<br>S. 37 (9) proviso rep. in pt. ( <i>prosp.</i> ).<br>am. ( <i>prosp.</i> ) ...<br><br>S. 37 (9) (h) added ( <i>prosp.</i> )<br><br>S. 38 appl. (E.) ( <i>prosp.</i> )<br>S. 39 appl. (E.) ( <i>prosp.</i> ) mod. (E.) ( <i>prosp.</i> ).<br>S. 40 (exc. subs. (1) (a)) appl. (E.) ( <i>prosp.</i> ) mod. (E.) ( <i>prosp.</i> ).<br>S. 49 am. ( <i>prosp.</i> ) ...<br><br>Sch. 2 paras. 3, 5 am. ...<br>Sch. 6 para. 7 (2) (3) rep. ( <i>prosp.</i> ). | 72, s. 8 (1).<br>30, s. 1 (1).<br>72, s. 8 (2).<br>30, s. 1 (2).<br>72, s. 8 (3).<br>72, ss. 19, 20.<br>72, s. 149 (2), sch. 8 Pt. II.<br>72, s. 149 (1), sch. 7 Pt. II.<br>72, s. 149 (1), sch. 7 Pt. II.<br>72, ss. 19, 20.<br>72, ss. 19, 20.<br>72, s. 21 (2).<br>72, ss. 19, 20.<br>72, s. 21 (1).<br>72, s. 149 (1), sch. 7 Pt. I.<br>S.I. No. 1244.<br>72, s. 149 (2), sch. 8 Pt. I. |
| c. 30 ... ..                                     | Lord High Commissioner (Church of Scotland) Act, 1948. | S. 1 am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 8 (8 Eliz. 2), s. 1.                                                                                                                                                                                                                                                                                                                                                                        |
| c. 31 ... ..                                     | Cotton Spinning (Equipment Subsidy) Act, 1948.         | S. 2, as ext., appl. ...<br>S. 4 appl. ... ..<br>S. 5, as ext., appl. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 48, ss. 2 (6), 4 (3).<br>48, s. 2 (6).<br>48, ss. 2 (6), 4 (3).                                                                                                                                                                                                                                                                                                                             |
| c. 33 ... ..                                     | Superannuation (Miscellaneous Provisions) Act, 1948.   | S. 2 ext. (fire services) (E.) (S.).<br><br>S. 3. Pensions increase                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 44, s. 9 (1) (2).<br>50, ss. 1, 2, sch. Pt. I para. 12.                                                                                                                                                                                                                                                                                                                                     |
| c. 38 ... ..                                     | Companies Act, 1948 ...                                | S. 319 ext. ... ..<br>Ss. 325, 326 saved ...<br>S. 362 (4) am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 47, s. 11 (1).<br>22, s. 133 proviso.<br>S.I. No. 702.                                                                                                                                                                                                                                                                                                                                      |
| c. 40 ... ..                                     | Education (Miscellaneous Provisions) Act, 1948.        | S. 8 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 72, ss. 11, 149 (2), sch. 8 Pt. I.                                                                                                                                                                                                                                                                                                                                                          |

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| 11 & 12 Geo. 6:<br>c. 40— <i>cont.</i> | Education (Miscellaneous Provisions) Act, 1948<br>— <i>cont.</i> | Sch. 1 Pt. I rep. ( <i>prosp.</i> ) so far as amending s. 57 (6) and, in pt., s. 116 of the Education Act, 1944 (7 & 8 Geo. 6, c. 31) and sch. 1 Pt. II rep. ( <i>prosp.</i> ) so far as amdg. the Mental Deficiency Act, 1913 (3 & 4 Geo. 5, c. 28).                             | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                                                |
| c. 41 ... ..                           | Law Reform (Personal Injuries) Act, 1948.                        | S. 2 (5) rep. ... ..                                                                                                                                                                                                                                                              | 65, s. 3 (3), sch.                                                                                                                                           |
| c. 43 ... ..                           | Children Act, 1948 ...                                           | S. 1 expld. (E.) ( <i>prosp.</i> )<br>S. 2 (3) proviso am. ( <i>prosp.</i> ).<br>S. 8 rep. ... ..                                                                                                                                                                                 | 72, s. 9 (3).<br>72, s. 149 (1), sch. 7 Pt. I.<br>72, ss. 10 (2), 149 (2), sch. 8 Pt. II.                                                                    |
| c. 44 ... ..                           | Merchant Shipping Act, 1948.                                     | S. 15 ext. (E.) ( <i>prosp.</i> ) ...<br>S. 39 (1) (f) added ( <i>prosp.</i> ).                                                                                                                                                                                                   | 72, s. 9 (1).<br>72, s. 149 (1), sch. 7 Pt. II.                                                                                                              |
| c. 45 ... ..                           | Agriculture (Scotland) Act, 1948.                                | Ss. 5, 12 appl. (mod.) (Mauritius).                                                                                                                                                                                                                                               | S.I. No. 865.                                                                                                                                                |
| c. 49 ... ..                           | Finance Act, 1948 ...                                            | Ss. 39-42 rep. so far as relating to red deer, 43 (2), 44-47 rep.<br>S. 51 rep. ... ..<br>Ss. 22 (1) rep. in pt. 22 (2) (a) rep.<br>S. 76 rep. ... ..                                                                                                                             | 40, s. 36, sch. 3.<br>54, s. 10 (1), sch. 68, S.L.R.<br>58, ss. 34 (1), 37 (5) (d), sch. 8 Pt. IV.<br>68, S.L.R.                                             |
| c. 15 ... ..                           | White Fish and Herring Industries Act, 1948.                     | S. 80 rep. ... ..<br>S. 1 (2) ext. ... ..                                                                                                                                                                                                                                         | 7 (8 Eliz. 2), s. 5 (4).<br>7 (8 Eliz. 2), s. 11.                                                                                                            |
| c. 55 ... ..                           | Factories Act, 1948 ...                                          | S. 2. Power to apply (mod.) (Isle of Man and Channel Islands).<br>S. 2 (1) (2) am. ... ..<br>S. 2 (3) am. ... ..<br>S. 2 (5) (6) am. ... ..<br>S. 2 (7) rep., 2 (8) rep. in pt.<br>S. 5 (3) am. ... ..                                                                            | 7 (8 Eliz. 2), s. 8 (1).<br>7 (8 Eliz. 2), s. 9.<br>7 (8 Eliz. 2), s. 8 (1).<br>7 (8 Eliz. 2), s. 8 (1).<br>67, s. 29 (2), sch. 2.<br>67, s. 34 (2), sch. 3. |
| c. 58 ... ..                           | Criminal Justice Act, 1948.                                      | Ss. 8 (2), 11 (2) (3) rep., sch. 1 rep. in pt.<br>S. 4 (1) am. ( <i>prosp.</i> ), 4 (2) (a) subst. for 4 (2) (a) (b).<br>S. 4 (3) (4) rep. in pt. ( <i>prosp.</i> ).<br>S. 4 (7) subst. ( <i>prosp.</i> ) ...<br>S. 29 (2) appl. ( <i>prosp.</i> ) ... mod. ( <i>prosp.</i> ) ... | 72, s. 149 (1), sch. 7 Pt. I.<br>72, s. 149 (1) (2), schs. 7 Pt. I, 8 Pt. I.<br>72, s. 149 (1), sch. 7 Pt. I.<br>72, s. 67 (2).<br>72, s. 68 (3).            |

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| 11 & 12 Geo. 6:<br>c. 58— <i>cont.</i> | Criminal Justice Act, 1948— <i>cont.</i>                             | <p>S. 47 (1) rep. in pt. (<i>prosp.</i>).<br/> S. 62 rep. (<i>prosp.</i>) ...<br/> S. 63 rep. (<i>prosp.</i>) ...<br/> Ss. 64 rep. (<i>prosp.</i>), 77 (2) rep. in pt.<br/> S. 77 (3) (a) am. ...<br/> S. 80 (1) rep. so far as defining "mental hospital", sch. 5 para. 3 (1) (d) rep. in pt., sch. 9 rep. so far as amending the Criminal Lunatic Asylums Act, 1860 (23 &amp; 24 Vict., c. 75), the Criminal Lunatics Act, 1884 (47 &amp; 48 Vict., c. 64), the Mental Deficiency Act, 1913 (3 &amp; 4 Geo. 5, c. 28) and the Mental Deficiency Act, 1927 (17 &amp; 18 Geo. 5, c. 33).</p> | <p>72, s. 149 (2), sch. 8 Pt. I.<br/> 72, s. 149 (2), sch. 8 Pt. I.<br/> 72, s. 149 (2), sch. 8 Pts. I, II.<br/> 72, s. 149 (2), sch. 8 Pt. I.<br/> 45, s. 3 (2).<br/> 72, s. 149 (2), sch. 8 Pt. I.</p> |
| c. 63 ... ..                           | Agricultural Holdings Act, 1948.                                     | <p>S. 24 (1) excl. ... ..<br/> S. 84 rep. (<i>prosp.</i>) ...</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>S.I. No. 81.<br/> 72, s. 149 (2), sch. 8 Pt. I.</p>                                                                                                                                                   |
| c. 64 ... ..                           | National Service Act, 1948.                                          | Sch. 1 para. 3 subst. ( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 72, s. 149 (1), sch. 7 Pt. I.                                                                                                                                                                            |
| c. 65 ... ..                           | Representation of the People Act, 1948.                              | <p>S. 63 rep., sch. 7 rep. so far as amending the Licensing (Scotland) Act, 1903 (3 Edw. 7, c. 25), the Temperance (Scotland) Act, 1913 (3 &amp; 4 Geo. 5, c. 33), the Licensing Act, 1921 (11 &amp; 12 Geo. 5, c. 42), and the Licensing (Permitted Hours) Act, 1934 (24 &amp; 25 Geo. 5, c. 26).</p>                                                                                                                                                                                                                                                                                       | 51, s. 200 (1), sch. 12.                                                                                                                                                                                 |
| 12, 13 & 14<br>Geo. 6:                 | c. 4 ... ..<br>Judges Pensions (India and Burma) Act, 1948.          | Pensions increase ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 50, ss. 1, 2, sch. Pt. I para. 19.                                                                                                                                                                       |
| c. 7 ... ..                            | Wages Councils Act, 1948.                                            | Rep. except s. 1 (1) (c) in pt. and sch. 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 69, s. 26, sch. 6.                                                                                                                                                                                       |
| c. 8 ... ..                            | Recall of Army and Air Force Pensioners Act, 1948.                   | Sch. para. 2 subst. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 72, s. 149 (1), sch. 7 Pt. I.                                                                                                                                                                            |
| c. 14 ... ..                           | Export Guarantees Act, 1949.                                         | S. 1 (4) am. ... ..<br>S. 2 (2) am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 63, s. 1 (1).<br>63, s. 1 (2).                                                                                                                                                                           |
| c. 17 ... ..                           | American Aid and European Payments (Financial Provisions) Act, 1949. | Ss. 1 (1) (b) rep., 2 (1) rep. in pt., 3-5 rep.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 11, s. 3 (3), sch.                                                                                                                                                                                       |

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| 12, 13 & 14<br>Geo. 6— <i>cont.</i> |                                                       |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                               |
| c. 25 ... ..                        | Tenancy of Shops (Scotland) Act, 1949.                | Cont. until 31.12.1960 ...                                                                                                                                                                                                                                                                                                      | 4 (8 Eliz. 2), s. 1 (1).                                                                                                                                                      |
| c. 27 ... ..                        | Juries Act, 1949 ...                                  | S. 17 rep. ... ..                                                                                                                                                                                                                                                                                                               | 22, s. 204, sch. 3.                                                                                                                                                           |
| c. 32 ... ..                        | Special Roads Act, 1949                               | Appl. exc. s. 9 (2) (E. exc. London).<br>Ss. 1-8, 9 (1) (3) (5), 10, 11, 13-15 rep. (E.), 16 (1) rep. in pt. (E.), 16 (2) (3), 17 rep. (E.), 18 (1) rep. in pt. (E.), 18 (2), 19 (2) (b), 20 rep. (E.), 21 (1) rep. (E.) except so far as defining "Minister", "special road" and "use", 22 (1), (3)-(10), schs. 1-3 rep. (E.). | 25, s. 312 (2) (3), sch. 25.                                                                                                                                                  |
| c. 40 ... ..                        | Landlord and Tenant (Rent Control) Act, 1949.         | S. 3 ext. ... ..<br>S. 3 (2) rep. ... ..                                                                                                                                                                                                                                                                                        | 64, s. 1 (1).<br>64, s. 2 (3).                                                                                                                                                |
| c. 42 ... ..                        | Lands Tribunal Act, 1949                              | S. 3 Power to ext. (E.) ...                                                                                                                                                                                                                                                                                                     | 56, s. 2 (5).                                                                                                                                                                 |
| c. 44 ... ..                        | Superannuation Act, 1949.                             | Pensions increase ...<br>S. 48 (5) rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                | 50, ss. 1, 2, sch. Pt. I para. 1.<br>72, s. 149 (2), sch. 8 Pt. II.                                                                                                           |
| c. 45 ... ..                        | U.S.A. Veterans' Pensions (Administration) Act, 1949. | S. 1 (4) am. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                              | 72, s. 149 (1), sch. 7 Pt. II.                                                                                                                                                |
| c. 47 ... ..                        | Finance Act, 1949 ...                                 | S. 13 rep. ... ..<br>S. 30 rep. ... ..<br>S. 35 (3) rep. ... ..                                                                                                                                                                                                                                                                 | 55, s. 16 (1), sch. 58, s. 37 (5) (c), sch. 8 Pt. III.<br>58, s. 37 (5) (b), sch. 8 Pt. II.                                                                                   |
| c. 51 ... ..                        | Legal Aid and Advice Act, 1949.                       | Ss. 46, 47 (1) rep. ...<br>Apptd. day (2.3.1959) fixed for certain provisions.                                                                                                                                                                                                                                                  | 68, S.I.R.<br>S.I. No. 46.                                                                                                                                                    |
| c. 59 ... ..                        | Licensing Act, 1949 ...                               | Sch. 2 para. 3 am. ...<br>Rep. (S.), except ss. 4 (1), 42 (4), 43 (1).<br>S. 26 (1) am. ... ..<br>rep. in pt. ... ..<br>S. 26 (2) am. ... ..<br>S. 26 (3) ext. ... ..<br>am. ... ..<br>rep. in pt. ... ..                                                                                                                       | S.I. No. 1244.<br>51, s. 200 (1), sch. 12.<br>57, s. 3 (3) (4).<br>57, s. 5 (2), sch. 57, s. 3 (4).<br>57, s. 3 (3).<br>57, s. 3 (2) (4).<br>57, s. 5 (2), sch. S.I. No. 173. |
| c. 63 ... ..                        | Legal Aid and Solicitors (Scotland) Act, 1949.        | Apptd. day for ss. 7 (except subs. (4)-(7)), 15, and 17 (1)-(4) so far as relating to legal advice (2.3.1959).<br>Sch. 2 para. 5 am. ...                                                                                                                                                                                        | S.I. No. 1244.<br>23, s. 21 (1), sch. 2.                                                                                                                                      |
| c. 65 ... ..                        | Overseas Resources Development Act, 1949.             | Rep. ... ..                                                                                                                                                                                                                                                                                                                     | 23, s. 21 (1), sch. 2.                                                                                                                                                        |
| c. 68 ... ..                        | Representation of the People Act, 1949.               | S. 4 am. ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                  | 72, s. 149 (1), sch. 7 Pt. II.                                                                                                                                                |
| c. 74 ... ..                        | Coast Protection Act, 1949.                           | S. 18 saved (E.) ... ..                                                                                                                                                                                                                                                                                                         | 25, s. 303.                                                                                                                                                                   |

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| 12, 13 & 14<br>Geo. 6— <i>cont.</i><br>c. 76 ... .. | Marriage Act, 1949 ...                                  | S. 67 am. (definition of "secretary of a synagogue").                                                                                                                                                                                                                                                                                                                                                                            | 13, s. 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 89 ... ..                                        | Vehicles (Excise) Act, 1949.                            | S. 1 (a) am. ... ..<br>S. 1 (a) excl. ... ..<br>S. 3 (1) (b) subst. ... ..<br>S. 5 excl. ... ..<br>S. 5 (5) (a) rep. in pt. ... ..<br><br>S. 7 (1) (b) (f) am. ... ..<br>S. 7 (1) (g) am. ... ..<br><br>S. 7 (1) (h) am. ... ..<br>S. 7 (2) (4) am. ... ..<br>S. 9 (2) (a) am. ... ..<br>S. 10 am. ... ..<br><br>S. 12 (2) ext. ... ..<br>S. 15 (1) (3) am. ... ..<br><br>S. 19 (1) (2) am. ... ..<br>Sch. 2 para. 2 rep. ... .. | 58, s. 10, sch. 3 para. 1. (2).<br>58, s. 14 (1).<br>58, s. 11 (1).<br>58, s. 13.<br>58, ss. 14 (2), 37 (5) (a), sch. 8 Pt. I.<br>58, s. 10, sch. 3 para. 1 (3).<br>58, ss. 10, 12 (1), sch. 3 para. 1 (3).<br>58, s. 10, sch. 3 para. 1 (3).<br>58, s. 10, sch. 3 para. 1 (3).<br>58, s. 10, sch. 3 para. 1 (4).<br>58, s. 10, sch. 3 para. 1 (5).<br>58, s. 11 (4).<br>58, s. 10, sch. 3 para. 1 (6).<br>58, s. 10, sch. 3 para. 1 (7).<br>58, s. 37 (5) (a), sch. 8 Pt. I. |
| c. 93 ... ..                                        | National Health Service (Amendment) Act, 1949.          | S. 25 subst. ( <i>prosp.</i> ) ... ..<br>S. 26 rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                                     | 72, s. 149 (1), sch. 7 Pt. I.<br>72, s. 149 (2), sch. 8 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 94 ... ..                                        | Criminal Justice (Scotland) Act, 1949.                  | S. 64 (2) expld. ( <i>prosp.</i> )... rep. in pt. ( <i>prosp.</i> )<br>S. 64 (3) rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                   | 72, s. 84 (1).<br>72, s. 149 (2), sch. 8 Pt. II.<br>72, s. 149 (2), sch. 8 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 97 ... ..                                        | National Parks and Access to the Countryside Act, 1949. | S. 32 (4) saved ... ..<br>Ss. 39-46 rep., 47-50 rep. (exc. London), 56, 58, 99 (4) rep., 101 (6), 107 (1) rep. in pt., 108 (1) (b) rep., sch. 1 Pt. I rep. in pt.                                                                                                                                                                                                                                                                | 25, s. 34 (10).<br>25, s. 312 (2), sch. 25.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 100... ..                                        | Law Reform (Miscellaneous Provisions) Act, 1949.        | S. 8 rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                                                                               | 72, s. 149 (2), sch. 8 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. 101... ..                                        | Justices of the Peace Act, 1949.                        | S. 15 (1) ext. ... ..<br>S. 27 (10) (a) ext. ... ..<br>S. 33. Pensions increase                                                                                                                                                                                                                                                                                                                                                  | 55, s. 5 (3).<br>22, s. 181.<br>50, ss. 1, 2, sch. Pt. II para. 9.                                                                                                                                                                                                                                                                                                                                                                                                            |

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| 14 Geo. 6:<br>c. 15 ... ..          | Finance Act, 1950 ...                              | Ss. 6 rep., 18 (2) (3) rep.,<br>18 (4) rep. in pt., 18 (5)<br>rep.<br>S. 49 rep. ... ..                                                                                                                  | 58, s. 37 (5) (a),<br>sch. 8 Pt. I.<br><br>68, S.L.R.                                                                                                                          |
| c. 24 ... ..                        | Highways (Provision of<br>Cattle Grids) Act, 1950. | Schs. 2, 5 Pt. I paras. 1-3,<br>Pt. II rep.<br>Rep. exc. ss. 6, 19 (1) (4)<br>(E.).                                                                                                                      | 58, s. 37 (5) (a),<br>sch. 8 Pt. I.<br>25, s. 312 (2),<br>sch. 25.                                                                                                             |
| c. 25 ... ..                        | Matrimonial Causes<br>Act, 1950.                   | S. 6 subst. (E.) ... ..                                                                                                                                                                                  | 25, s. 309, sch. 22                                                                                                                                                            |
|                                     |                                                    | S. 1 (2) (a) subst. ( <i>prosp.</i> )<br><br>S. 1 (2) (d) rep. in pt.<br>( <i>prosp.</i> ).<br><br>S. 8 (1) (b) am. ( <i>prosp.</i> )<br><br>S. 17 (1) am. ... ..<br>S. 27 (2) (b) am. ( <i>prosp.</i> ) | 72, s. 149 (1),<br>sch. 7 Pt. I.<br>72, s. 149 (1) (2),<br>schs. 7 Pt. I, 8<br>Pt. I.<br>72, s. 149 (1),<br>sch. 7 Pt. I.<br>73, s. 2 (6).<br>72, s. 149 (1),<br>sch. 7 Pt. I. |
| c. 27 ... ..                        | Arbitration Act, 1950 ...                          | Excl. ... ..                                                                                                                                                                                             | 72, s. 124 (6).                                                                                                                                                                |
| c. 34 ... ..                        | Housing (Scotland) Act,<br>1950.                   | S. 5 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                          | 24, s. 31 (2).                                                                                                                                                                 |
|                                     |                                                    | Ss. 12 (2), 17 (4) mod. ...                                                                                                                                                                              | sch. 10.<br>70, s. 10, sch. 2<br>para. 4 (1).                                                                                                                                  |
|                                     |                                                    | S. 23 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                         | 24, s. 31 (2),<br>sch. 10.                                                                                                                                                     |
|                                     |                                                    | S. 36 (2) appl. ... ..                                                                                                                                                                                   | 70, s. 10, sch. 2<br>para. 1 (2).                                                                                                                                              |
|                                     |                                                    | mod. ... ..                                                                                                                                                                                              | 70, s. 10, sch. 2<br>para. 4 (1).                                                                                                                                              |
|                                     |                                                    | S. 40 appl. ... ..                                                                                                                                                                                       | 70, s. 10, sch. 2<br>para. 1 (2).                                                                                                                                              |
|                                     |                                                    | S. 75 (3) (b) rep. in pt. ...                                                                                                                                                                            | 33, ss. 3 (1), 31<br>(2), sch. 2.                                                                                                                                              |
|                                     |                                                    | S. 75 (4) rep. in pt. ...                                                                                                                                                                                | 33, ss. 3 (2), 31<br>(2), sch. 2.                                                                                                                                              |
|                                     |                                                    | S. 87 (5) added ... ..                                                                                                                                                                                   | 62, s. 12 (2).                                                                                                                                                                 |
|                                     |                                                    | S. 110 rep. ... ..                                                                                                                                                                                       | 33, ss. 25, 31 (2),<br>sch. 2.                                                                                                                                                 |
|                                     |                                                    | S. 111 (1) am. ... ..                                                                                                                                                                                    | 33, s. 24 (1).                                                                                                                                                                 |
|                                     |                                                    | S. 111 (4) mod. ... ..                                                                                                                                                                                   | 33, s. 23 (1).                                                                                                                                                                 |
|                                     |                                                    | S. 112 (1) mod. ... ..                                                                                                                                                                                   | 33, s. 23 (2).                                                                                                                                                                 |
|                                     |                                                    | S. 113 appl. (mod.) ... ..                                                                                                                                                                               | 33, s. 22 (1).                                                                                                                                                                 |
|                                     |                                                    | S. 114 appl. (mod.) ... ..                                                                                                                                                                               | 33, s. 22 (1).                                                                                                                                                                 |
|                                     |                                                    | S. 114 (1) am. ... ..                                                                                                                                                                                    | 33, s. 24 (2).                                                                                                                                                                 |
|                                     |                                                    | S. 114 (1) (b) subst. ... ..                                                                                                                                                                             | 33, s. 24 (3).                                                                                                                                                                 |
|                                     |                                                    | S. 114 (2) rep. in pt. ...                                                                                                                                                                               | 33, ss. 24 (4), 31<br>(2), sch. 2.                                                                                                                                             |
|                                     |                                                    | S. 114 (5) (6) rep. in pt. ...                                                                                                                                                                           | 33, ss. 24 (5), 31<br>(2), sch. 2.                                                                                                                                             |
|                                     |                                                    | Ss. 115, 116 appl. (mod.)                                                                                                                                                                                | 33, s. 22 (1).                                                                                                                                                                 |
|                                     |                                                    | S. 117 appl. (mod.) ...                                                                                                                                                                                  | 33, s. 22 (1) (2).                                                                                                                                                             |
|                                     |                                                    | S. 118 appl. (mod.) ...                                                                                                                                                                                  | 33, s. 22 (1).                                                                                                                                                                 |
|                                     |                                                    | S. 119 appl. (mod.) ...                                                                                                                                                                                  | 33, s. 22 (1) (2).                                                                                                                                                             |
|                                     |                                                    | S. 120 appl. (mod.) ...                                                                                                                                                                                  | 33, s. 22 (1).                                                                                                                                                                 |
|                                     |                                                    | S. 126 (1) rep. in pt. ...                                                                                                                                                                               | 33, s. 31 (2),<br>sch. 2.                                                                                                                                                      |
|                                     |                                                    | Ss. 128 (2), 129 appl. ...                                                                                                                                                                               | 33, s. 31 (1),<br>sch. 1 para. 10.                                                                                                                                             |
|                                     |                                                    | Ss. 145 rep. ( <i>prosp.</i> ), 150<br>(1)-(3), 151 (1) rep. in<br>pt. ( <i>prosp.</i> ), 180 rep.<br>( <i>prosp.</i> ).                                                                                 | 24, s. 31 (2),<br>sch. 10.                                                                                                                                                     |

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| 14 Geo. 6:<br>c. 34— <i>cont.</i>   | Housing (Scotland) Act, 1950— <i>cont.</i>                | S. 184 (2) appl. ...<br>Sch. 4 para. 3 rep. (saving).<br>Sch. 6 Pt. I para. 14 added.<br>Sch. 6 Pt. II para. 14 added.                                                                                                                                                                                                                 | 33, s. 29 (2).<br>70, s. 10, sch. 2 para. 1 (5).<br>70, ss. 10, 55 (1), sch. 2 para. 3, sch. 8.<br>33, s. 31 (1), sch. 1 para. 11.<br>33, s. 31 (1), sch. 1 para. 10.                                                                                            |
| c. 37 ...                           | Maintenance Orders Act, 1950.                             | Ss. 2, 7 expld. (E.) ...                                                                                                                                                                                                                                                                                                               | 73, s. 3 (1).                                                                                                                                                                                                                                                    |
| c. 39 ...                           | Public Utilities Street Works Act, 1950.                  | Pt. I saved (E.) ...<br>S. 8 saved (E.) ...<br>Pt. II appl. (E. exc. London).<br>S. 21 (1) (a) am. (E. exc. London).<br>S. 22 expld. (E.) ...<br>Ss. 23 (6), 27 (2) (3), 28 rep. (E. exc. London).<br>S. 39 (1) am. (E. exc. London).<br>Sch. 5 rep. (E.) so far as modifying the Special Roads Act, 1949 (12, 13 & 14 Geo. 6, c. 32). | 25, s. 296 (3).<br>25, s. 149 (1).<br>25, ss. 65 (5), 155 (8).<br>25, ss. 65 (5), 155 (8).<br>25, s. 237 (6).<br>25, s. 312 (2), sch. 25.<br>25, s. 309, sch. 22.<br>25, s. 312 (2), sch. 25.                                                                    |
| 14 & 15 Geo. 6:<br>c. 8 ...         | European Payments Union (Financial Provisions) Act, 1950. | Ss. 1, 2 rep. ...                                                                                                                                                                                                                                                                                                                      | 11, s. 3 (3), sch.                                                                                                                                                                                                                                               |
| c. 11 ...                           | Administration of Justice (Pensions) Act, 1950.           | Pt. I. Pensions increase<br>S. 1 rep. in pt. (saving) ...<br>Ss. 4 (3), 7 expld. ...<br>S. 11 (1) expld. ...<br>S. 19 rep. in pt. (saving)<br>Sch. 1 am. ( <i>prosp.</i> ) ...<br>Sch. 2 rep. in pt. (saving)                                                                                                                          | 50, ss. 1, 2, sch. Pt. I para. 15.<br>9 (8 Eliz. 2), s. 9 (2) (4), sch. 3.<br>9 (8 Eliz. 2), ss. 6 (2), 7 (2) (3).<br>9 (8 Eliz. 2), s. 8 (2).<br>9 (8 Eliz. 2), s. 9 (2) (4), sch. 3.<br>72, s. 149 (1), sch. 7 Pt. II.<br>9 (8 Eliz. 2), s. 9 (2) (4), sch. 3. |
| c. 18 ...                           | Livestock Rearing Act, 1951.                              | S. 4 am., 4 (3) (a) rep. ...                                                                                                                                                                                                                                                                                                           | 25, s. 309, sch. 22.                                                                                                                                                                                                                                             |
| c. 20 ...                           | Overseas Resources Development Act, 1951.                 | Rep. ...                                                                                                                                                                                                                                                                                                                               | 23, s. 21 (1), sch. 2.                                                                                                                                                                                                                                           |
| c. 25 ...                           | Supplies and Services (Defence Purposes) Act, 1951.       | Ss. 1, 4 rep. ...                                                                                                                                                                                                                                                                                                                      | 19, s. 10 (3), sch. 4 Pt. I.                                                                                                                                                                                                                                     |
| c. 30 ...                           | Sea Fish Industry Act, 1951.                              | S. 22 (1) am., 22 (2) rep. in pt.                                                                                                                                                                                                                                                                                                      | 7 (8 Eliz. 2), s. 10.                                                                                                                                                                                                                                            |
| c. 34 ...                           | National Insurance Act, 1951.                             | S. 4 (3)–(5) rep. ...                                                                                                                                                                                                                                                                                                                  | 47, s. 6 (2).                                                                                                                                                                                                                                                    |
| c. 40 ...                           | New Streets Act, 1951 ...                                 | Rep. ...                                                                                                                                                                                                                                                                                                                               | 25, s. 312 (2), sch. 25.                                                                                                                                                                                                                                         |
| c. 43 ...                           | Finance Act, 1951 ...                                     | S. 43 rep. ...                                                                                                                                                                                                                                                                                                                         | 68, S.L.R.                                                                                                                                                                                                                                                       |
| c. 46 ...                           | Courts-Martial (Appeals) Act, 1951.                       | S. 6 (4) expld. ( <i>prosp.</i> ) ...<br>S. 34 (1). Pensions increase.                                                                                                                                                                                                                                                                 | 72, s. 71 (3).<br>50, ss. 1, 2, sch. Pt. I para. 24.                                                                                                                                                                                                             |

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| 14 & 15 Geo. 6<br>— <i>cont.</i>    |                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 48 ... ..                        | Dangerous Drugs Act, 1951.                                              | Pt. III (ss. 8–10) ext. ...<br>S. 11 (1) excl. ... ..<br>S. 18 (1) mod.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | S.I. No. 2211.<br>S.I. No. 2212.<br>53, s. 22 (3).                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| c. 60 ... ..                        | Mineral Workings Act, 1951.                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 62 ... ..                        | Tithe Act, 1951 ... ..                                                  | S. 9 am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | S.I. No. 1971.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. 65 ... ..                        | Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951. | S. 16 (2) ( <i>aa</i> ) added (E.)...<br>Sch. 2 Pt. I ext. (E.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 62, s. 4 (6).<br>62, s. 9 (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 15 & 16 Geo. 6 & 1 Eliz. 2:         |                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 10 ... ..                        | Income Tax Act, 1952 ...                                                | Power to apply Act (mod.)<br>S. 157 (5) appl. ... ..<br>S. 170 appl. ... ..<br><br>S. 211 (3) am. ... ..<br>S. 216 am. ... ..<br>S. 220 (1) am. ... ..<br>S. 265 (1) am. ... ..<br><br>S. 265 (6) excl. ... ..<br>S. 279 (1) am. ... ..<br><br>S. 279 (2) excl. ... ..<br><br>S. 306 am. ... ..<br><br>S. 309 (1) excl. ... ..<br>S. 341 am. ... ..<br>S. 349 (2) am. ... ..<br>S. 429 appl. ... ..<br>S. 486 (5) am. ... ..<br>Sch. 14 mod. ... ..<br>Sch. 14 para. 3 (2) am....<br><br>Sch. 18 Pt. III para. 1 am.<br>Sch. 18 Pt. III para. 2 (1) appl. (mod.) | 47, s. 3 (2) ( <i>b</i> ).<br>47, s. 3 (3).<br>58, ss. 25 (1) proviso, 26 (2) ( <i>b</i> ).<br>58, s. 19 (3).<br>58, s. 20.<br>58, s. 19 (2).<br>58, s. 21 (2), sch. 4 para. 1.<br>58, s. 21 (6).<br>58, s. 21 (2), sch. 4, para. 2.<br>58, ss. 21 (6), 22 (5).<br>58, s. 21 (2), sch. 4 para. 3.<br>58, s. 21 (6).<br>58, s. 26 (1).<br>58, s. 29 (2).<br>58, s. 28 (1).<br>58, s. 17.<br>58, s. 22 (4).<br>58, s. 21 (2), sch. 4 para. 4.<br>58, s. 29 (2).<br><br>58, s. 28 (2). |
| c. 15 ... ..                        | Agriculture (Fertilisers) Act, 1952.                                    | Ext. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 12, s. 2 (2) ( <i>c</i> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c. 19 ... ..                        | Metropolitan Police (Borrowing Powers) Act, 1952.                       | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 45, s. 4 (3), sch.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| c. 21 ... ..                        | Export Guarantees Act, 1952.                                            | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 63, s. 2 (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 22 ... ..                        | Hydro-Electric Development (Scotland) Act, 1952.                        | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20, s. 2 (2), sch.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| c. 33 ... ..                        | Finance Act, 1952 ...                                                   | S. 6 (6) am. ... ..<br>S. 7 (3) am. ... ..<br><br>S. 15 (2) am. ... ..<br>S. 75 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 58, s. 8.<br>58, s. 10, sch. 3 para. 2.<br>58, s. 19 (4).<br>68, S.L.R.                                                                                                                                                                                                                                                                                                                                                                                                             |
| c. 35 ... ..                        | Agriculture (Ploughing Grants) Act, 1952.                               | Ext. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 12, s. 2 (2) ( <i>a</i> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c. 44 ... ..                        | Customs and Excise Act, 1952.                                           | S. 133 (6) ext. ... ..<br>S. 136 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 58, s. 1 (5).<br>58, ss. 1 (6), 37 (5) ( <i>a</i> ), sch. 8 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                  |



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| 15 & 16 Geo. 6 & 1 Eliz. 2:<br>c. 44—cont. ... | Customs and Excise Act, 1952—cont. | <p>S. 146 (2) rep. and superseded.</p> <p>S. 148 (2) rep. in pt. ...</p> <p>S. 149 (2) am. ...</p> <p>S. 150 (1) (a) saved (S.)...</p> <p>S. 150 (3) ext. (S.) ...</p> <p>S. 151 (2) (b) rep., 151 (2) proviso rep. (S.)</p> <p>S. 151 (3) rep. in pt. ...</p> <p>S. 153 (2) am. ...</p> <p>S. 156 rep. (saving) ...</p> <p>S. 167 (1) am. ...</p> <p>S. 168 am. ...</p> <p>S. 168 rep. in pt. ...</p> <p>S. 169 (1)–(3) restr., 169 (5) excl.</p> <p>S. 169 (6) rep. ...</p> <p>S. 200 (4) am. ...</p> <p>S. 200 (4) (a) am. (N.I.)</p> <p>S. 200 (5) am. ...</p> <p>S. 202 (3) am. ...</p> <p>Ss. 233, 235, 236 appl. ...</p> <p>S. 237 ext. ...</p> <p>    appl. (mod.) ...</p> <p>S. 313 (2)–(4), as ext., appl. (E.)</p> <p>Sch. 4 rep. ...</p> <p>Sch. 10 para. 26 rep. ...</p> | <p>58, ss. 2 (1), 37 (5) (a), sch. 8 Pt. I.</p> <p>58, s. 37 (5) (a), sch. 8 Pt. I.</p> <p>58, s. 2 (2).</p> <p>51, s. 198 (a).</p> <p>51, s. 72.</p> <p>51, s. 200 (1), sch. 12.</p> <p>58, ss. 2 (3), 37 (5) (a), sch. 8 Pt. I.</p> <p>58, s. 2 (4).</p> <p>58, ss. 4 (10), 37 (5) (a), sch. 8 Pt. I.</p> <p>58, s. 3 (2).</p> <p>58, s. 3 (3).</p> <p>58, s. 37 (5) (a), sch. 8.</p> <p>58, s. 3 (4).</p> <p>58, s. 37 (5) (a), sch. 8 Pt. I.</p> <p>58, s. 7 (2) (3).</p> <p>58, s. 7 (4).</p> <p>58, s. 7 (1).</p> <p>58, s. 7 (1).</p> <p>58, s. 4 (9).</p> <p>58, s. 3 (3).</p> <p>58, ss. 3 (3), 4 (2).</p> <p>55, s. 16 (5).</p> <p>58, ss. 2 (2), 37 (5) (a), sch. 8 Pt. I.</p> <p>58, s. 37 (5) (a), sch. 8 Pt. I.</p> |
| c. 48 ...                                      | Costs in Criminal Cases Act, 1952. | <p>S. 14 (1) am. (<i>prosp.</i>) ...</p> <p>S. 16 (3) rep. in pt. (exc. London).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>72, s. 149 (1), sch. 7 Pt. I.</p> <p>25, ss. 309, 312 (2), schs. 22, 25.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 52 ...                                      | Prison Act, 1952                   | <p>S. 49 (2) expld. (<i>prosp.</i>)...</p> <p>Sch. 3 rep. so far as amending the Mental Deficiency Act, 1913 (3 &amp; 4 Geo. 5, c. 28).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>72, s. 75 (4).</p> <p>72, s. 149 (2), sch. 8 Pt. I.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 54 ...                                      | Town Development Act, 1952.        | <p>S. 6 ext. ...</p> <p>S. 6 (6) rep. in pt. ...</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>53, ss. 46 (1), 52 (4).</p> <p>53, s. 58 (1), sch. 8.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. 55 ...                                      | Magistrates' Courts Act, 1952.     | <p>S. 26 (1) (3) (4) am. (<i>prosp.</i>).</p> <p>S. 26 (6) rep. (<i>prosp.</i>) ...</p> <p>S. 29 ext. (<i>prosp.</i>) ...</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>72, s. 149 (1), sch. 7 Pt. I.</p> <p>72, s. 149 (1) (2), schs. 7 Pt. I, 8 Pt. I.</p> <p>72, s. 67 (4).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| 15 & 16 Geo. 6 & 1 Eliz. 2:<br>c. 55— <i>cont.</i> | Magistrates' Courts Act, 1952— <i>cont.</i>            | S. 30 rep. ( <i>prosp.</i> ) ...<br>Ss. 47-49 saved ...<br>S. 56 am. ...<br>S. 60 (1) rep. in pt. ...<br>S. 64 appl. ...<br>S. 84 (1) mod. ( <i>exc.</i> London).<br>S. 98 appl. ...<br>S. 104 excl. ...<br>S. 105 (2) mod. ( <i>prosp.</i> )...<br>S. 122 (3) expld. ...<br>Sch. 1 para. 16 rep. ... | 72, s. 149 (2), sch. 8 Pt. I.<br>57, s. 2 (2).<br>73, s. 5 (1).<br>73, s. 5 (2).<br>22, s. 179 (b).<br>25, s. 275 (3).<br>55, s. 5 (1).<br>66, s. 2 (2).<br>72, s. 77 (3).<br>55, s. 5 (5).<br>66, s. 2 (2).<br>58, s. 37 (5) (b), sch. 8 Pt. II. |
| c. 57 ...                                          | Marine and Aviation Insurance (War Risks) Act, 1952.   | S. 7 (1) (3) rep. in pt. ...                                                                                                                                                                                                                                                                          | 33, s. 31 (2), sch. 2.                                                                                                                                                                                                                            |
| c. 63 ...                                          | Housing (Scotland) Act, 1952.                          | S. 6 (1) rep., 6 (3) rep. in pt.                                                                                                                                                                                                                                                                      | 33, s. 22 (3).                                                                                                                                                                                                                                    |
| c. 65 ...                                          | Licensed Premises in New Towns Act, 1952.              | S. 9 (2) appl. ...<br>Rep. (S.) ...                                                                                                                                                                                                                                                                   | 51, s. 200 (1), sch. 12.                                                                                                                                                                                                                          |
| 1 & 2 Eliz. 2:<br>c. 13 ...                        | Transport Act, 1953 ...                                | Am. (borrowing powers) (Transport Commission).<br>Ss. 21 (3) rep., 21 (4) rep. in pt.<br>S. 26 (1) am. ...<br>Sch. 4 Pt. I para. 1 (2) rep. in pt.                                                                                                                                                    | 16, s. 1.<br>68, S.L.R.<br>16, s. 1 (1).<br>68, S.L.R.                                                                                                                                                                                            |
| c. 17 ...                                          | White Fish and Herring Industries Act, 1953.           | S. 1 (1) am. ...<br>S. 1 (2) rep. ...                                                                                                                                                                                                                                                                 | 7 (8 Eliz. 2), s. 2 (1).<br>7 (8 Eliz. 2), s. 2 (2).                                                                                                                                                                                              |
| c. 23 ...                                          | Accommodation Agencies Act, 1953.                      | Cont. until 31.12.1960 ...                                                                                                                                                                                                                                                                            | 4 (8 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                          |
| c. 25 ...                                          | Local Government Superannuation Act, 1953.             | S. 15 appl. ( <i>mod.</i> ) ...<br>S. 15 (1) ( <i>a</i> ) am. ( <i>prosp.</i> )                                                                                                                                                                                                                       | 62, s. 2 (11), sch. 1 para. 1 (9).<br>72, s. 149 (1), sch. 7 Pt. I.                                                                                                                                                                               |
| c. 26 ...                                          | Local Government (Miscellaneous Provisions) Act, 1953. | S. 15 (2) ( <i>a</i> ) am. (E.) ...<br>S. 2 (3) saved ...<br>S. 9 rep. ( <i>exc.</i> London) ...                                                                                                                                                                                                      | 62, s. 9 (2).<br>53, s. 27 (6).<br>25, s. 312 (2), sch. 25.                                                                                                                                                                                       |
| c. 34 ...                                          | Finance Act, 1953 ...                                  | S. 10 rep. ...<br>S. 11 (5) rep. ...<br>S. 15 (3) am. ...<br>S. 20 am. ...<br>S. 34 rep. ...                                                                                                                                                                                                          | 58, s. 37 (5) ( <i>a</i> ), sch. 8 Pt. I.<br>68, S.L.R.<br>58, s. 26 (1).<br>58, s. 26 (2) ( <i>a</i> ).<br>68, S.L.R.                                                                                                                            |
| c. 36 ...                                          | Post Office Act, 1953 ...                              | S. 56 excl. (E.) ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                | 72, s. 36 (6).                                                                                                                                                                                                                                    |
| c. 39 ...                                          | Marshall Aid Commemoration Act, 1953.                  | S. 1 am. (no. of scholarships).                                                                                                                                                                                                                                                                       | 3 (8 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                          |
| c. 43 ...                                          | National Insurance (Industrial Injuries) Act, 1953.    | S. 4 (1) appl. ...<br>S. 4 (5), sch. 2 para. 6 rep.                                                                                                                                                                                                                                                   | S.I. No. 467, reg. 23.<br>18, s. 3 (2), sch. Pt. II.                                                                                                                                                                                              |

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| 1 & 2 Eliz. 2<br>—cont.<br>c. 46 ... .. | Licensing Act, 1953 ...                                   | Ss. 6 (1), (6) (11), 7 rep.,<br>9 (2) rep. in pt., 16 rep.<br>S. 18 am. ... ..<br>S. 25 (6) rep. in pt. ...<br>Pt. II (ss. 53–67) cont.<br>until 31.3.1961.<br>Ss. 74, 75 am. ... ..<br>Ss. 113 (1) (a), (2)–(4),<br>(6), 118 (2) (b) (c), 119<br>(3) rep.<br>S. 141 (1) expld. ... ..<br>Sch. 4 Pt. I rep.... ..                                                               | 58, s. 37 (5) (a),<br>sch. 8 Pt. I.<br>58, s. 2 (6), sch. 2<br>paras. 3, 4.<br>58, s. 37 (5) (a),<br>sch. 8 Pt. I.<br>4 (8 Eliz. 2), s. 1<br>(2).<br>62, s. 9 (6).<br>58, s. 37 (5) (a),<br>sch. 8 Pt. I.<br>35, s. 1.<br>58, s. 37 (5) (a),<br>sch. 8 Pt. I.<br>24, s. 17 (2).                                                                                                                            |
| c. 49 ... ..                            | Historic Buildings and<br>Ancient Monuments<br>Act, 1953. | Saved in pt. (S.) ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2 & 3 Eliz. 2:<br>c. 10 ... ..          | Navy, Army and Air<br>Force Reserves Act,<br>1954.        | S. 1 (1) (4) am. ... ..<br>Ss. 1 (1) (b), (2) (3) (5), 2<br>(2) (3) rep., 3 (1) rep. in<br>pt., 3 (2) (6), 5, 6 (3) (4)<br>rep., 6 (6) rep. in pt.,<br>sch. rep.                                                                                                                                                                                                                | 10, s. 1.<br>10, s. 2, sch.                                                                                                                                                                                                                                                                                                                                                                                |
| c. 11 ... ..                            | Licensing (Seamen's Can-<br>teens) Act, 1954.             | Rep. (S.)... ..                                                                                                                                                                                                                                                                                                                                                                 | 51, s. 200 (1),<br>sch. 12.                                                                                                                                                                                                                                                                                                                                                                                |
| c. 27 ... ..                            | Judges' Remuneration<br>Act, 1954.                        | S. 1 (1) rep. in pt. ...                                                                                                                                                                                                                                                                                                                                                        | 9 (8 Eliz. 2), s. 9<br>(2) (4), sch. 3.                                                                                                                                                                                                                                                                                                                                                                    |
| c. 32 ... ..                            | Atomic Energy Authority<br>Act, 1954.                     | S. 1 (2) am. ... ..<br>S. 5 (3) saved ( <i>prosp.</i> ) ...<br>S. 5 (4) ext. and expld.<br>( <i>prosp.</i> ).<br>Sch. 1 para. 7 (2) ext. ...                                                                                                                                                                                                                                    | 5 (8 Eliz. 2), s. 1.<br>46, s. 9 (2).<br>46, s. 1 (5).<br>5 (8 Eliz. 2), s. 2.<br>28, s. 1 (7).                                                                                                                                                                                                                                                                                                            |
| c. 44 ... ..                            | Finance Act, 1954 ...                                     | S. 15 (1) (3) (4) (6) rep.<br>S. 16 (2) am. ... ..<br><br>restored ... ..<br>S. 16 (3) restored<br>am. ... ..<br><br>S. 16 (4) restored ... ..<br>S. 16 (4) proviso excl. ...<br>S. 16 (5) restored ... ..<br>S. 16 (8) am. ... ..<br><br>S. 16 (9B) added ... ..<br><br>S. 16 (12) ext. ... ..<br><br>Sch. 2 ext. ... ..<br><br>expld. ... ..<br><br>Sch. 2 para. 1 (2) expld. | 58, s. 21 (2), sch.<br>4 para. 5.<br>58, s. 21 (1).<br>58, s. 21 (1).<br>58, s. 21 (2), sch.<br>4 para. 5.<br>58, s. 21 (1).<br>58, s. 21 (3).<br>58, s. 21 (1).<br>58, s. 21 (2), sch.<br>4 para. 5.<br>58, s. 21 (2), sch.<br>4 para. 6.<br>58, s. 21 (5), sch.<br>5 para. 2.<br>58, s. 21 (5), sch.<br>5 para. 3 (1).<br>58, s. 21 (5), sch.<br>5 para. 3 (2).<br>58, s. 21 (5), sch.<br>5 para. 3 (2). |

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| 2 & 3 Eliz 2:<br>c. 44— <i>cont.</i> | Finance Act, 1954— <i>cont.</i>                  | Sch. 2 para. 1 (4) subst....                           | 58, s. 21 (2) (5),<br>sch. 4 para. 6,<br>sch. 5 para. 3<br>(3).  |
|                                      |                                                  | expld.                                                 | 58, s. 21 (5), sch.<br>5 para. 3 (3).                            |
|                                      |                                                  | Sch. 2 para. 2 am. ...                                 | 58, s. 21 (2), sch.<br>4 para. 7.                                |
|                                      |                                                  | Sch. 3 para. 3 am. ...                                 | 58, s. 26 (1).                                                   |
| c. 48 ... ..                         | Summary Jurisdiction (Scotland) Act, 1954.       | S. 2 saved ... ..                                      | 40, s. 26.                                                       |
| c. 56 ... ..                         | Landlord and Tenant Act, 1954.                   | S. 13 (4) restr. (appeals)<br>S. 43 (1) (d) subst. ... | 22, s. 109 (4).<br>58, s. 2 (6), sch.<br>2 para. 5.              |
|                                      |                                                  | S. 53 (1) am. ... ..                                   | 22, s. 202, sch. 2<br>para. 3.                                   |
| c. 60 ... ..                         | Electricity Reorganisation (Scotland) Act, 1954. | S. 10 (3) rep. in pt., 10 (4)<br>rep.                  | 20, s. 2 (2), sch.                                               |
| c. 71 ... ..                         | Overseas Resources Development Act, 1954.        | S. 5 rep. ... ..                                       | 23, s. 21 (1), sch.<br>2.                                        |
| c. 72 ... ..                         | Town and Country Planning Act, 1954              | S. 29 (6) am. ... ..                                   | 53, s. 58 (1), sch.<br>7.                                        |
|                                      |                                                  | Pt. III (ss. 30–37) rep. (saving).                     | 53, ss. 1 (1), 58<br>(1), sch. 8.                                |
|                                      |                                                  | S. 48 (2) rep. in pt. ...                              | 53, s. 58 (1), sch.<br>8.                                        |
|                                      |                                                  | S. 52 am. ... ..                                       | 53, s. 51 (3).                                                   |
|                                      |                                                  | S. 52 (2) (b) subst. ( <i>retrosp.</i> ).              | 53, s. 51 (1).                                                   |
|                                      |                                                  | S. 52 (2A) added ( <i>retrosp.</i> ).                  | 53 s. 51 (2).                                                    |
|                                      |                                                  | S. 52 (8) (c) rep. ...                                 | 53, s. 58 (1), sch.<br>8.                                        |
|                                      |                                                  | S. 53 (1) (2) am. ...                                  | 53, ss. 45 (1), 58<br>(1) (3), sch. 7.                           |
|                                      |                                                  | S. 53 (2) (b) subst. (saving)                          | 53, ss. 45 (1), 58<br>(1) (3), sch. 7.                           |
|                                      |                                                  | S. 53 (5) rep. (saving) ...                            | 53, s. 58 (1) (3),<br>sch. 8.                                    |
|                                      |                                                  | S. 61 (3) rep. ... ..                                  | 53, s. 58 (1),<br>sch. 8.                                        |
|                                      |                                                  | S. 64 (4) am. ... ..                                   | 53, s. 51 (4).                                                   |
|                                      |                                                  | S. 67 (4) rep. ... ..                                  | 53, s. 58 (1),<br>sch. 8.                                        |
|                                      |                                                  | S. 69 (3) (6) (7) appl. ...                            | 53, s. 57 (4).                                                   |
|                                      |                                                  | Schs. 5, 6 rep. ... ..                                 | 53, s. 58 (1),<br>sch. 8.                                        |
| c. 73 ... ..                         | Town and Country Planning (Scotland) Act, 1954.  | S. 30 (6) am. ... ..                                   | 70, s. 55 (1),<br>sch. 7.                                        |
|                                      |                                                  | S. 31 (2) rep. ... ..                                  | 70, s. 55 (1),<br>sch. 8.                                        |
|                                      |                                                  | Ss. 32–38 rep. (saving) ...                            | 70, ss. 1 (1), 55<br>(1), sch.                                   |
|                                      |                                                  | S. 39 (2) rep. in pt. ...                              | 70, s. 55 (1),<br>sch. 8.                                        |
|                                      |                                                  | S. 54 am. ... ..                                       | 70, s. 49 (3).                                                   |

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| 2 & 3 Eliz. 2:<br>c. 73— <i>cont.</i>                                                                     | Town and Country Planning (Scotland) Act, 1954— <i>cont.</i>                                                                                                                                                                                         | S. 54 (2) (b) subst. ( <i>re-trasp.</i> ).<br>S. 54 (2A) added ( <i>re-trasp.</i> ).<br>S. 54 (8) (c) rep. ...<br>S. 55 (1) (2) am. ...<br>S. 55 (2) (b) subst. (saving)<br>S. 55 (5) rep. (saving) ...<br>S. 61 (3) rep. ... ..<br>S. 62 saved ... ..<br><br>S. 62 (2) (a) ext. ... ..<br>S. 62 (2) (b) ext. ... ..<br>S. 62 (8) proviso added<br><br>S. 64 (4) am. ... ..<br>S. 67 (4) rep. ... ..<br><br>S. 69 (3) (4) (6) (7) (9) appl.<br>Schs. 5, 6 rep. ... ..                                                            | 70, s. 49 (1).<br>70, s. 49 (2).<br>70, s. 55 (1), sch. 8.<br>70, ss. 44 (1), 55 (1) (3), sch. 7.<br>70, ss. 44 (1), 55 (1) (3), sch. 7.<br>70, s. 55 (1) (3), sch. 8.<br>70, s. 55 (1), sch. 8.<br>70, ss. 9 (4), 10, sch. 2 para. 2 (6).<br>70, s. 19 (1).<br>70, s. 19 (2).<br>70, s. 55 (1), sch. 7.<br>70, s. 49 (4).<br>70, s. 55 (1), sch. 8.<br>70, s. 54 (4).<br>70, s. 55 (1), sch. 8. |
| 3 & 4 Eliz. 2:<br>c. 6 ... ..<br>c. 18 ... ..<br><br>c. 19 ... ..<br><br>c. 20 ... ..<br><br>c. 24 ... .. | Colonial Development and Welfare Act, 1955.<br>Army Act, 1955... ..<br><br>Air Force Act, 1955 ... ..<br><br>Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.<br>Requisitioned Houses and Housing (Amendment) Act, 1955. | Rep. ... ..<br><br>Act cont. until 31.12.1960<br>S. 16 (2) am. ( <i>prosp.</i> ) ... ..<br>S. 16 (4) rep. in pt. ( <i>prosp.</i> )<br><br>S. 116 expld. ( <i>prosp.</i> ) ... ..<br>S. 210 (2) (3) (4), sch. 7 paras. 19, 22 rep. in pt.<br>Act cont. until 31.12.1960<br>S. 16 (2) am. ( <i>prosp.</i> ) ... ..<br>S. 16 (4) rep. in pt. ( <i>prosp.</i> )<br><br>S. 116 expld. ( <i>prosp.</i> ) ... ..<br>Sch. 2 para. 2 am. ( <i>prosp.</i> )<br><br>S. 5 restr. (appeals) ... ..<br><br>S. 17 rep. ( <i>prosp.</i> ) ... .. | 71, s. 10 (1), sch.<br>S.I. No. 1973.<br>72, s. 149 (1), sch. 7 Pt. II.<br>72, s. 149 (2), sch. 8 Pt. II.<br>72, s. 71 (3).<br>10, s. 2, sch.<br>S.I. No. 1974.<br>72, s. 149 (1), sch. 7 Pt. II.<br>72, s. 149 (2), sch. 8 Pt. II.<br>72, s. 71 (3).<br>72, s. 149 (1), sch. 7 Pt. II.<br>22, s. 109 (4).<br>24, s. 31 (2), sch. 10.                                                            |
| 4 & 5 Eliz. 2:<br>c. 6 ... ..                                                                             | Miscellaneous Financial Provisions Act, 1955.                                                                                                                                                                                                        | Sch. 1 rep. (E. exc. London) so far as amending the Road Traffic Act, 1930 (20 & 21 Geo. 5, c. 43).                                                                                                                                                                                                                                                                                                                                                                                                                              | 25, s. 312 (2), sch. 25                                                                                                                                                                                                                                                                                                                                                                          |

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| 4 & 5 Eliz. 2—cont.<br>c. 8 ... ..  | County Courts Act, 1955                                    | Ss. 1-6 rep., 7 (1) rep. in pt., 8 (1) rep., 8 (2) rep. in pt., 9-12 rep., 13 (1) rep. in pt., 13 (2)-(4), sch. 1 paras. 1-15, sch. 2 rep.                                                                                                                                                                                                                                                                                                                                                                                                                  | 22, s. 204, sch. 3.                                                                                                                                                                                                                                                                                            |
| c. 9 ... ..                         | Rating and Valuation (Miscellaneous Provisions) Act, 1955. | S. 8 (3) am. ... ..<br>S. 16 (2) (3) appl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 36, s. 2.<br>36, s. 4 (3).                                                                                                                                                                                                                                                                                     |
| c. 16 ... ..                        | Food and Drugs Act, 1955.                                  | S. 9 expld. ... ..<br>S. 109 (3) excl. ... ..<br><br>S. 121 appl. ... ..<br>Sch. 2 Pt. I saved ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                       | S.I. No. 2106.<br>S.I. No. 1098, reg. 8.<br>S.I. No. 277, reg. 20 (7).<br>S.I. No. 277, reg. 8.                                                                                                                                                                                                                |
| c. 17 ... ..                        | Finance (No. 2) Act, 1955.                                 | Ss. 1, 5 (2) rep. ... ..<br><br>Sch. 3 paras. 4 (3) am., 5 (3) (e) added.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 68, S.L.R.<br><br>58, s. 26 (3).                                                                                                                                                                                                                                                                               |
| c. 20 ... ..                        | Agriculture (Improvement of Roads) Act, 1955.              | S. 1 ext. (E.) ... ..<br>S. 1 (6) rep. (E.) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 25, s. 41.<br>25, s. 312 (2), sch. 25.                                                                                                                                                                                                                                                                         |
| c. 31 ... ..                        | Pakistan (Consequential Provisions) Act, 1956.             | S. 1 (1) appl. (Somaliland).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | S.I. No. 104.                                                                                                                                                                                                                                                                                                  |
| c. 33 ... ..                        | Housing Subsidies Act, 1956.                               | S. 9 appl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 62, s. 4 (4).                                                                                                                                                                                                                                                                                                  |
| c. 34 ... ..                        | Criminal Justice Administration Act, 1956.                 | S. 2 (8) rep. ( <i>prosp.</i> ) ... ..<br><br>S. 15 expld. ... ..<br>S. 15 (3) saved ... ..<br>S. 15 (6) added ... ..<br>Rep. (S.) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                   | 72, s. 149 (2), sch. 8 Pt. I.<br><br>41, s. 1 (2).<br>41, s. 1 (3).<br>41, s. 1 (1).<br>51, s. 200 (1), sch. 12.                                                                                                                                                                                               |
| c. 37 ... ..                        | Licensing (Airports) Act, 1956.                            | Pensions increase ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 50, ss. 1, 2, sch. Pt. I para. 6.                                                                                                                                                                                                                                                                              |
| c. 39 ... ..                        | Pensions (Increase) Act, 1956.                             | Rep. (S.) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 51, s. 200 (1), sch. 12                                                                                                                                                                                                                                                                                        |
| c. 42 ... ..                        | Occasional Licences and Young Persons Act, 1956.           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                |
| c. 46 ... ..                        | Administration of Justice Act, 1956.                       | Ss. 2 (1) (3) (4) rep. in pt., 2 (5) rep., 2 (6) rep. in pt.<br>S. 3 (1) rep. in pt. ... ..<br>S. 3 (3) rep. in pt. ... ..<br>excl. ( <i>prosp.</i> ) ... ..<br>S. 3 (4) rep. in pt. ... ..<br>excl. ( <i>prosp.</i> ) ... ..<br>S. 3 (5)-(7) rep. in pt. ... ..<br>Ss. 4 (1)-(4), (6), 7 (2) rep. in pt.<br>S. 10 (1) (b) rep. ( <i>prosp.</i> )<br><br>Ss. 12 (7) (a), 21 (1)-(3) rep., 21 (4) rep. (saving), 22-24 rep.<br>S. 25 expld. ... ..<br><br>Ss. 25 (3) rep. in pt., 26-30, 31 (1) (3) (4), 32, 33 (3) rep., 35 (1) (3) (4), 36 (1) rep. in pt. | 22, s. 204, sch. 3.<br><br>22, s. 204, sch. 3.<br>46, ss. 4 (5), 9 (3).<br>22, s. 204, sch. 3.<br>46, ss. 4 (5), 9 (3).<br>22, s. 204, sch. 3.<br>22, s. 204, sch. 3.<br>22, s. 204, sch. 3.<br>72, s. 149 (2), sch. 8 Pt. I.<br>22, s. 204, sch. 3.<br><br>22, s. 202, sch. 2 para. 4.<br>22, s. 204, sch. 3. |

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| 4 & 5 Eliz. 2:<br>c. 46— <i>cont.</i> ... | Administration of Justice Act, 1956— <i>cont.</i>              | S. 37 (1) rep. in pt. ...<br>S. 37 (2) appl. ...<br>rep. in pt. ...<br>Ss. 37 (4) rep., 38 (1) rep.<br>in pt., 39, 41 rep.<br>S. 47 excl. ( <i>prosp.</i> ) ...<br>S. 54 (1) ( <i>a</i> ) rep. ...<br>S. 56 (1) (3) am. ...<br><br>Sch. 1 Pt. I para. 3 (3) (4)<br>excl. ( <i>prosp.</i> )                                                                                                         | 22, s. 204, sch. 3.<br>22, s. 124 (2).<br>22, s. 204, sch. 3.<br>22, s. 204, sch. 3.<br>46, ss. 4 (5), 9 (3).<br>22, s. 204, sch. 3.<br>22, s. 202, sch. 2<br>para. 5.<br>46, ss. 4 (5), 9 (3).                                                       |
| c. 47 ...                                 | National Insurance Act, 1956.                                  | S. 2 ext. ...                                                                                                                                                                                                                                                                                                                                                                                      | 47, s. 4 (8).                                                                                                                                                                                                                                         |
| c. 49 ...                                 | Agriculture (Safety, Health and Welfare Provisions) Act, 1959. | S. 2 (1) saved ...                                                                                                                                                                                                                                                                                                                                                                                 | S.I. No. 2120.                                                                                                                                                                                                                                        |
| c. 52 ...                                 | Clean Air Act, 1956 ...                                        | S. 11 excl. (S.) ...<br>S. 24 rep. (S.) ( <i>prosp.</i> ) ...                                                                                                                                                                                                                                                                                                                                      | S.I. No. 2264.<br>24, s. 31 (2),<br>sch. 10.                                                                                                                                                                                                          |
| c. 53 ...                                 | Teachers (Superannuation) Act, 1956.                           | Pensions increase ...                                                                                                                                                                                                                                                                                                                                                                              | 50, ss. 1, 2, sch.<br>Pt. I paras. 4,<br>5.                                                                                                                                                                                                           |
| c. 54 ...                                 | Finance Act, 1956 ...                                          | S. 15 excl. ...<br>S. 17 (1) ( <i>a</i> ) am. ...<br><br>S. 42 (3) am. ...<br>S. 42 (6) am. ...                                                                                                                                                                                                                                                                                                    | 58, s. 21 (1).<br>58, s. 21 (4).<br>16, s. 1.<br>58, s. 36.<br>16, s. 1.                                                                                                                                                                              |
| c. 57 ...                                 | Slum Clearance (Compensation) Act, 1956.                       | Rep. ...                                                                                                                                                                                                                                                                                                                                                                                           | 53, s. 58 (1),<br>sch. 8.                                                                                                                                                                                                                             |
| c. 67 ...                                 | Road Traffic Act, 1956...                                      | Apptd. days—<br>for s. 1 (15.9.1959) ...<br>for s. 13 (1.3.1960) ...<br>for s. 25 (1.1.1960) ...<br>S. 45 rep. (E.), sch. 8<br>para. 5 rep. (E.).<br>S. 7 subst. ( <i>prosp.</i> ) ...<br>S. 8 rep. ( <i>prosp.</i> ) ...                                                                                                                                                                          | S.I. No. 1357.<br>S.I. No. 2021.<br>25, s. 312 (2),<br>sch. 25.<br>72, s. 127 (1).<br>72, ss. 127 (1),<br>149 (2), sch. 8<br>Pt. I.                                                                                                                   |
| c. 69 ...                                 | Sexual Offences Act, 1956                                      | S. 38 (4) expld. ( <i>prosp.</i> )...<br>S. 45 subst. ( <i>prosp.</i> ) ...<br>S. 47 appl. ( <i>prosp.</i> ) ...<br>Sch. 2 para. 1 am. ( <i>prosp.</i> )<br><br>Sch. 2 para. 1 (vii) rep.<br>( <i>prosp.</i> ).<br>Sch. 2 para. 11 am.<br>( <i>prosp.</i> ).<br>Sch. 2 para. 12 rep.<br>( <i>prosp.</i> ).<br>Sch. 2 para. 14 am.<br>( <i>prosp.</i> ).<br>Sch. 2 paras. 30 and 31 of<br>table am. | 72, s. 127 (2).<br>72, s. 127 (1).<br>72, s. 128 (5).<br>72, s. 149 (1),<br>sch. 7 Pt. I.<br>72, s. 149 (2)<br>sch. 8 Pt. I.<br>72, s. 149 (1),<br>sch. 7 Pt. I.<br>72, s. 149 (2),<br>sch. 8 Pt. I.<br>72, s. 149 (1),<br>sch. 7 Pt. I.<br>57, s. 4. |
| c. 71 ...                                 | Overseas Resources Development Act, 1956.                      | Rep. ...                                                                                                                                                                                                                                                                                                                                                                                           | 23, s. 21 (1),<br>sch. 2.                                                                                                                                                                                                                             |
| c. 73 ...                                 | Crown Estate Act, 1956                                         | S. 3 (3) am. ...                                                                                                                                                                                                                                                                                                                                                                                   | S.I. No. 1969.                                                                                                                                                                                                                                        |

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| 4 & 5 Eliz. 2:<br>—cont.<br>c. 74 ... .. | Copyright Act, 1956 ...                                     | Appl. (mod.) (Isle of Man).<br>Appl. in pt. (mod.) (Sarawak).<br>Appl. (mod.) (television and sound broadcasts).<br>S. 50 (2) in pt., sch. 7 para. 41 as mod., sch. 9 in pt., ext. (I. of Man), (C.Is.), (Colonies), (certain other specified countries). | S.I. No. 861.<br>S.I. No. 2215.<br>S.I. No. 2214.<br>S.I. No. 103. |
| c. 75 ... ..                             | Education (Scotland) Act, 1956.                             | Pensions increase ...                                                                                                                                                                                                                                     | 50, ss. 1, 2, sch. Pt. I para. 5.                                  |
| 5 & 6 Eliz. 2:<br>c. 1 ... ..            | Police, Fire and Probation Officers Remuneration Act, 1956. | S. 1 (1) (c) rep. ...                                                                                                                                                                                                                                     | 44, s. 14 (4), sch.                                                |
| c. 6 ... ..                              | Ghana Independence Act, 1957.                               | Sch. 2 para. 9 rep. ...                                                                                                                                                                                                                                   | 19, s. 10 (3), sch. 4 Pt. I.                                       |
| c. 9 ... ..                              | Transport (Railway Finances) Act, 1957.                     | Sch. 2 para. 10 rep. (1.1.65).<br>S. 1 (4) am. ...                                                                                                                                                                                                        | 19, s. 10 (3), sch. 4 Pt. II.<br>16, s. 2.                         |
| c. 15 ... ..                             | Nurses Act, 1957 ...                                        | Ss. 2 (1), 8 (2), 18 (3), 31, 33 (1), schs. 1 para. 2 (1), 3 para. 1 (3) am. ( <i>prosp.</i> ).                                                                                                                                                           | 72, s. 149 (1), sch. 7 Pt. I.                                      |
| c. 18 ... ..                             | Customs Duties (Dumping and Subsidies) Act, 1957.           | S. 3 appl. ...                                                                                                                                                                                                                                            | S.I. No. 917.                                                      |
| c. 20 ... ..                             | House of Commons Disqualification Act, 1957.                | S. 12 rep. ...<br>Sch. 1 Pt. I am. ...                                                                                                                                                                                                                    | S.I. No. 1970.<br>47, s. 13 (4).                                   |
|                                          |                                                             | Sch. 1 Pt. II am.                                                                                                                                                                                                                                         | 40, s. 1 (6), sch. 1 para. 3.                                      |
|                                          |                                                             | Sch. 1 Pt. II am. ( <i>prosp.</i> )                                                                                                                                                                                                                       | 62, s. 2 (11), sch. 1 para. 1 (10).                                |
|                                          |                                                             | Schs. 1 Pt. III, 3 Pt. III, rep. in pt.                                                                                                                                                                                                                   | 72, s. 3 (5).                                                      |
|                                          |                                                             | Schs. 1 Pt. III and 3 Pt. III am.                                                                                                                                                                                                                         | 26, s. 9 (3), sch. 3 Pt. II.                                       |
|                                          |                                                             | S. 4 am. ...                                                                                                                                                                                                                                              | 69, s. 25 (1).                                                     |
| c. 22 ... ..                             | White Fish and Herring Industries Act, 1957.                | S. 4 am. ...                                                                                                                                                                                                                                              | 7 (8 Eliz. 2), s. 1.                                               |
| c. 23 ... ..                             | Export Guarantees Act, 1957.                                | S. 5 (2) am. ...                                                                                                                                                                                                                                          | 7 (8 Eliz. 2), s. 3.                                               |
| c. 25 ... ..                             | Rent Act, 1957 ...                                          | S. 1 rep. ...                                                                                                                                                                                                                                             | 63, s. 2 (2).                                                      |
| c. 27 ... ..                             | Solicitors Act, 1957 ...                                    | S. 5 am. ...                                                                                                                                                                                                                                              | 33, s. 27.                                                         |
|                                          |                                                             | S. 20 (3) excl. ...                                                                                                                                                                                                                                       | 33, s. 12 (2).                                                     |
|                                          |                                                             | S. 12 (1) (e) subst. ( <i>prosp.</i> ).                                                                                                                                                                                                                   | 72, s. 149 (1), sch. 7 Pt. I.                                      |
|                                          |                                                             | S. 46 (1) am. ...                                                                                                                                                                                                                                         | 42, s. 1.                                                          |
| c. 32 ... ..                             | Naval and Marine Reserves Pay Act, 1957.                    | S. 73 (1). Power to am.                                                                                                                                                                                                                                   | 22, s. 192 (3).                                                    |
| c. 33 ... ..                             | New Streets Act, 1951 (Amendment) Act, 1957.                | Sch. 1 rep. in pt. ...                                                                                                                                                                                                                                    | 10, s. 2, sch.                                                     |
|                                          |                                                             | Rep. ...                                                                                                                                                                                                                                                  | 25, s. 312 (2), sch. 25.                                           |



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| 5 & 6 Eliz. 2—<br><i>cont.</i>      |                                                      |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                              |
| c. 38 ... ..                        | Housing and Town Development (Scotland) Act, 1957.   | S. 13 ext. ... ..<br>S. 13 (1) ext. ... ..<br>S. 13 (3) rep. in pt. ... ..                                                                                                                                                                                                                                                                                                              | 70, s. 50 (4).<br>70, s. 45 (1).<br>70, s. 55 (1), sch. 8.                                                                                                                                                                                                                                   |
| c. 40 ... ..                        | Thermal Insulation (Industrial Buildings) Act, 1957. | S. 2 subst. (S.) ( <i>prosp.</i> ) ... ..<br><br>S. 3 saved (S.) ( <i>prosp.</i> ) ... ..<br>S. 3 (1) subst. (S.) ( <i>prosp.</i> ) ... ..<br><br>S. 4 (3) am. (S.) ( <i>prosp.</i> ) ... ..<br><br>S. 6 saved (S.) ( <i>prosp.</i> ) ... ..<br>S. 7 subst. (S.) ( <i>prosp.</i> ) ... ..<br><br>S. 12 (4) rep. ( <i>prosp.</i> ) ... ..<br><br>S. 12 (7) rep. ( <i>prosp.</i> ) ... .. | 24, s. 31 (1), sch. 9 para. 6 (1).<br>24, s. 6 (8).<br>24, s. 31 (1), sch. 9 para. 6 (2).<br>24, s. 31 (1), sch. 9 para. 6 (3).<br>24, s. 6 (8).<br>24, s. 31 (1), sch. 9 para. 6 (4).<br>24, s. 31 (1) (2), sch. 9 para. 6 (2), sch. 10.<br>24, s. 31 (1) (2), sch. 9 para. 6 (2), sch. 10. |
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TO THE

## Public General Acts

AND

## Church Assembly Measures, 1959

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